

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

PLANNING & ZONING AND  
REGULAR SESSION  
THURSDAY, MAY 26, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, May 26, 2016, with ten members present: Bynum, Commissioner At-Large First 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. Walker, Commissioner At-Large Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Rob Richardson, Planning Director; Bryon Toy, Planner; Zach Flanders, Planner, Janet Parker, Administrative Assistant; Patrick Waters, Senior Attorney; Emerick Cross, Commission Liaison; George Brajkovic, Economic Development Director; Charles Brockman, Economic Development; Edwin Birch, Public Information Officer; and Captain Robert Baumli, Sergeant-At-Arms.

**MAYOR HOLLAND** called the meeting to order.

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

**INVOCATION** was given by Reverend Mike May, St. Luke's Lutheran Church.

There was a moment of silence in honor of Detective Lancaster.

**Mayor Holland** asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk,** said yes, Mayor, a blue sheet has been distributed. Under Section 7 the Planning and Zoning Consent Agenda, we have a Miscellaneous new item. It is rezoning Ordinance #3109. Section 10, Non-Planning Consent Agenda, New Item No. 3, which will be a plat for McKenzie

Acres No. 4. Under the Commissioners' Agenda, we have a new item. It's a discussion of the 2016 Hollywood/Schlitterbahn Vacation Village Grant Fund distribution.

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

**Ms. Cobbins** read the statement.

**Ms. Cobbins** asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. **Mayor Holland** disclosed contact with proponents on Change of Zone #3109, Vacation Application #R/W-2016-8, and Master Plan Amendment #MP-2016-2. **Commissioner McKiernan** disclosed contact with proponents and opponents of Special Use Permit #SP-2016-15. **Commissioner Townsend** disclosed contact with proponents of Special Use Permit #SP-2016-43. **Commissioner Bynum** disclosed contact with proponents and opponents of Change of Zone #3109.

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

**Commissioner Philbrook** disclosed contact with proponents for Master Plan Amendment #MP-2016-2.

#### **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. **Rob Richardson, Director of Planning**, said the staff would like to remove Item No. 2, #SP-2016-15, the sign code for a brief amendment.

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

## **PLANNING AND ZONING CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATIONS**

#### **ITEM NO. 1 – 16592... CHANGE OF ZONE PETITION #3109 – JONATHAN STITES WITH SEEFRIED PROPERTIES**

**SYNOPSIS:** Change of Zone from R-1 Single Family and MP-1 Planned Light Industrial Districts to MP-1 Planned Light Industrial District for an industrial park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant, Jonathan Stites with Seefried Properties wants to plat 131.10 acres into three lots in order to build an 856,605 square foot footprint building expandable to 1,017,345 square feet, totaling overall 2,398,446 square feet with mezzanine levels.

And

#### **MASTER PLAN AMENDMENT #MP-2016-2 – JONATHAN STITES WITH SEEFRIED PROPERTIES**

**SYNOPSIS:** Master Plan Amendment from Low Density Residential to Business Park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant, Jonathan Stites with Seefried Properties wants to plat 131.10 acres into three lots in order to build an 856,605 square foot footprint building expandable to 1,017,345 square feet, totaling overall 2,398,446 square feet with mezzanine levels. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2016-2. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3109, subject to:

#### **General Planning:**

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy, including a TCO for the building on the property.  
Applicant Response: This is understood.
2. What is the percentage of traffic entering and exiting the property from/to 65th Street?  
Will any truck traffic use this entrance or exit?

Applicant Response: The percentage of traffic entering and exiting the property from/to 65th Street has been estimated to be 20% of the total site traffic. As a general rule, truck traffic will utilize Riverview Avenue for site access. In emergency situations, appropriate radii have been provided for trucks to use 65th Street.

Staff Response: Staff wants to ensure that there is minimal disruption for the property owners along 65th Street.

3. Downspouts shall be internalized.

Applicant Response: The Planning Director agreed that since this is an industrial district, the downspouts do not need to be internalized. The plans will have internalized downspouts only in the area of where offices are located.

#### Landscaping and Screening

1. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted.

- a. A 2" caliper shade tree shall be planted in each island along with 3 gallons shrubs.

Applicant/Staff Response: All islands are now curbed and landscaped. Each island has been planted with 2" caliper shade trees. The Planning Director agreed this would be acceptable in lieu of the requirement for planting the 3 gallon shrubs in the Overlay Zone if approved by the Planning Commission.

2. All landscaping shall be irrigated.

Applicant Response: This is understood.

3. The drive extending to the east connecting to South 65th Street shall be bermed and heavily landscaped so residents on either side of the drive will not see any vehicles and hear any noise that is generated by them will be reduced.

- a. Please provide sight lines of the berm and landscaping long the drive.

Applicant Response: Existing vegetation adjacent to the road is significant. It was agreed to by the Planning Director that using the existing vegetation for screening of the majority of the road is appropriate. Additional berming and screening of the first house west of 65th Street and north of the new access drive will be provided.

4. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed building and parking lots.

Applicant Response: The majority of trees around the perimeter of the site are being preserved. Additional trees will be added in areas where the natural screening is somewhat limited.

5. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property. Provide site line details at final plan.

Staff presumes the barbed wire chain link fence is to protect the truck trailers along the south property line. The concrete wall also borders the south property line. Exposed barbed wire fencing detracts from the appearance and quality of this project. Security is important; staff suggests extending the concrete wall around the perimeter of the southern property line and hide the chain link barbed wire fence inside between the parking lot and concrete wall. The previous project did not propose any chain link fence as a security or screening measure.

Applicant Response: This information is reflected on the submitted landscape plans. The required number of trees (required 572, provided 722) has been calculated and shown on the Landscape Plans. Screening of the building was taken under consideration in placement of landscape materials.

The placement of trees and screening as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. An 8' high masonry wall has been provided across portions of the rear dock and trailer maneuver area. Additional trees have been added where vegetation is somewhat limited. To completely satisfy this requirement, a variance request for the six-foot high architectural screening will be submitted for approval by the governing body.

The Planning Director agreed that the barbed wire chain link fence can remain with the additional placement of masonry wall and landscaping as shown on the revised landscape plan. Barbed wire shall face inward to the building.

This current plan is specific to the user and is part of their design requirements.

Staff Response: Just as a point of clarification, variance requests are heard by the Board of Zoning Appeals.

6. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center.

Applicant Response: The placement of trees and screening as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. An 8' high masonry wall has been provided across portions of the rear dock and trailer maneuver area.

Additional trees have been added where vegetation is somewhat limited. To completely satisfy this requirement, a variance request for the six-foot high architectural screening will be submitted for approval by the Board of Zoning Appeals.

7. 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: This is understood and additional detailing will be shown with the building permit plans. It is understood that screening of the rooftop mechanical equipment is a requirement. A site line study will be provided to show how this is accomplished.

8. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

All lighting on the property, both on the building and in the parking lot, shall have 90 degree cutoff fixtures.

Applicant Response: This is understood. Lighting of the access to 65<sup>th</sup> Street has been added to sheet E02.

### Signage

1. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:
  - (1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.
  - (2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.
  - (3) A theater listing may be permitted with Planning Commission approval as part of a center identification sign.
  - (4) A major tenant listing may be permitted with Planning Commission approval as part of a center identification sign.
  - (5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign

height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

- (6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the Planning Commission. The Planning Commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

Applicant Response: This is understood.

- 2. All signage shall have channel letters.

Applicant Response: This is understood. Signage plan will be modified to reflect these criteria.

### Public Works Comments

#### Change of Zone:

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations):
  - 1) Final development plans shall be submitted for UG approval.
  - 2) Final Sanitary Sewer memo and Stormwater Study shall be submitted with final development plans.
  - 3) Final Storm Water study shall address stormwater detention and stormwater quality, including Lot 2, and analyze any impacts to downstream culverts in close proximity to the proposed project.
  - 4) Revised traffic study shall be reviewed and approved by UG prior to final development plan approval.
  - 5) Coordinate with UG regarding the timing, design, and construction relationships between the development project and UG public improvements project along Riverview Ave., and the at-grade intersection with Turner Diagonal.

**May 26, 2016**

- 6) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
  - 7) Proposed retaining walls shall be designed by a State of Kansas Professional Engineer. Retaining walls taller than 6' in height shall be tiered. Final plans shall include retaining wall calculations, details, and construction plans which shall be reviewed and approved prior to UG final approval and construction permit acquisition.
  - 8) A grading permit was issued on the previous plan and layout. Submit revised grading and erosion control construction plans for UG final approval and grading permit revision.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Plat

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

Staff Conclusion:

The applicant has worked with staff to resolve numerous planning related issues and concerns. A design criteria will be required if at any point there are additional buildings proposed on the site.

The design criteria manual will assist in creating a high quality development by incorporating complimentary architecture, building materials, colors, signage, and lighting.

There are Public Works comments that shall be addressed during the final plan review process. The applicant is aware of these issues and the final plan review cannot go forward until the comments are resolved.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone #3109 and Master Plan Petition #MP-2016-2, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 2 – 16594...CHANGE OF ZONE PETITION #3110 – SCOTT KOENIGSDORF WITH KOENIG BUILD AND RESTORATION**

**SYNOPSIS:** Change of Zone from R-1(B) Single Family District to CP-1 Planned Limited Business District for an existing office building at 2500 West 43<sup>rd</sup> Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a rezoning of the parcel in order to use as a commercial office. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3110, subject to:

Urban Planning and Land Use Comments

1. How many employees will be present at this site?  
Applicant Response: Two.
2. Will customers or clients be coming to this office?  
Applicant Response: One client at a time, once or twice per week
3. All signage will require separate sign permit application and review

Public Works Comments

None.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone #3110, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

## **SPECIAL USE PERMIT APPLICATIONS**

### **ITEM NO. 1 – 16596... SPECIAL USE PERMIT APPLICATION #SP-2016-31 – LOLITA GIBSON AND SUMIKO HOWARD WITH CARTER-ROWE CHILD DEVELOPMENT CENTER**

**SYNOPSIS:** Special use permit for a child development center at 1316 Armstrong Avenue, submitted by Robin H. Richardson, Director of Planning. The applicants are requesting a special use permit for the temporary use of land for commercial purposes in order to use a residential structure as a child development center. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-31, subject to:

1. Must be licensed by State of Kansas and approved by Wyandotte County Health Department
2. Parking in designated areas only to minimize traffic issue
3. Structure (outside and inside) and yard must be code compliant at all times (lawn mowed, free of debris, etc.)
4. Approval for two years

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-31 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

### **ITEM NO. 2 – 16597...SPECIAL USE PERMIT APPLICATION #SP-2016-41 – MARK GAMBRILL/MT&G**

**SYNOPSIS:** Home occupation special use permit for firearm sales at 11101 Hubbard Road, submitted by Robin H. Richardson, Director of Planning. Mark Gambrill is seeking approval of a special use permit for an internet firearms sale business (MT&G) out of his home. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit #SP-2016-41, subject to:

#### Urban Planning and Land Use Comments

The City has had several of these home-based businesses come through and to this point have had no problems. This is the first application of this type in several years. To be consistent, staff

has recommended the same stipulations for all cases. Those stipulations are that the applicant shall have:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two clients at any one time.
4. Hours of operation being Monday through Friday from 6:00 p.m. – 9:00 p.m. and Saturday and Sunday from 10:00 a.m. – 6:00 p.m.
5. Ammunition on the premises shall be limited to the amount that is for the applicant's personal use only.
6. Approval is for two years.

Business License Comments

If approved, applicant will need to file and maintain Occupation Tax application with our office once they have received FFL from ATF

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-41, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 3 – 16591...SPECIAL USE PERMIT APPLICATION #SP-2016-42 – LUKE KUSH**

**SYNOPSIS:** Renewal of a special use permit (#SP-2013-38) for a parking lot located at 1327 Minnesota Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to renew a special use permit for a parking lot on property located at 1327 Minnesota Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-42, subject to:

Urban Planning and Land Use Comments

1. There are outstanding stipulations from the last special use permit that were never addressed. These would need to be rectified prior to a recommendation of approval.
2. The first issue is that Building Inspection has indicated that Building Permits were never finalized with them regarding this parcel.

3. The second issue is that the plans for the site were never approved by the Planning Department. The sheet containing outstanding issues is attached, the points in bold remain unaddressed.
4. No other actions can take place with this application until these issues are addressed.
5. If these issues are corrected, this permit would be valid for two years. If at some point the applicant wanted to apply for an indefinite special use permit, a Master Plan Amendment would be necessary.
6. All standard setback requirements are to meet with the stipulations outlined in BZA 2117.

#### Public Works Comments

No Comments.

#### Staff Conclusion

Staff recommends approval but only upon meeting the criteria set out in the previous stipulations. This special use permit will not be valid until:

1. The building permit process has been properly executed
2. Landscape schedule revisions and landscaping progress must be completed
3. Building Inspection must be contacted to schedule an inspection of the lot.

Applicant has indicated that progress has occurred on some of these issues. This permit is not valid until they have been finalized. The permit is valid for two years subject to these stipulations.

If the stipulations are not completed by September 30, 2016, the special use permit will become invalid and expire without further action.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-42 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

#### **ITEM NO. 4 – 16598...SPECIAL USE PERMIT APPLICATION #SP-2016-43 – FAYE THICKLIN**

**SYNOPSIS:** Special use permit for an electronic sign at 864 Splitlog Avenue, submitted by Robin H. Richardson, Director of Planning. Faye Thicklin of Greater Pentecostal Temple is

**May 26, 2016**

requesting a special use permit to erect an electronic message sign for the Greater Pentecostal Temple on Splitlog Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-43, subject to:

Urban Planning and Land Use Comments

1. Please submit additional drawings and site plans to indicate placement and size of the proposed sign.
2. What type of messages will be displayed on the sign?  
Applicant Response: See attached letter
3. How often will the messages change?  
Applicant Response: See attached letter
4. Be advised that at the public hearing for this application there will also be a hearing for the adoption of a new Sign Code that will most likely have some bearing on this application/proposed use. It is possible that this application will be approved and then immediately made unnecessary due to the new code. The applicant was made aware of the situation and chose to move forward.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Provide a site plan showing the approximate location of the sign on the property and provide elevation views of the actual sign to be placed.

Staff Conclusion

Public Works has indicated: Provide a site plan showing the approximate location of the sign on the property and provide elevation views of the actual sign to be placed. The site plan should include all easements and utilities on and near the property. The site plan should be drawn to a reasonable civil scale and sealed by either a licensed surveyor or professional engineer.

Given what has been stated by Public Works, this application can only be approved on the following conditions:

1. All nearby utilities are accounted for and a proper site plan is produced
2. The applicant is responsible for ensuring that there is no interference with any existing utilities.
3. If both of these stipulations are met, this permit is valid for two years.

**May 26, 2016**

4. Comply with any relevant provisions of the new sign code if adopted.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-43 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 5 – 16599... SPECIAL USE PERMIT APPLICATION #SP-2016-44 – DAVID WATKINS FOR 5252 SPEAKER ROAD, LLC**

**SYNOPSIS:** Special use permit for maintenance and servicing facility for the trucks associated with the business at 5252 Speaker Road, submitted by Robin H. Richardson, Director of Planning. The applicant wants to utilize this facility at 5252 Speaker Road for the maintenance and servicing of trucks affiliated with the owner. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit #SP-2016-44, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, this petition is valid for two years.
2. There are currently no permits or licenses active for this property. If approved, all applicable licenses and permits would need to be acquired prior to opening for business.
3. Your application indicates that this facility will be used for trucks affiliated with the owner. Does this mean you would only be working on trucks that are primarily based out of a nearby facility? Will you be operating a traditional business where you would contract out your services, but only to companies in some way affiliated with your ownership? Put another way, whose trucks, specifically, will be worked on at this facility.

Applicant Response: Only trucks owned or operated by Riverside Transport, Inc. will be worked on at the 5252 Speaker Road facility. The new maintenance facility at 5252 Speaker Road will not be open to the public or any other trucking company.

4. What is the expected amount of trucks you will be servicing at any given time?
- Applicant Response: Approximately 25-30 trucks serviced at any given time. Any increase would be gradual and reflect expansion of operations on the part of Riverside Transport, Inc.

5. Are you planning to/do you anticipate the need to make improvements upgrades or changes to the facility?

Applicant Response: We do not anticipate the need to make any significant improvements, upgrade or changes to the facility in order to accommodate the maintenance operation.

6. Applicant has indicated the hours of operation will be 6 am – midnight, Monday through Saturday.

Applicant Response: The facility will be operational for the indicated times, but the bulk of the work will be done between 7:30 a.m. and 11:30 p.m.

#### Public Works Comments

No Comments

#### Staff Conclusion

Any issues have been addressed by the applicant in their response. This is essentially a slight change in location of operations as they are currently operating just north of this facility and are simply seeking to extend their operations to a larger facility. Upon approval, this application will be valid for two years.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Murguia, made a motion to approve Special Use Permit #SP-2016-44 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

### **VACATION APPLICATIONS**

#### **ITEM NO. 1 – 16600...RIGHT OF WAY APPLICATION #R/W-2016-8 – CURTIS PETERSEN WITH POLSINELLI PC**

**SYNOPSIS:** Vacation of right-of-way at 9800 State Avenue, 1111, 1120, 1300 and 1406 North 98<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning. Vacate right of way in the general vicinity of 98<sup>th</sup> Street and France Family Drive. The Planning Commission voted 8 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2016-8, subject to:

#### Urban Planning and Land Use Comments

**May 26, 2016**

1. Since 2008 there have been multiple approved applications for the Schlitterbahn Water Park, for the past few years there have been multiple approved applications for changes of zone, special use permits and various other actions that have resulted in the current state of planning.
2. These various changes have, over time, led to the development of Schlitterbahn, the Legends Auto Plaza, and various other developments.
3. As a result of the various updates to the land use in the area, the France Family Drive and 98th Street roads were realigned from the former T shape intersection into a smoother S shape design for the purposes of encouraging traffic flow through the area.
4. This application is an attempt to vacate the lands that were formerly occupied by the roads before they were realigned.
5. There does not appear to be any issues with utility easements in any of these areas.

Public Works Comments

None

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #R/W-2016-8. Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 2 – 16601...VACATION APPLICATION #A-2016-9 – DEBRA SANDOVAL**

**SYNOPSIS:** Vacation of an alley between 334 and 333 South 9<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning. Vacate alley between 334 South Mill Street and 333 South 9th Street. The Planning Commission voted 8 to 0 to recommend approval of Alley Vacation Application #A-2016-9, subject to:

Urban Planning and Land Use Comments

1. There is currently a utility easement in this alley for overhead lines run by AT&T. This easement would need to remain in place, meaning that access would have to be provided for the poles present on this piece of the alley.
2. What will the alley be used for? Will you be using it for vehicles or to expand your yard?  
Applicant Response: To expand the yard and to better manage dirt and mud runoff during storms.

**May 26, 2016**

3. Please provide site photos.

Applicant Response: See attached.

Public Works Comments

Utility easements must be retained.

Staff Conclusion

Applicant has been very communicative with staff and has provided appropriate information in a timely manner. The only potential issue was with the AT&T utility services that run through the alley. There does not appear to be any concern that access to these will be cut off and the applicant has expressed prior positive experiences with AT&T that should continue into the future. Furthermore, the topography of the site and the overgrowth around the pole would cause any workers to seek a different means of access other than the applicant's property. Despite all of this, the easement shall remain in place regardless of any other developments. The utility must continue to have access to the road and the utility company has the ability to gain access in a reasonable way when they need to.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #A-2016-9. Roll call was taken and there were nine "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**MISCELLANEOUS APPLICATIONS**

**ITEM NO. 1 – 16593...MASTER PLAN AMENDMENT #MP-2016-2 – JONATHAN STITES WITH SEEFRIED PROPERTIES**

**SYNOPSIS:** Master Plan Amendment from Low Density Residential to Business Park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning.

**Action:** This item was heard with Change of Zone Application #3109

**ITEM NO. 2 – 16606... CONSIDERATION OF SIGN CODE AMENDMENT**

**SYNOPSIS...** Replacement of Chapter 27 Division 11 Signs. This included Sections 27-722 thru 27-76 of the Unified Government Code. Following a U.S. Supreme Court decision in 2015,

**May 26, 2016**

most communities across the country were forced to examine their sign code. The Unified Government chose to include required modifications in a substantial update and rewriting of the entire sign code. The desire to make the code more user-friendly and to assure it complies with the decision of the U.S. Supreme Court, submitted by Robin H. Richardson, Director of Planning. The City has funded a complete rewrite of the sign code portion of the zoning code. The rewrite is intended to bring the code into compliance with recent US Supreme Court actions and update an old code to make it easier to use for the public and staff. The City Planning Commission concurs with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommended approval of the Code Amendment.

**Mayor Holland** said, Mr. Richardson, before you begin would you introduce the newest member of your team. **Rob Richardson, Director of Planning**, said Zach Flanders has joined our team in the Planning Department as a Planner. He comes to us from BNIM Architects. He was working on the Rosedale Master Plan and he still is splitting a little bit of time working on that, finishing that project up and getting up to speed in the Planning Department so we're happy to have him with us.

**Mr. Richardson** said one minor item in the description of the agenda it said Code Amendment 27-722 through 27-776 it should be 27-761. As for the amendment, a representative from the outdoor advertising industry indicated to me that the way we had put in the ordinance to measure light from the digital signs, especially the outdoor advertising signs, at the property line in some cases would make their signs instantly non-conforming and so they provided me information from the industry standard which is to measure those at 250 ft. The proposed amendment would be to Section 27-726(e) additional signs (3) brightness and sublet (a) and it would remove half of the property line and replace that with 250 ft. or when adjacent to a residential use at the property line. With that minor amendment, I recommend approval of the sign code as presented. As you know we went through this in detail in a study session earlier in the month and I haven't had any question since that point and time. **Mayor Holland** asked is that the only change you recommend at this time. **Mr. Richardson** said outside of the staff report, there were amendments in the staff report that were clarifications, but outside of those that are in the staff report this is the only one that you haven't had previously.

**Commissioner Philbrook** said I have had several questions from business constituents about the temporary signs. When you say you're temporary signs you can put them up for one day? So like for Schlitterbahn, if they want to put up some signs to say our entryway has changed and have them up for the season. If they have them in the form of what we consider a temporary sign they can only put them up for a day? **Mr. Richardson** said I'm going to ask Mark Wyatt, our consultant, on this to come up. I don't believe that is the case on temporary signs. Between the two of us here in just a moment we will find out. **Commissioner Philbrook** said I'd figure I might as well ask now. **Mr. Richardson** said it is not for a single day. If you would turn to page 29 of the clean copy not the mark up of the code.

**Mark Wyatt** said I am the consultant on this project. It's actually on page 30, the display period. To answer your question it depends on how the sign is constructed. If it's mounted with wire stakes or T-Posts, its 30 days, if it's on metal or wood frames or something similar to that it's 90 days. **Commissioner Philbrook** said it they're more like the signs people put in their yard about garage sales; those are like two days or something like that. **Mr. Wyatt** said it depends on what those signs are made of. Again, if those signs could stay up 30 days or 90 days, typically they are only up two days. **Commissioner Philbrook** said in this particular case they could come to us and get a variance on that. Is that possible? **Mayor Holland** said in the case of Schlitterbahn. **Commissioner Philbrook** said yes. **Mr. Richardson** said certainly and they also have provisions in their existing special use permit for additional signage that would allow them a more permanent temporary sign that if they already have access to it. **Commissioner Philbrook** asked can we open up conversation with them again. **Mr. Richardson** said all I have to do is call them. **Commissioner Philbrook** said well I know, I'm just asking. Thank you. **Mr. Richardson** said I'd be happy to do that.

**Mayor Holland** said so does the temporary signs allow a company to have a grand opening or going out of business for like two years in a row? **Mr. Richardson** said they would need to replace the sign on the intervals as indicated in the code.

**Mayor Holland** opened the public hearing.

No one appeared in support of.

**May 26, 2016**

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

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

## **MISCELLANEOUS**

### **ITEM NO. 1 – 16612...VACATING ORDINANCE #U/E-2016-2**

**SYNOPSIS:** An ordinance vacating utility easements at 7600 State Avenue, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-24-16.** “An ordinance vacating utility easements located at approximately 7600 State Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

### **ITEM NO. 2 – 16608...VACATING ORDINANCE #R/W-2016-3**

**SYNOPSIS:** An ordinance vacating right-of-way located at approximately 3717 Cambridge Street, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-25-16,** “An ordinance vacating right-of-way at approximately 3717 Cambridge St.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 3 – 16609...VACATING ORDINANCE #R/W-2016-4**

**SYNOPSIS:** An ordinance vacating the north 20 feet of 37<sup>th</sup> Street between Eaton and Cambridge, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-26-16**, “An ordinance vacating a portion of platted 37<sup>th</sup> Street being the north 20 feet of 37<sup>th</sup> Street between Eaton and Cambridge.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 4 – 16611...VACATING ORDINANCE #R/W-2016-5**

**SYNOPSIS:** An ordinance vacating a portion of Eaton Avenue, 36<sup>th</sup> Street to 38<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-27-16**, “An ordinance vacating a portion of Eaton Avenue, 36<sup>th</sup> Street to 38<sup>th</sup> Street” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 5 – 16610...VACATING ORDINANCE #R/W-2016-6**

**SYNOPSIS:** An ordinance vacating the west 30’ of Cambridge Avenue between 38<sup>th</sup> Street and 39<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-28-16**, “An ordinance vacating the west 30 feet of Cambridge Avenue between 38<sup>th</sup> St., and 39<sup>th</sup> St.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 6 – 16613...REZONING ORDINANCE #3104**

**SYNOPSIS:** An ordinance rezoning property at 10922 Parallel Parkway, from CP-O Planned Nonretail Business District to CP-2 Planned General Business District, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-29-16**, “An ordinance rezoning property hereinafter described located at approximately 10922 Parallel Parkway in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to CP-2 Planned General Business District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 7 – 16637...REZONING ORDINANCE #3109**

**SYNOPSIS:** An ordinance rezoning property at 6925 Riverview from R-1 Single Family and MP-1 Planned Light Industrial and Industrial Park Districts to MP-1 Planned Light Industrial and Industrial Park District, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-30-16**, “An ordinance rezoning property hereinafter described located at approximately 6925 Riverview Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and MP-1 Planned Light Industrial and Industrial Park Districts to MP-1 Planned Light Industrial and Industrial Park District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**PLANNING AND ZONING NON-CONSENT AGENDA****SPECIAL USE PERMIT APPLICATION**

**ITEM NO. 1 – 16595...SPECIAL USE PERMIT APPLICATION #SP-2016-7 – FELISIANO MONDRAGON CABRERA**

**SYNOPSIS:** Special use permit to keep 6 horses, 10 goats and 15 chickens at 3846 North 60<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to keep 15 chickens, 6 horses and 10 goats on 2.92 acres at 3846 North 60<sup>th</sup> Street. The Planning Commission voted 7 to 1 to recommend denial of Special Use Permit Application #SP-2016-7.

**Mr. Richardson** said this item is before you recommended for denial by the Planning Commission. The applicant is seeking to have various livestock on a piece of property that is about 2.8 acres in size. You have the testimony from the Planning Commission in your packets.

**Mayor Holland** said its 2.8 acres. The request is for 6 horses, 10 goats, and 15 chickens. Is that right? **Mr. Richardson** said correct.

**Cecilia Ysaac, speaking for Mr. Cabrera**, said I'm requesting permission, a special use permit to keep 6 horses, 10 goats, and 15 chickens. **Mr. Cabrera** said I just want to take care of the animals and I want to construct the building that I had mentioned. I was told that I wasn't able to build the barn there because I don't live there but I am paying utilities there as if I were living there. I don't want the animals to be roaming around. I want to keep them in the barn. I don't know if I can.

**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

**Melinda McCarthy, 3824 N. 60<sup>th</sup> St., Kansas City, Kansas**, said we're here again to plead with you not to grant the petitioner his request. A general rule for horses is 1.5 acre for the first, an additional per each additional horse. Mr. Cabrera is also requesting permission for goats. A general rule for goats is 6 per acre. After he petitioned for this I was frightened at the research that I found. Some breeds of goats reach a sexual maturity as early as two months. Gestation is only five months. At last count there were 12 to 13 goats already on the property. Let me add, it's also not uncommon for multiple births. I'm not sure what the intentions are if you start off with just a few, what's going to happen in addition. I don't know how many chickens. There's

**May 26, 2016**

just not enough land to properly provide for these animals. We're concerned about public health and welfare. The welfare of the animals. Since the last hearing the animals haven't been out during the day. I don't know how they're housing them. Extreme heat, the goats are in a tiny building by themselves. I guess there's not a lot I can do about that. 1988 City Code of Ordinance 7-98(c), no livestock or animal with similar or larger size shall be kept, maintained, pastured or fed within 100 ft. of the nearest portion of any dwelling other than the dwelling occupied by the owner or keeper of any such animal. The corner of his property is approximately 53 ft. from the corner of our home, my master bedroom with my new bedroom windows. Even with the fence that he's installed to put the horses further away from us now they're only 63 ft. He can move the fence wherever he wants too. He can't stop the wind. If you grant this and I'm not happy with it, even if I attempt to sell, I'm not going to get the value of my home. We are here to plead with you not to grant his permission.

**Paul Willis-Gardocki, 3910 N. 60<sup>th</sup> St.,** said in addition to the protest that I've made earlier at the Planning Commission meetings, if you look at that building right there which is a chicken house designed to hold 40 to 50 chickens and if you look at this building down here they've been built—that's made out of scrap corrugated steel, they've been built within the last nine months with no permits. The reason they were built there is because if you listen to the roosters in the morning and the afternoon that's a very big chicken house. When you're trying to listen to songbirds, and I'm a birder, unfortunately having roosters that are broadcasting six hours a day in the morning and the afternoon that's pretty rank, but besides that Mr. Cabrera has recently talked about the murder and mutilation of one of his horses on his property by a competitive rider in the races he races in. Although, the races he races in are from Mexican and Bolero rodeos. The betting at these tracks is controlled by criminals. There unregulated, untaxed, they just rent a place on someone's 300 acre property and then the city doesn't even find out about it until it's over. One of his competitive racers came by his property; no one's living there, stunned one of his horses and then cut it open in the front. It happened at a time when there wasn't much road traffic and so on and he talks about it as if this is normal for a competitive racer. I don't even know if there's a police report. Horses have to be worth a \$1,000 each. I have horses. It's unreasonable that there wouldn't be a police investigation for such a felony. I brought up the other problems. The fact that there's no water on the property most of the time and that there's no supervision and that there's no one there at night. These are continuing problems. He can't

afford to fix the house but he can rent out this space for horses. He told me there was going to be 3 horses in the beginning, now there's 6. He's just using the process to stretch out the time he's been able to rent the land to other probable racers on the Mexican rodeo circuit. We don't want that happening. I don't want one of my horses killed by mistake and my property butts right up against the back of his property along this fence line. You'll notice how some of them are L shaped, well mine is the huge L shaped one, its just not something we really were expecting. We were never told that this was going to be a problem in our neighborhood.

**Ms. Ysaac said for Mr. Cabrera** firstly I spoke with Johnny about two days ago. I told him if they were going to come and speak in opposition to come and tell the truth. I didn't want them to mar my name. If they were going to speak in opposition to speak to the truth. If you're going to give me the permit to speak to the facts of the permit, the gentleman over here, I've never spoken to him. The one that I have spoken with is Johnny Matt. I have discussed my horses with him. I don't know why he got up here. The last gentlemen that spoke, I don't know why he stepped forward and just told a lot of lies. The horses that I keep there, there was a horse I did not want to destroy it. It's there. The vet told me I could destroy the animal because I can't use it anymore. There's no use for it but I don't want to destroy the animal. The horse had to undergo some surgery. I no longer use him for the purpose that I wanted to. The horse that he is talking about died. It jumped the fence and when it jumped the fence one of the bars punctured the stomach. My other neighbor called me and told me about it. I arrived late. They had called Animal Control and when I arrived the horse had already died. If they're going to make a statement, let it be the truth. Yes, I do race the horses. The person in charge of it is a US States person, United States person, it's not a Mexican person like he said. I race them in Oklahoma and sometimes one of the horses is sent to Louisiana. I did build a garage but I haven't done anything to the house. The house is the way that I purchased it. I don't have 40 chickens. You can go and count. What he stated was a lie. Mrs. McCarthy I do have the 15 goats because when I purchased the goats they were already going to have kids. I was unaware that they were already. I tried to sell them but my children started crying so that's difficult for me also. I would like to keep the 10 that I'm asking for in the special use permit. I tried to sell some of them, but the children started crying and it's difficult. I'm in talks trying to maybe sell them, maybe not.

**Mayor Holland** closed the public hearing.

**May 26, 2016**

**Commissioner Philbrook** said I understand that you've come here and you would really like to have all these animals on a lovely piece of property. The problem is the property is too small for what you want to do. The conservancy of the land is important if too many animals are on it, too much activity, it affects the ground significantly and the top soil washes away and you have other problems and it doesn't help your neighbors either. I wish you had 20 acres then you wouldn't have to be here in front of us. Too many animals, too small area, and I'm going to have to move that the Unified Government Commission Board of Commissioners deny the petition #SP-2016-7, as it is not compliance with city ordinances and as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas and other such reasons that have been mentioned.

**Action:**        **Commissioner Philbrook made a motion, seconded by Commissioner Kane, to deny Special Use Permit #SP-2016-7.**

**Mayor Holland** said I do want to clarify the nature of the motion. I understand your intent. The motion, I believe, is to uphold the recommendation of the Planning and Zoning which is for denial. A vote yes is a vote for denial. A vote no is a vote to approve the animals. Does that make sense? It's kind of backwards.

**Commissioner Philbrook** said if he takes his second back and I take mine.

**Mayor Holland** said your motion and second are in order. I just want to clarify the motion to get to your intent. Your motion is to uphold the Planning and Zoning recommendation for denial. **Commissioner Philbrook** said that's correct. **Mayor Holland** said a vote yes is to deny the animals. A vote no is to approve the animals. Does everyone understand that? We do this about once every other month. I do not see anyone else ready to speak.

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

**ITEM NO. 2 – 16607...SPECIAL USE PERMIT APPLICATION #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.

**Rob Richardson, Director of Planning,** said this special use permit application for live entertainment and a special parking arrangement were approved in February, 2016. There were several stipulations included in that. The last portion of that I would like to read because it's really where the subject of this request for revocation comes from. "This location has been trouble in KCK every time it is opened however briefly each time. From a murder to a swingers club on the third floor that was supposed to be sealed off, this location appears to have attract a bad crowd. It doesn't seem a prudent risk to have potentially committed significant extra police at this location at the detriment of security and the remainder eastern portion of the city. These concerns are legitimate public health, safety and welfare concerns."

On March 19 less than a month after the club had been opened a shooting occurred shortly after 2 a.m. in the morning. The police were called and a police report made. The victim was transported to the hospital. At that time, when I was made aware of that following the incident, I spoke with Commissioner McKiernan. We talked about the different options for this. We requested the Mayor place this on the agenda for revocation. The staff report before you includes a staff recommendation. Commissioner McKiernan did sent out a significant list of questions that he had today. I think some of those are appropriate for staff to answer and some for the applicant to answer. I have Lt. Col. Garner and Captain Hallmark with me this evening. I think for expediency I'll go through some of those questions and the answers provided by Community Policing and the Police Intelligence Unit and the Planning staff.

What time did the shooting occur? Approximately 2:12 in the morning on March 20. The shooting occurred inside the club. The security cameras of the club were operating at the time of the shooting. The video was provided and reviewed to the Police. Apparently on the

**May 26, 2016**

video you can see men walk up behind the victim but you can't make them out. EMS was called. He was transported to KU Med for treatment. There's not been an arrest made at this time. There have been 16 calls for service to this location since January 1. Six of those were during business hours. Nine of those were after the business had closed. Six of those occurred after the incident on March 19. We have not had any complaints registered by other businesses on James St. since they opened in 2016.

How many patrons visit the business on a given weekend? I think that's more appropriate for the applicant and petitioner to answer at this time. The club is large and is capable of supporting very large crowds. **Mayor Holland** asked what does very large mean. **Mr. Richardson** said I'll have the applicant tell you what his fire rating is, but it's in the 100s.

The next set of questions refer to security and KCK police officers working on the security team. Initially there were off-duty KCK officers working there but the approval for them to work off-duty was withdrawn by the Chief. Following that, Sheriff Deputies were employed. They were off-duty at the time of the shooting. We're not aware if those are active or retired deputies. They are off-duty and they are at the location of the premises when they're on security duty according to the applicant. The officers that were there on the night of the shooting I believe were Sheriff Deputies and they were on premise at the time.

The next two questions I think I'll leave for the applicant to answer related to why the club opened without all necessary permits on Christmas Eve and again on New Year's Eve.

The next question from Commissioner McKiernan relates to the Planning staff report and during what years and what months has this business been open in the last 10 to 15 years. I believe it was first opened in 2004. This is ironically one of the first cases that came to the Planning Department after I began my career here at the Unified Government. In the intervening time period there have been two periods where the club was open for a couple of months and each time that it was open before there was an incident. The first time it was opened there was a murder inside of the club and a shooting outside of the club. The second time it was open was when the Police Department discovered the swinger's club, I think is the most polite way to put that that was operating on the third floor. There was actually a conviction in that case. That is a different owner. If you recall, part of the approval of this project was to make sure that previous owner was not in any way involved in this. I believe that to be the case. Mr. Fields is a new owner. He's had clubs and operated without incident or issue in other communities. I don't

want to tie Mr. Fields to this but this location has, and apparently continues to have, issues with the crowd that would like to go there.

Mr. Fields began working on this project approximately two years ago. He was granted a one-year special use permit with conditions. Those conditions weren't met until sometime in January of this year. At the time it was ready for renewal and then it was renewed again since he hadn't opened for a one-year period in February.

The next question related to metal detectors. I will allow the applicant to answer that question. The questions that we asked in the staff report of the applicant I will also allow the applicant to answer those because those were questions that I had asked of them in the staff report as well as Item No. 5.

The final question from Commissioner McKiernan related to the James Street Real Estate, LLC and the LLC being delinquent as of May 24, 2016. I will let the applicant answer those as well.

Additionally, there have been issues with some of the advertising that has happened in relationship to the club on the social media. Our Chapter 4, Section 105, has several prohibited activities including the advertisement of a Happy Hour where drinks will be sold for a period of time at a lower price during the day than the rest of the day. Having the Happy Hour itself where you would have drinks at the lower price than the rest of the day, selling liquor by the bottle unless it's wine or a carafe of wine or champagne. Advertisement of free drinks is also an issue. Having no one other than employees in the facility from 2 a.m. to 6 a.m., and providing a list of all employees that are working at the facility. Those are some issues that Mr. Fields along with Captain Hallmark and Col. Garner and I spoke about this afternoon. I believe he understands those at this point and I'll let him address how he would like to address them if he is allowed to move forward.

The options of the Commission tonight after you hear from the applicant and the public would be that you can take no action, you can take action to revoke, or you could ask the applicant to perform actions and come back in 30 days or you could add stipulations how it's supposed to operate from here moving forward. If there is an extension of time, I would recommend that the Board of Commissioners require him to request a CPTED, which is Crime Prevention through Environmental Design Review with Community Policing and implement those suggestions to employ a different style of metal detector than a wand. Now that all of the ordinances and statutes have been provided to him to comply fully with our local and state

**May 26, 2016**

alcohol laws, I'll stand for questions or if it's the pleasure of the Commission, Mayor, you could hear from the applicant and the public. **Mayor Holland** said I think I want to go ahead, I don't want to spend too much time on this. I think I want to go ahead and hear from the applicant and decide what action we're going to take.

**Willie Fields, Jr.**, said the situation with the shooting, somebody snuck into the back gate. We have to leave it open for the Fire Department but since then we keep security out on the patio at all times. Yes, we work with the off-duty police. These guys we had, they were new, they were only there for a week. The other police we had they got pulled. We work with them for five months. As soon as they got pulled we had to get some new guys and all the training that we did, we had to train with them to redo it, but that night we was letting out as we move everybody to the front, we're moving out, somebody came through the gate, they came in, we was closed, everybody was leaving and that's when the shot went off and the guy left. We had all the cameras working. We did everything to try to keep everybody safe. Like now, we've still been open since this incident. We have no problems. We have no violence, no nothing. The 16 calls, we called today because we just got this email today about all the questions, the 16 calls, they told us it was only 4. They sent us 16 but it was only 4 for alarm system for that night. It was that night of the shooting. Two calls for that night because one call was the next day after the shooting and actually they both was on the 20<sup>th</sup>. The next day people still came, we still had a nice crowd. We still had like 300 people. For the safety of the people I wanted to shut it down because I didn't want nothing to happen because we just had the shooting the day before. I shut it down and my off-duty police they called the city and the city came out, they helped and we shut the whole party down because I didn't want no more incidents so we shut it down that day. That's the second call. Someone's car got repossessed but they said it was stolen and that was another call for the theft. When we talked to them we don't have no calls. I haven't talked to no one. We have off-duty police there the whole time so if there's any calls it would come to them. The police, KCK police come there and they hang out there in front with our off-duty police the whole night. If it was any calls it's got to be somebody making prank calls. It's a lot of hate. I've been going through a lot with this building. I didn't know the history behind it. There's a lot of hate from everywhere with this building, it drains me every day. I'm there every day, in the morning and night. I'm walking around there and I'm not even supposed to be seen in there. I walk and make sure everybody is safe. People can say we can have the safest venue it is

**May 26, 2016**

because we check the women, we have women security and we have males. The gun came, it didn't walk through that front door it came through the patio. We have to leave that patio open for the Fire Department. Fire Department told us to leave that gate open and that's how they come through. It's on video; you can see them run in through that patio. Since that situation we got security upstairs and downstairs.

**Mayor Holland** opened the public hearing.

No one appeared in favor of pulling the permit.

The following appeared against the permit being pulled.

**Steve Spencer** said I am the owner of the building you see in the picture in the lower center. My intention here is to come before the Commission to speak in favor of Mr. Fields. I've come to know Mr. Fields personally not over a long period of time, but a long enough period of time that I understand the man's character and what he intends to do here. It's my opinion that it's a good thing not only for him, but for me right there not in a measurable way, but in a symbiotic way. We are neighbors. I like what he's doing. We have even come to an agreement on an event that will take place on this lot in October over two days.

Now who am I? I own that building and I operate as a sole proprietorship. I restore classic and vintage motorcycles. I've done that in that building for 20 years. Those 20 years have been very interesting to say the least. I have sympathy with Rob Richardson in not wanting to have the previous tenant of Mr. Fields club in anyway show his face around town or there exactly. If Mr. Fields was the previous owner I would be standing here against him. I've spoken at length with my Commissioner, Brian McKiernan, he's visited me, we've talked about some other matters and we've also talked about this problem in a somewhat nebulous way. As I'm seeing of this stuff going on right now, this is not what I understand; this is not anything I believe. I would like to ask Mr. Richardson some questions but if I can't do that now, we'll do it on the side. He's actually a friend. I like the man. We have had lunch together.

**Monte Richardson, KCK**, said I am a product of Wyandotte County. I was born here, raised here, educated here, purchased my first home here. I've gotten the chance to understand this culture firsthand. I've also had a chance to help in any way that I can in the community. I try

**May 26, 2016**

my best to patronize local businesses in Wyandotte County whether it be on a small scale or a large scale, grocery stores, apparel stores, barber shops, shoe repair shops, dry cleaners, what have you. I've even tried to stick to hospitals in my county. I even take my dog to the vet here. One thing I haven't been able to do is patronize a business in Wyandotte County focused in entertainment and I guess you could say nightlife for my demographic. That demographic being between the ages of 21 and 35 years old that are young professionals looking for likeminded people to hang around and mingle with. It's tough when friends come to visit Kansas City and I try to show them where I'm from and where I was raised. Usually I have to take a trip across the bridge to go to Missouri for any type of entertainment or nightlife activities. What Mr. Fields is trying to do is bring that type of environment here to Wyandotte County. I think it's something that we desperately need. I've been there just about every night that he's been open to see how he runs things. I've been volunteering as much as I can help

the process run smoothly. He's even asked me for advice on certain things. I just try to help the best way that I can. As far as everything that he's been going through, he's been dealing with a lot of, a lot of lies, a lot of deceit, in my opinion a lot of harassment and it just has to stop. From slander and it seems that all someone has to say is oh, it was confusion on my part or oh maybe I missed that, that was a mistake, sorry I didn't mean to send that out or I worded that wrong. It never happens to those people that tell these lies or make these quote unquote mistakes. I want to know where is the accountability for the city, for the county, and for the people who make those allegations.

As a resident of Wyandotte County that causes me to look at our government structure and raise a lot of questions. Is this the same place that I grew up? Is this where I want to raise my children? Is this a place where I should continue to own and buy property and the biggest question of all do I even want to become an entrepreneur here and start my own business. Judging by what Mr. Fields has been through, the answer would have to be no, because I wouldn't want to have to go through the same things he's been through.

**James Johnson, 6300 N. Vailes, Gladstone, MO.,** said I currently hold the General Manager position for Wave Lounge & Grill. I took this position after leaving my job to assist Mr. Fields with running his establishment. Today, I address this Commission and hope that Mr. Richardson's continued torment and unethical practices are met with the proper checks and balances. He often disregards any code of ethics as he uses slander, intimidation, discrimination

**May 26, 2016**

campaign, neglecting business owner rights to operate. As General Manager, I have witnessed almost three years of Mr. Richards's misuse of power and waste of city resources as he constantly overstep his position boundaries executing his personal agendas. Rob's continued harassment is the primary reason we are here placed on this agenda today. How's that you may ask? Well, it's quite simple. His involvement with having the Kansas City, Kansas off-duty police officers removed from working our establishment jeopardizes our previously provided security plan. The normal routine performed by those officers would have prevented the incident of the shooting. Because of Mr. Richardson's fixation with our establishment there was some confusion between way of staff security and the Wyandotte County Sheriff whom were new to performing those details. It is our understanding that we're the only establishment of our type that's not allowed to have off-duty police officers work for us at this time, yet this is just the tip of the iceberg. When it comes to continued complications we face in trying to partner with the Planning Department a perfect example would be one of the initial encounters in which Mr. Fields was instructed that he needed to obtain a special use permit for live entertainment. He requested this form and was instructed that he needed to find the documentation on the city's web site. No instructions, no forms, and staff at the office made it pretty clear that Rob wanted them to be of no assistance to our establishment. Might I mention the next day was the deadline to be placed on the agenda for the special use permit. This particular situation was followed by a situation where Mr. Richardson blatantly lied to the Planning Commission stating that Mr. Fields was a convicted felon. This information was retracted because it was considered misleading and had nothing to do with my employer. Even with this cleaned up Rob uses by any means tactics, to continue to misuse city resources. We're starting a website in which we're going to reach out to other businesses here in Wyandotte County just to gather other experiences with situations like these. Eventually we're going to get a petition together to try to help with cleaning up Rob's act whether that's having him removed—**Mayor Holland** said, sir, thank you.

**Troy Campbell, 8424 Highland Ave., Kansas City, MO.,** said I would like to thank you all for allowing me to speak on behalf of Mr. Willie Fields and Silver Dollar Entertainment. To stand before you all at this revocation hearing today is not only shocking to me but very unsettling. I have known and worked in several capacities with Mr. Fields for over 20 years. He's allowed me to learn and experience such business endeavors from him that I've carried over to my own day-to-day business and best practices. Mr. Fields started Silver Dollar Entertainment over 15

**May 26, 2016**

years ago from the basement of his house. To see the extent of his hard work and labor throughout these years striving to become one of Kansas City's reputable and successful business owners is inspiring. Willie Fields has built a name and a positive brand for himself that so many have come to appreciate and respect. What I've learned and what I know is Wave Lounge & Grill was built with integrity, honesty, goodwill and intentions. The goals that Mr. Fields has for Wave Lounge are lengthy, but he sets his sites on building up the area surrounding the building and bringing forth more jobs and employment. He has hopes of giving local residents and young people an outlet. His hopes of working together with city officials, municipalities and networking with law enforcement to help keep miscreants off the streets and disrupting businesses has never swayed. Mr. Fields ambitions are multifaceted and he continues to strategize for other ways of helping out the community and those he comes in contact with. The revocation of a special use permit, in my humble opinion, would serve as a disservice for all that Mr. Fields has worked up to and is continuing to do for this community. Hopefully, my conversation with you hasn't fallen on deafen ears and will be considered in your decision today.

**Kevin Krause, son of Lucy Krause, who is the property owner at 16 N. James St.,** said I am a small business owner here in the Kansas City area. As a small business owner I am well aware of the struggles of putting food on the table. Here today you have a choice are you going to rip the opportunity of a small business owner of Willie Shields. I'd like to address three very separate points today. 1) The security of 16 N. James St. 2) The liquor advertisement laws, and 3) The future of 16 N. James St.

My brother who is a well-known business attorney in Kansas City, has reviewed the two insurance policies covering the building. Both policies ensure the financial protection of employees that work for Wave and make sure that patrons are covered in an event of a small type of accident. He has closely reviewed the security plan of Wave to make sure that it is in compliance with all laws of Kansas. He has also met with security experts to make sure that it's going above and beyond any requirements in the business. I've seen firsthand the 16 cameras inside Wave. Each of the cameras feed into a central terminal where they can be viewed. The importance of this feed is that it transmits in real time all things happening inside, the outside of the building. All the security professionals working for Wave wear headsets so they can better communicate with each other. I would guess that their security is better than any other restaurant or bar in the state of Kansas. I've also been told by my brother that there has been extensive

**May 26, 2016**

tactical training by the security guards. He has met with Willie multiple times to make sure that the security guards are well equipped to handle any foreseeable situations at the building. They do drills with all of the staff, the security professionals, that the Wave safety of employees and patrons are protected. I should note that my brother has sued many, many businesses for failure to supervise improper training and improper security. All that being said the security at Wave Bar & Lounge is by far the best security in any club he has seen. The security should be the standard at all bars and restaurants to live up to. I understand that you are concerned with that alleged shooting that took place March 1. First, we don't know any of the circumstances surrounding that shooting. Here's what we know. We know that Kansas City police have not attempted to arrest anyone despite being given the tape that shows someone limping in the building. Yes, someone was limping in the building suggesting that someone was being hurt happened elsewhere. There's also no blood inside the club despite being white floors and a .45 caliber shell found. This was an absolute set up. My car was broken into actually that night. It was locked in front of my house. I didn't have any valuables inside the car and it was put in a well-lit location.

**Sheila Taylor, 8526 Raytown Rd., Raytown, MO.,** said I've been knowing Willie Fields for over 20 years. Willie is a very good guy. He has good intentions on running this club and getting good people in there for employment. I was there the night of the shooting working. I am a bartender there and I work the upstairs. My thing is I believe that if the security that was outside was at their destination patrolling the parking lot that this would not have happened. I was two steps away from the incident. There was nothing that was emotional to spark something that would have caused someone to shoot. It seemed like it was set-up because I was there the whole night. This person, whoever it was, that claimed that they got shot in there or whatever the incident might have been, there was no blood up there. I was approximately 3 or 4 ft. away from the incident. I would say that at this time, again, if they were at their station none of that would have happened. We haven't had any incidents since then. Actually, I'm not afraid to work in there. I'm a 55 year-old mother and grandmother, mother of two, and grandmother. Actually, Willie Fields is my son-in-law so I say to you if I was afraid of that I would not be down there by no means would be working in that club. I say that if you would honestly take a look at everything he is being pinpointed out. He's being picked on and it's obvious that it's happening. There are a lot of customers that I know that I have gotten to come down to the

**May 26, 2016**

establishment and they have been enjoying it and these are people of my age. I say to you to look at the whole situation.

**Mayor Holland** closed the public hearing.

**Commissioner McKiernan** said, Mr. Fields, I applaud you for being a young entrepreneur who wants to be a success in Kansas City, Kansas. It sounds as if you've gone to great links to make your club as good as place as it can be. The bottom line is you had a shooting inside that club and that is a very dangerous thing for the citizens who live here as well the people who visit here. I am at the point where I'm trying to balance, trying to support a young entrepreneur, a young businessman who is bringing business to this city versus someone who might put people in harms way by virtue of visiting. I will say this however, Mr. Fields sent me a letter by email this morning, it was several pages. I have not had a chance to review that entire thing. I just got the staff report on the revocation last Friday. I do have three pages of questions some of which have been answered, some of which still need to be answered including things like opening on Christmas Eve without all your permits and then doing it again on New Year's Eve without all your permits and how that happened and what steps we're going to take to make sure that things like that don't happen. I think in the interest of time and for my fellow commissioners what I'd like to make a motion is that we put off action on this item for 30 days so that I can have additional meetings with Lt. Col. Garner and with Captain Hallmark and so that I can find out the answers to a lot of the questions so that I can go through the document that Mr. Fields provided to me today in more detail and see if that prompts more questions so that I can feel like I'm making the right decision when it comes to a vote.

**Action:**        **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to hold over 30 days to June 30.** Roll call was taken and there were nine "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

## **REGULAR SESSION**

### **MAYOR'S AGENDA**

No item of business

**May 26, 2016**

### **NON-PLANNING CONSENT AGENDA**

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

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

### **ITEM NO. 1 – MINUTES**

**SYNOPSIS:** Minutes from regular session of April 14, 2016; and special sessions of April 28, May 5, and May 12, 2016.

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

### **ITEM NO. 2 - WEEKLY BUSINESS MATERIAL**

**SYNOPSIS:** Weekly business material dated May 5, 12 and 19, 2016.

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

### **ITEM NO. 3 – 16635...PLAT: MCKENZIE ACRES NO. 4**

**SYNOPSIS:** Plat of McKenzie Acres No. 4 located at 11011 Leavenworth Road; owned by Verona C. Schmidt, submitted by Brent Thompson, County Surveyor; and Wayne Moody; County Engineer.

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat.** Roll call was taken and

there were nine “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

### **PUBLIC HEARING AGENDA**

#### **ITEM NO. 1 – 16615...PUBLIC HEARING/RESOLUTION: CONSIDER IRBS AND PILOT FOR CENTRAL INDUSTRIAL PARK BUILDING #2**

**SYNOPSIS:** Conduct a public hearing to consider a resolution of intent to issue \$55M of industrial revenue bonds (IRBs) and a PILOT structure for the NorthPoint Development’s proposal for Building 2 Central Industrial Park in Fairfax, submitted by George Brajkovic, Economic Development. On May 2, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to set the public hearing date of May 26, 2016.

**George Brajkovic, Economic Development,** said let me make a quick introduction Brent Miles, NorthPoint Development and Tim Klink with Polsinelli representing the developer on this. I actually have a very brief presentation. We do want to make a few comments because this is one of the most significant projects that we’ve seen in Fairfax that’s not attached physically to the General Motors Fairfax Assembly Plant but it is in very close proximity. I wanted to remind everyone tonight of some of the previous actions we’ve taken on this. Back in 2013 this Board of Commissioners adopted Resolution No. R-30-13 which approved the development agreement with NorthPoint for the redevelopment of the 80 acre site immediately adjacent to the GM Fairfax Plant known as the RACER Trust site. I should recall what the acronym stands for Revitalizing Automotive Community Environmental Response. It was a long process to find a developer by the trust that was set up as GM went through its financial restructuring. Embedded in the development agreement we always contemplated the use of IRB, a CID Special Assessment, and a TDD Special Assessment. I just want to remind everyone one of the overriding requirements of the developer was to add one million new square feet of industrial space in the area and required a minimum of \$40M in total capital investment over this site. One of the items I didn’t put on here, but Brent and I had a chance to talk about as well, even though the prevailing wage law had changed and the developer actually agreed to honor and pay prevailing wage for the infrastructure components of that project in terms of what we called Phase I which was the initial road that needed to be constructed to access the site.

**May 26, 2016**

I also want to remind you that you also previously considered this same type of action or development opportunity for building number 1 on the site which is the energy gas tank project. You'll probably recall that was a facility that had been operating in Mexico, shut that plant and relocated those positions and jobs back here stateside. That is a 70,000 sq. ft. building and a \$10M total capital investment.

What we're here though for tonight is to consider the IRB proposal for Building No. 2 on the site and we have quite a few details but ultimately I'd like for you to conduct the public hearing to consider the PILOT that accompanies those IRBs and if you see so fit at the end of the public hearing, actually adopt a resolution of intent regarding this project. Again, it does represent \$55M in IRBs. I'd like to actually turn it over to Brent and let him kind of talk about the nature of the project and where it's located and we'll finish up the presentation with some of the deal points relevant to this project.

**Brent Miles, NorthPoint Development**, said as George said there was an extensive process with RACER. Probably everybody knows this, the original General Motors Plants sat on this site until 1985. The new plant was built in 85 or 86. This site sat vacant. It was environmentally contaminated because of the airplane manufacturing facility that was there. Originally, the RACER Trust is not only a process of selling that piece of ground but also environmental clean-up that happens to it as well and all of those clearances have now been made by KDHE with the oversight of the EPA. Just kind of an important factor that you had truly of the Brownfield Redevelopment site here and now putting it back into good use. As George mentioned, we finished the General Motors gas tank manufacturing facility for energy/plastics omnium last year it was actually completed. About a \$10M capital investment that we certified through you all, it actually came in more like \$12 – \$13M. We've still been waiting on some invoicing to come in on that. What we have proposed here is a 830,000 sq. ft. facility. If you can picture it, if you've been down in that area it will literally stretch all the way from Kindleberger all the way up to where the Corps will let us go. There is a levy critical zone here so there's some setback distance that we're working through with the Corps and the Fairfax Drainage District on that right now. This will obviously be state-of-the-art Class A warehouse. I best described it to a couple of people in Wyandotte County as picture Kaw Point and then it's twice as big. It is a really large building, as you can see capital investment \$55M. It's a really large project. The rectangular building that you see north of there is east of 830,000 proposed is

what we have left. There's about 20 acres of the site left and it can house probably a 250,000 sq. ft. facility. If you start doing the math, this project exceeded the 40M in itself and we already had 10 going in so we're at 65M and the development agreement was at 40M, when it's all said and done I think we'll probably be somewhere between 1.2 and 1.3M sq. ft. at this site. Again, Class A new industrial development. We are building this and we have a tenant in mind. That tenant has not been released publicly yet so this would be in final negotiations with the tenant. It's actually dependent on hearings tonight. I have an email queued up for that to go out with a hopeful yes. Not to be presumptuous but this is a big investment, big project, and happy to see it finally move forward. I think it says a lot about Fairfax and what's happening down there overall. Fairfax has really kind of turned over especially the last several years with projects that have happened.



**May 26, 2016**



This is an exact replica of what this building will look like and probably even down to the paint. It's a concrete tilt building much similar to Kaw Point and what you see there in terms of the concrete tilt. We, for this tenant, have promised that this building will be done Christmas Eve of this year. **Mayor Holland** asked will there be any murals? **Mr. Miles** said I was going to make a Rob Richardson joke. **Mayor Holland** said Rob's had a rough night so we'll stay on track. **Mr. Miles** said no mural yet. I think with that I'll turn it back over to George. As we mentioned, \$55M capital investment and 830,000 sq. ft., and still working with the tenant but somewhere around 500 employees that has 500 car parking spots. That's a pretty good indication of how many employees that you have.

### Previous Action

- R-30-13 adopted on 03/21/2013 approved Development Agreement with NorthPoint for the redevelopment of the 80 acre RACER site
  - IRB
  - CID
  - TDD
  - 1M sf of Industrial space & \$40M minimum Capital Investment
- Building #1, Inergy, completed Summer 2014
  - 70k sf, \$10M Capital Investment

### What we're here for tonight

- Public Hearing to consider PILOT structure
- Adopt Resolution of Intent for \$55M in IRBs for Building #2

## Project Location



## Proposed Site Plan



## Project Details

- \$55M Capital Investment
- 830k sf Industrial Building
- Projected FT job creation – approximately 500

## Development Agreement

- IRBs/PILOT – 10 years
  - Year 1 PILOT - \$392,810
  - Qualifies for 75% abatement
    - × 45% Standard
    - × 15% Capital Investment
    - × 10% Target Area
    - × 5% L/M/W
- CID - \$1.05/sf special assessment (O-34-13)
  - \$871,500
- TDD - \$0.15/sf special assessment (O-35-13)
  - \$124,500

What we're here for tonight

- Public Hearing to consider PILOT structure
- Adopt Resolution of Intent for \$55M in IRBs for Building #2

**Mr. Brajkovic** said it kind of walks through how the deal is structured and offers some financial projections on what those incentives are valued at. First and foremost, the IRB and the PILOT, it does qualify for the 10-year abatement period and so we structured a payment in lieu of taxes and you'll see that payment reflected. It's provided that they met certain provisions with participation rates that will stay flat, but it is projected at \$392,810 per year for a 10-year period. That is based off a 75% tax abatement that they qualify for under our current policy and as we accepted when the development agreement was approved. Kind of offer you a little breakdown of how that 75% is represented. Our standard 45% abatement, 15% based on their capital investment, 10% for hitting the targeted area, and 5% for their LMW business enterprise participation in the project.

The CID then is an additional payment to the PILOT. It is added on as a special assessment based on a per sq. ft. value of the building. It's project at a \$1.05 per the development agreement and also I call out the ordinance that actually established the CID when we created it. A dollar of that CID goes to the developer to reimburse for project eligible expenses on the site. Five cents of that stays with the UG to cover administrative costs related to the CID.

Then we also established a TDD, a Transportation Development District, which we don't do a lot of those anymore. We did a lot of them before the CID s became more prevalent, but it's a Transportation Development District. That is also an additional payment to both the CID and the PILOT. That's represented as a 15 cent per sq. ft. special assessment add on. That is set

aside for what we refer to as the Fairfax Fund. When we first established this we talked about making improvements along two corridors, Kindleberger Rd. as well as Fairfax Trfwy. You might recall that in a TDD you don't have to create a district and use all the revenue inside the district you've created. You can use it in adjacent properties surrounding that area. I did bring a hard copy of the TDD where we went through a pretty thorough list of what we thought were eligible expenses, but again, keep in mind they are all related to infrastructure whether it's curb, sidewalks, pedestrian related, vehicular traffic. I think initially some of the discussion, and I think Mr. Schlittler is here again tonight, I know he was in a different role at that time. I think there was a little bit of discussion about weight findings, signage, as well as, I think, kind of monument markers as you come into the Fairfax District. Again, keep in mind we did a great project with NorthPoint at one bookend development at Fairfax and this is just continuing on the other end of that, another bookend site. Again, just reminding you what we're here for tonight. That's the conclusion of staff comments.

**Mayor Holland** asked could that TDD be used for access to Hike and Bike on the Levee Trail. **Mr. Brajkovic** said yes, I believe it's an eligible use.

**Mayor Holland** opened the public hearing.

The following appeared in support of:

**Chuck Schlittler, 726 Armstrong, Suite 201, KCK**, said I'm thrilled to pieces folks. I can remember meeting with then Mayor Joe Reardon. Mr. Bach, I believe, was in the room and others. Commissioner Townsend came on before I left the Fairfax Industrial Association. Mr. Bach, you are to be credited for ingenuity. You had mentioned at the time hoping to be creative and be able to bring different mechanisms together to renovate and revive the Fairfax area. I hope you folks will consider this highly. It continues the renaissance, if you will, of the Fairfax area. I'll stop there.

**Greg Kindle, President of the Wyandotte Economic Development Council, 727 Minnesota, and a resident here of KCK**, said Mayor, Commissioners, UG team, I'm here in support of this resolution of Industrial Revenue Bonds, a PILOT structure for this second building in the Central Industrial Park being proposed by NorthPoint Development and the UG team. This is a continuation of the discussion that began almost five years ago to redevelop the 80 acre former

GM site and RACER Trust ground. We're pleased to be a partner with the UG team and NorthPoint Development to encourage this development and create jobs and alignment of the long-term goals not just for this land, but for the redevelopment and revitalization of the Fairfax Industrial Park. NorthPoint Development has shown their ability to transform sites and to follow through on their commitments at multiple locations here in this community and we know this will follow in the same pattern.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

**Commissioner Kane** said, Mr. Miles, Sir, thank you for the history of General Motors, I didn't know that. One of the things when I ran for office 11 years ago was to revitalize the Fairfax District. I hired in June 3, 1976 and I lived at 222 N. Thorp and it took almost 45 minutes to get home because there was that much traffic down in Fairfax. It has been bone dry for a heck of a long time. I appreciate your work. How much are these guys that you don't know are going to get paid? **Mr. Miles** said I actually don't know the answer to that. **Commissioner Kane** said once you find out who's going to be there it'd be really, really nice if we knew. I appreciate your work and I make a motion for approval.

**Action:**        **RESOLUTION NO. R-52-16**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its Taxable Industrial Revenue Bonds in the amount of approximately \$55,000,000 to finance the costs of acquiring, constructing, improving and equipping industrial facilities for the benefit of NorthPoint Development, LLC." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the resolution.**

**Mayor Holland** said I'd also like to note that General Motors represents about 4.4M sq. ft. of manufacturing space. Between their paint plant and the two buildings or the three buildings now that NorthPoint has done, those alone are about 50% more, it's over 2.2M sq. ft. when you had in the paint plant plus three NorthPoint buildings. It's about 50% increase in manufacturing space

**May 26, 2016**

compared to General Motors. Just to give you a perspective, that's a lot of new development. Over 2M sq. ft. is tremendous. General Motors has invested \$2B in that plant in the last 10 years and this is an outgrowth they've been bringing their supply chain closer and this is just a great opportunity for our community. We appreciate NorthPoint and we appreciate General Motors and our Economic Development staff that has not missed a beat to capitalize on every opportunity that has come through.

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

**ITEM NO. 2 – 16623...PUBLIC HEARING/ORDINANCE: CONSIDER ESTABLISHING A DOWNTOWN SSMID**

**SYNOPSIS:** Conduct a public hearing to consider an ordinance establishing a Self-Supported Municipal Improvement District (SSMID), submitted by Patrick Waters, Senior Attorney. On April 14, 2016, the Commission adopted Resolution No. R-37-16, setting the public hearing date. Per K.S.A. 12-1796, action will take place 30 days after the public hearing.

**Patrick Waters, Senior Attorney,** said the public hearing tonight on renewal of the SSMID is the third of four major steps in the reauthorization process. Tonight is the public hearing only. State law requires that we wait at least 30 days to actually have the vote. This will just be the public hearing. The new SSMID being proposed tonight is almost identical to the current one. The goal is to have a seamless transition between the two districts.

As with the current SSMID, the new SSMID would be an assessment on commercial properties only, not residential. It will go primarily to cleaning, safety, landscaping, and marketing services. The term of the district is proposed to be 10 years. We would continue to have an 11-member Advisory Board that would make recommendations regarding the improvements and services in the district. One improvement that I think we've made this time is that we are planning to use the annual budget hearing in July to authorize all new improvements and services so we won't have to go through what we did recently with the trash cans and banners. It'll just be once a year, everything at once. That's an improvement. We would again have a third party fiscal agent to actually implement these services.

The final slide here is a map of the district. It's basically the same outline as the current SSMID. It's been modified somewhat to make it a little bit more uniform in appearance. Basically, it covers the same area, Washington Blvd. the north to Sandusky and the south 3<sup>rd</sup> St. on the east to 18<sup>th</sup> St. on the west. Unless the Commission has any questions, I would like to turn over the rest of my time to Chuck Schlittler from Downtown Shareholders. He will give a brief presentation and then Rob Richardson will also.

**Chuck Schlittler, Downtown Shareholders, 726 Armstrong**, said by means of position with Downtown Shareholders I also interact with the SSMID Board. It is an Advisory Board made up of 11 individuals appointed by you, Mayor, and the 10 commissioners. I appreciate, Mayor, commissioners, Mr. Bach, staff, Madam Clerk, other staff and attendees both for or against. This is what democracy is about and public meetings are about and I am very, very grateful for the opportunity.



### Services of the DID

(Self Supported Municipal Improvement District of Downtown KCK – SSMID)

- Security
- Cleaning
- Graffiti Removal
  
- 120+ Banners
- 20 new trash receptacles

As Patrick said, the primary services of the DID, Downtown Improvement District; it's called a DID, a SSMID, it's called all kinds of things. Security, cleaning, and graffiti removal, there's also going to be installed 120 plus new banners this season to welcome and promote, welcome people to downtown, promote downtown. We have already ordered 20 new trash receptacles. Those funds are SSMID funds. If you've seen the green ones that currently are in use, they have served their purpose and we're excited about these 20 new ones coming about.



## DID Performance Metrics

- Security Ambassadors
  - Calls: **121,068**
  - Arrests: **121**
  - Assistance: bldg. checks, escorts
- Cleaning Ambassadors
  - Tonnage: **200 plus**

I want to share some performance metrics with you. What has been done. 121,000 calls, 121 arrests that ambassadors have been involved in over the last 7 ½ years, building checks. Tonnage. 220 plus tons of debris, garbage, trash, bricks, bottles, you name it have been removed.



Ambassador offering assistance



Ambassador on occasional watch

What do these kinds of things look like? Well, it looks like ambassador's assisting people across an intersection, visiting with folks who are about to take a walk from Huron Park.



Overnight trash accumulation. Rain delayed removal by ambassadors next day

Emptying and taking care of this trash site; this accumulated overnight. It was raining the next morning with lighting strikes so that afternoon our ambassadors were able to take care of that and dispose of the trash.

**May 26, 2016**



Some of 3 piles of nearly 100 tires: 12<sup>th</sup> St; 13<sup>th</sup> Minn; 17<sup>th</sup> Minn

One hundred tires approximately a couple of weeks ago were dumped downtown in alleyways at 12<sup>th</sup> & State, 13<sup>th</sup> & Minnesota, and 17<sup>th</sup> & Minnesota. Our supervisor, Abraham Santana, is here this evening. He's the guy on the bicycle. People often wonder what's he doing on a bicycle. I just see him going up and down. Well, this is the kind of stuff he in finds and he works with the Public Works Department. A patch of those have already been picked up and disposed of. I understand additional tires are on schedule to be picked up also. Abraham also makes sure that people are always doing their job. Do we do it correctly all the time, no, but we work very hard to try to do so.



Ambassadors in new uniforms of new contractor.

**May 26, 2016**

Here's our new cleaning crew. They are now each full time as opposed to part time. We've had three different cleaning contractors in the last 18 months I've been around. We've had difficulties with that. We now have the kind I think of contractor that has supervisory people in the field on a six day a week basis. Two of those folks work Monday through Friday. One works Tuesday through Saturday. Because of limited resources, if you recall, the budget was supposed to be \$400,000 a year and then the recession hit. Every body's budget just was blown up. We had to make some hard decisions.



**May 26, 2016**

We had to allocate resources where most of the pedestrian traffic is, where most of the trash, garbage is placed or discarded. That has been normally between 4<sup>th</sup> St. and 1000 and 1100 blocks. Have other sections been neglected, depends on your viewpoint there. We seem to be able to take care of those items when we're aware of them. Abraham does a good of job of keeping me posted and I'm in almost daily contact with our contractor saying are you aware of this, are you aware of that, come pick this up, please take care of this issue. I received a call recently about this gentleman on Saturday doing his job from a gentleman that's not particularly happy with us, but called and let me know that he was pleased to see that the ambassador Billy was doing his job. It was a Saturday, that's down a bit on a State Avenue and that's what Billy was supposed to be doing.

This is the type of trash can. 20 of them are coming. In fact, they've been ordered so within 60 to 90 days I hope. Please don't hold me to that. What do metrics point to? What difference do they make? Well, all of these good things. We're not hubris enough to say that we've caused all of these increases. Not going to go that far, but nobody comes to a dirty downtown or a nasty town or a town where they don't feel safe.



## DID Results Metrics

- Retail sales up **36%**
- Crime down **19%** from 08-14
- Vandalism down **36%** 08-14
- Image Improved: surveys
- Investment up: **Fairwood Capital LLC**
- New businesses: **25** in 2015
- Property values up: 833 Minn **76%**

Retail sales are up, and by the way, all of these statistics are from either the Unified Government or the state of Kansas. Retail sales are up 36, crime down 19, vandalism down 36, etc., etc. It's a cleaner, safer, greener, more welcoming environment and we believe a great deal of that is because of the SSMID or the Downtown Improvement District. In 2015, we had 25 new

**May 26, 2016**

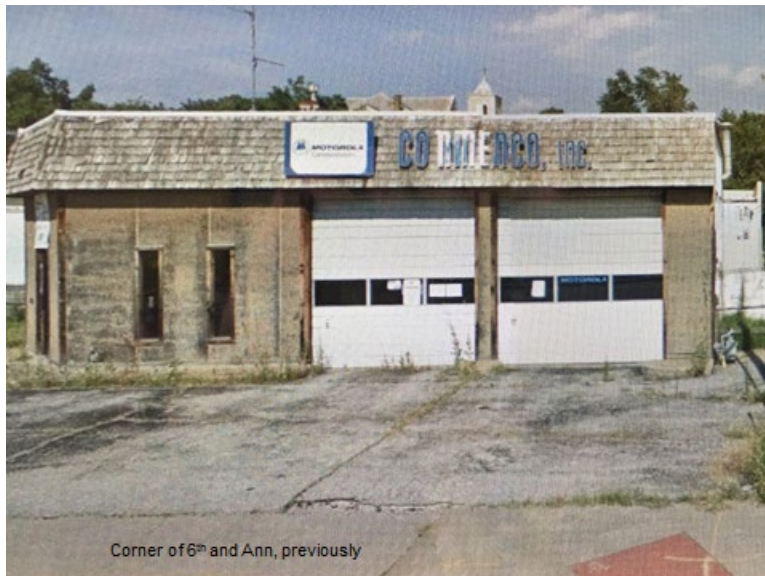
businesses apply for business licenses within our area and property values are up. Our own SSMID Advisory Board Chair owns 833 Minnesota. His appraisal has gone up 76% over the last three years. When he inquired he was told downtown was coming back, the economic development is coming back and the appraisals have been so depressed for so long we're catching up. It's good news for some and maybe not such good news for others.



These are some other examples: A new owner of 912 Minnesota completely refurbishing the interior.



Here's the coffee shop and two tenants where one tenant is looking at the next two floors, floors two and three.



This is a building at 6<sup>th</sup> & Ann. That's the way it used to look. Kansas City Cupcake Company has bought it.

**May 26, 2016**



Corner 6<sup>th</sup> and Ann, currently. Business to open late May.

This is what it looks like now and they should open the first part of June. It's going to be a sweet deal.

The renewal process as far as our involvement is concerned both of our boards the Downtown Shareholders and the SSMID voted unanimously to pursue renewal. The Unified Government agreed to initiate the renewal this time. We did in a person study last fall to get the metrics, the statistics and all that you have seen LISC, a local support corporation has financed that and Ed Linnebur used to hold my position is now our Program Manager at LISC. Ed, thank you for your continued support so we appreciate that. We sent out over 400 certified letters. We wanted to make sure everybody new about this this evening. We didn't have to do that, but we felt it was our duty to do that and to inform folks, yeah or nay, whatever their position was.

**May 26, 2016**



## DID Study Process

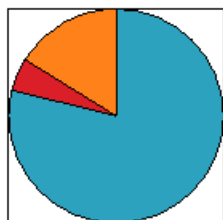
- Boards Unanimous
- In-Person Study last fall: **LISC**
- Social Media/Online
- Certified letters: **400+**
- Planning Commission
- Public \$: **300K not 400K**

Again, initially our budget was to be \$400,000 and because of the recession and such it was at \$300,000. We've already got an additional commitment from the Unified Government of \$50,000 for next year. We are grateful for that, if the SSMID is renewed obviously, and that will be used to increase hours, that will be used to increase personnel, and we will make sure that every section is properly attended to and such as that.

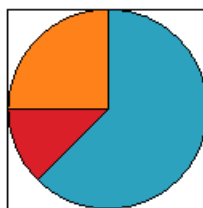


## In-Person Survey

All Respondents



Property Owners



■ Favor Renewal  
 ■ Do Not Favor Renewal  
 ■ Unsure

62 Responded of 150 Contacted. 24 property owners responding.

This is the result in persons surveyed. 150 businesses or organization were reached to, 62 of those responded. I mean door-to-door, eyeball to eyeball, our consultant David Reno did that. He went back multiple times to some places just never did get a response. 62 responded, 24 of

May 26, 2016

those were property owners, 15 of those property owners said that they were in favor of a SSMID renewal. Others were not sure. Others do not favor.



## Recommendation

- Recommendations
  - “Yes” on renewal vote
- On behalf of both boards  
thank you

Our recommendation is both boards is a yes on the renewal vote that would take place June 30. We believe we’ve made a lot of progress. We believe there is more progress to be made. We believe we’ve got a lot of momentum going. We think we can help a lot happen downtown because of funders like LISC and others who see the environment as continuing to be clean and safer and have nodded affirmatively that they would like to continue to fund us. Ladies and Gentlemen thank you for your attention this evening. I will remain in case there are questions.

**Mr. Richardson** said I want to tell a little bit of the story that Chuck didn’t tell. Another thing that happened 13 or 14 years ago in October or November I attended a series of meetings in the old Chamber of Commerce Building with the pink walls and ugly carpet. They had four topics but two of the topics that they were the most concerned about were safety and cleanliness of downtown. They would talk about marketing and development and other things as well. The thing that everybody focused on over that next time period was clean and safe. How do we become clean and safe. Out of that call it ragtag group of people that were meeting at the Chamber just in these groups that were interested in downtown emerged the Downtown Shareholders. That group of folks organized around those same four principals economic development, marketing, clean, and safe. While the business folks downtown are capable of

working with developers and they make recommendations to the Planning Commission, they appear before you all, they help development occur in compliance with their plans.

They have folks that are capable marketers and they can do marketing and they find the little bits of funds here and there that they need to do the marketing that they want to do to help promote downtown and their activities. To do clean and safe it's beyond what a group of business people can just get together and throw money in a pot and make it happen. They investigated a series of ways to do clean and safe effectively for this portion of our community. They decided to pursue a SSMID. One of the interesting things about the SSMID is that as business people they didn't want to take over what we were supposed to be doing as a city, as a municipality. We're supposed to plow the streets, we're supposed to provide sewer service. We have a level of standard of service that we provide and they didn't want to take that over for us. They wanted to add to that. A Self-Supported Municipal Improvement District allowed them to do that because it requires of them that they not take over our job for us. It's an additive process. We get the city services and we get the added benefit of the Self-Supported Municipal Improvement District funds to help do the clean and safe activities. I think that if you look at downtown today it is markedly different than it was ten years ago. You don't see the same trash can full of trash day after day after day. There's not undue amounts of trash blowing around anywhere downtown. Many property owners take it upon themselves to add to this and do more cleaning themselves because they know it's going to go somewhere. If I clean up my property, the general public area isn't going to redirty it immediately. The trash isn't going to blow around as much and it gives you incentive to keep you property cleaner.

The safety ambassadors are really incredible. Two weeks ago I was sitting at the Cup on the Hill having a meeting with somebody interested in doing downtown development and a gentlemen walked by the window that was in serious medical trouble. I don't know what caused that, I have my suspicions, but he was in trouble. Before the police and ambulance got there and the safety security guy got there because he got passed the window we were standing at and collapsed and they were there. They are able to respond in ways that our Police Department could, but they are capable of relieving the duties of the Police Department in minor issues to help people find their way, to help get them help if they need it, to call an ambulance or to do those type of things and that leaves our police officers free to handle more serious business that we really want them to focus on. I think if you look at those two things, the aspect of safety and the relief that it gives to the Police Department and the partnership that's there and if you ask the

**May 26, 2016**

police officers that have been on the Community Policing best, so to speak, downtown they really appreciate the help of the security officers. They have a great relationship. You take that and you add it to the clean part of this, the trash pick up, DTS working on planting flowers. A week ago Friday they planted all the flowers in the flower pots downtown. They're well-watered today. I would hate to see that go away because there's been so much progress made and it's opened other doors. I don't think Mr. Arkell would've come in and redone a building ten years ago in the shape that downtown was in because quite frankly, it was a little embarrassing. We've done streetscape improvements, we've done all these other investments to help downtown and we're starting to make a lot of progress. I hope that we don't end the SSMID because that would be a knife to the heart of the downtown folks that are trying to make downtown better.

**Mayor Holland** opened the public hearing.

**Lt. Col. Rodney Smith, Deputy Chief of Police, 700 Minnesota**, said the Police Department offers the highest level of support for the SSMID. The ambassadors provide a highly visible presence. It's a deterrent to crime in the area. Due to the number of people that come here to do business as well as use our transportation hub, that's very important. The security and cleaning ambassadors, they offer friendly information to people. A lot of interaction I see out my window every day. They give guidance to people and they keep the area looking good which is very important to deterrent crime. The ambassadors are our eyes and ears. We can't be everywhere. We have people in the area, but they provide an extra presence that enhances our ability to respond to serious crimes.

They are able to handle really non police issues of a minor nature that otherwise would be result in calls for service for the Police Department. That saves us time, allows us to concentrate on the big issues. The bottom line is the ambassadors provide an enhanced level of safety and security in the downtown area and I personally feel more comfortable. My spouse comes down and does a lot of business in this area and I feel more comfortable with her being in this area based on the fact that the progress made over the last ten years or so. We support the SSMID and hope you vote in favor.

**Cindy Cash, 3633 N. 87<sup>th</sup> St.**, said I am here in support of renewing the SSMID. I am the last remaining founding member of the Downtown Shareholders, which Mr. Richardson actually

started it's meetings in the basement of the Catholic Church on the next block over. We felt we needed all the help we could get. A few years ago after the Downtown Shareholders was formed we determined that we needed to do more in our downtown. We needed to do more to make our downtown look cleaner and feel safer. This takes resources and money. The process began to form a SSMID. As Mr. Richardson said, we looked at many models, but the model we really modeled after was what has been done in the Kansas City, Missouri district which started in their downtown area and has continued to grow over the years. Putting together a SSMID was a process. It was a process to get it approved and to get it up and going. I served on the SSMID Board I think for two separate times before and was just recently was asked to join again. The SSMID is still a process and it's a process that we have to make sure that we are doing everything we can to make our downtown look cleaner and feel safer. We obviously are not there yet and while I understand that not all agree that it should be renewed, I ask that it can be renewed, that it is renewed because I, too, like Mr. Richardson said, I don't want to go back to a time when there was no one doing an organized effort in our downtown because that's what it takes. I'm not a property owner and I'm not a business person in the downtown area, but I work once more again in downtown. Because of that I was pleased when Commissioner Kane asked me to go back on the SSMID board. I've accepted it and if the SSMID is renewed, I will work very hard with all parties to continue to make our downtown cleaner, safer, better looking, and a better investment for all. I ask you to renew the SSMID when the issue comes to a vote on June 30.

**Barbara Jolley, KCK Public Library, 625 Minnesota,** said I work at the public library and secretary of the Board of the Downtown Shareholders and a member of the SSMID Board. I'm first going to start with two letters by board members who were not able to attend tonight. The first letter is from Greg Ottinger, an attorney who offices downtown. He says, "I am out of town and unable to attend the May 26 meeting, but please add my statement to the record when you consider whether to renew the Self-Supported Municipal Improvement District for ten years. In the interest of the full disclosure I am currently on SSMID Advisory Board but my office is also located within the SSMID District. Honorable Mayor and Honorable Commissioners, I'm writing to ask you to renew the Self-Supported Municipal Improvement District for another ten years. The SSMID has provided enhance security and litter removal since it's conception. It is now additionally providing landscaping and beautification services. As a result the downtown

**May 26, 2016**

area is cleaner and safer and more attractive, all of which adds to the property values and helps attract new businesses and shoppers. The SSMID has played a significant role in these improvements and will continue to enhance our downtown community if it is renewed for another ten years. Please vote in favor of that renewal. I grew up in Wyandotte County in the 1950's through the 1960's. When my family shopped, went to movies or ate at a restaurant it was in Kansas City, Kansas and Wyandotte County. Our family doctor and our dentist were also located there. I moved away from the area in 1971 but often returned for personal or professional reasons. During that time I witnessed a downturn, in the community as building a downturn in the community as the buildings became vacant and litter became more prevalent. When my job brought me back to Kansas City, Kansas to attend business meetings at night a policeman or a security guard would often escort us to our cars after the meetings due to safety concerns. A few years ago I moved back to the area and in 2009 leased an office at 748 Ann Avenue which is located within the SSMID District. The positive changes to the downtown community were immediately obvious and strikingly impressive thanks in large part to a SSMID cleaning ambassador. There is very little litter in our streets and sidewalks thanks in large part to the SSMID safety ambassadors and the coordination with the local police crime as decreased to a fraction of the previous level. Downtown is again an enjoyable place to work, walk, shop, and dine," and the letter goes on.

There's also a letter from Jim Schrader who lives at 2108 Washington Blvd. "Dear Mayor and County Commissioners I have been actively involved in the Downtown Shareholders of KCK for seven years representing not only my Westheight neighborhood immediately adjacent to the downtown district, but also bringing DTS my skills and background as a longtime architect at Gould Evans. During this time the slow but steady improvement of the downtown Minnesota Avenue area has enhanced the livability of our historic downtown neighborhood. The activities of the Downtown Improvement District over the past five years have been a huge part of that. Investments made by both the UG and private enterprise in the area would not have had the same kind of success without such efforts as a SSMID and wonderful cleaning and security ambassadors just to name a few. I wholeheartedly urge you to support the SSMID renewal and thank you for that support."

**Jody Franchett, Director of Administrative Services of the BPU, 540 Minnesota,** said we want to support the SSMID being renewed. The ambassadors, they help our customers, they

**May 26, 2016**

assist them with getting in the building, where they're supposed to park, all kinds of things. They're very friendly. We've had compliments on them thinking they are our security and we've passed along. They are very helpful. They have stopped vagrants or just people going through our parking garage looking at cars or whatever they may be doing forgetting where they parked or whatever they're doing.

Also, I remember working at 700 Minnesota and walking out to go to lunch or to do whatever and see the swirl of trash over by Security Bank that is no longer. It's because of the SSMID and because of the Downtown Shareholders.

**Wil Anderson, representing BHC Rhodes for downtown business,** said the most important thing for us is reshifting. One of the decisions that we had to make was whether to stay or move. The impact the SSMID has had in security and cleaning helped to make that decision. One of the interesting things is that we shifting out of the old Kansan building. There's new owners for the Kansan building, it's full. We're shifting to the old Apple Market building so it will be full. That was one of the big decisions to keep this place going.

**Greg Kindle, Wyandotte Economic Development Council, KCK resident,** said I'm here in support of the resolution to continue the establishment of the Downtown Self-Supporting Municipal Improvement District. We must continue to invest in ourselves. Our office is located in downtown KCK at 727 Minnesota. I personally spend an awful lot of hours in the downtown area in the building. We bring an awful lot of clients into downtown into the building. We have a significant investment in that building as well, with the KCK Chamber Foundation, when they reinvested in that building. We believe this SSMID is necessary to ensure that we have a clean and secure environment in the downtown. We often see the crews supported by the SSMID picking up trash and providing a strong visible presence in the downtown area in which we appreciate. I've appreciated the responsiveness when we've had to reach to the Downtown Shareholders to come back through or to revisit an area that may have been overlooked. We think the SSMID is working well and we would encourage you all to support the resolution. We appreciate the work that they're doing and the work of the Downtown Shareholders.

**Lynn Kuluva, owner of Rental City, 833 Minnesota Avenue, also a member of the Advisory Board to the Downtown Improvement District,** said I would like to point out that I and the

**May 26, 2016**

other ten members are strictly voluntary, we get no pay, no benefits. We do what we do because we strongly believe that the improvement district is essential to the revitalization of our downtown. My family has owned and operated businesses in downtown Kansas City, Kansas for 65 years. I remember the downtown of the 1950's, 1960's, it was a vibrant business center. The sidewalks full of people going to and from shops, movies, restaurants, and more. There were shops and stores of all kinds. There was plenty of business to go around. We all made a decent living here. I also remember the downtown in the 1970's and 1980's. As a result of a number of factors downtown went into a downward spiral. One by one businesses that had been here for years either moved to other parts of the metro area or went out of business entirely. As I would walk down the streets there were vacant buildings after vacant building. Instead of the shopper on the sidewalk there were panhandlers, prostitutes, drug dealers. The downtown had an image of a blighted and dangerous part of town and people were afraid to come here. It's finally changing. Downtown is clean and safe and businesses are moving in again. I see ordinary people like you and me on the sidewalks again. Investors are buying and improving property downtown. Property values are going up. We are doing a lot of the right things here. We are now faced with the question of whether or not to renew the improvement district. I ask you to visualize what downtown would be like if the district is not renewed. There would be no one to pick-up and dispose of tons of trash, tires, etc., that accumulate on our sidewalks, streets, and alleys. There would be no one to get rid of the weeds that grow up between the sidewalks, sometimes a foot high. There would be no one to remove shoplifters, panhandlers, and prostitutes that surely would return to downtown. We can't expect one patrolman, no matter how conscientious to be able to get rid of all of them. The SSMID costs us about \$500 a year and we consider it to be money well spent. I'm very much afraid that if the SSMID is not extended downtown would slip back into the blighted, crime ridden area it was eight to ten years ago. None of us would want that.

**Beverly Easterwood, 950 Washington Blvd.,** said I live across the street from part of where the SSMID ambassadors clean. I also work in the Cross Line Towers building at 1021 N. 7<sup>th</sup> St. I personally witness the ambassadors doing their job every day. I've worked in that building since 1982 so I've also witnessed the change that has taken place over those years. When I first started working there the downtown was a lot different from what it is right now and that change has been because of the ambassadors. I can't say many things that have not already been said, but I

**May 26, 2016**

do want to, as President of the Douglass-Sumner Neighborhood Association, and a resident, and a downtown worker, express my support to the SSMID and hope that you vote positively.

**Ross Stewart, Strawberry Hill Neighborhood Association President**, said I live at 620 Sandusky just down the hill. I'm here today to encourage all of you to vote yes to renew this. Chuck invited me down here for a neighborhood perspective on this. I am thankful for all the DTS does. This actually runs through my neighborhood, part of my neighborhood is part of this district. Safety is important, cleanliness is important, but we're on the cost of a very good thing, I feel like as a county and also in my neighborhood. I've lived here for two years. Things are looking very good. We have new families moving in, we have new businesses moving in, and safety and cleanliness are important but image is very important. What is the image that we project if we don't have these services? We're starting to do clean-up days in my neighborhood. It helps people's moral, it helps people feel safer, broken window theory abound. Please vote yes to renew this.

**Ed Linnebur, Greater Kansas City LISC, 600 Broadway, KCMO**, said this brings back a lot of history. I was here 7 ½ years ago talking about this improvement district and how important it was. Now is my first time actually getting to talk to you about the investments that we are making, LISC is making, in the downtown and in the Kansas City, Kansas area. Over the last ten years we've invested \$1.2M in this city to see it improve. I think that's an incredible statement. We believe in it. When I asked if it would be okay for me to come and talk to you today a resounding yes was, please do that, please come and present in support of the improvement district. We believe in the economic drivers that clean and safe bring and the marketing that comes about. The true belief of the way LISC functions is truly about place based investments so we look at the place we have selected, six of those locations, three of which are in Kansas City, Kansas. We have invested money into this community because we believe in what's happening and where it's going. We wouldn't if we didn't. I would ask that you please vote yes in support of the improvement district.

**Mayor Holland** said I would like to offer, and I often do this when large groups are here, if you would like to stand and show your support. We will offer that for those who are opposed also. If you're here in support whether you spoke or not, would you please stand to show your support.

**May 26, 2016**

**Mayor Holland** said I'll now open it to those who are opposed. If you are in opposition to continuing the SSMID, please come forward at this time.

**A woman** asked how is that SSMID funded? Is it that by the UG? **Mayor Holland** said I'm sorry, we're not going to be able to answer that right now. We did answer that in the presentation so we would ask you to get with staff right after this to try to clarify that. It's an important question.

The following appeared in opposition:

**Jerry Vess**, said I have three businesses on this district, 1313 State, 1112 and 1120 N. 13<sup>th</sup> St. I'd like to let you know that I was very much involved in getting this SSMID started. The way it started for about 10 or 15 years ago, I really don't remember. We started at the YWCA having meetings at least once a month. We had a lot of meetings in Ed's office with the Police Department and the Sheriff to trying to figure out what to do about the criminal activity that's running our businesses down. Like I wrote the letter to you the other day, Mayor, this is exactly what I'm talking about. I tried; I looked around trying to figure out how we could stop this and bring our city back like I talked to you in this letter the other day. We tried several things that didn't work, community service didn't work, whatever, I think it would but they didn't really work on it that hard. I was actually at one of the meetings at the YWCA, for those of you that were there, I actually mentioned the SSMID, not the SSMID, but a cleaning crew and a security team because I have been watching it over in Kansas City, Missouri coming back late at night doing the Shakespere Festival that I've done for 22 years. They said let's look into it. Well, they started looking into it and it wasn't long I was on board with it and I was so excited that we were finally going to clean up our city. Well, a lot of these guys that are here tonight are very upset with me.

I worked on it along with Ed, really worked hard trying to get the SSMID going. I was so excited I was carrying a Big Did, We Did, Win Did. Anyhow, I wore the button around really proud. I had several of these businesses, some of them that are tonight that was very angry with me because of the increase on their taxes. We're already overwhelmed on taxes like I wrote to you the other day about too. When it first came about, I'm really surprised when I heard from the Police Officer that said they really like it because I know a lot of cops. They said man, what

**May 26, 2016**

could they do, this is silly. I was kind of offended because I helped them get started. I have six police reports actually on my shop since Christmas. I had a police officer arresting somebody two days ago on my property. When I got this registered letter, I really wasn't planning on doing a whole lot. Well, all at once, and I don't even know where half of these people were, they come in and they throw this letter down on my desk, what is this about. I started telling them. All at once, these are people in the neighborhood that I don't even know. I started explaining it to them and they were angry. Then I got a call from Bob and I got a call from several other people and I thought, well, I guess you guys don't want it. I went out and started walking up and down the neighborhood with that registered letter and asked them if they received it. I got ten pages of people saying in the neighborhood; they are property owners or business owners that said they don't want it. Actually, it's coming out of our pockets and we're not happy with it. I'm just saying we're unhappy.

**John Reiting, Muffler Mart, 518 N. 7<sup>th</sup> St.,** said I was kind of counting them, I might be wrong, but the 13 people that got up and spoke for this but only one was a business owner. It seems like the business owner should want this. The business owner are the ones that are supposed to have the say so, what goes on, so I wasn't happy with that. I was opposed to this the first time it happened. I was told that 51% of the business owners or landlords had to approve this. From what I understand it went through because they had the bulk of the money but not the bulk of the people. One of the reasons I was against this is because most of the negative activity that I've had at my place, it happens at night and these guys work during the day. For four years I have not seen an ambassador or a trash clean-up person at my shop until Chuck came by not too long ago to try and pump me up to come up here and be for this. Since then one security guy came down there, or ambassador, came down there, kind of handed me his card like this all embarrassed. He had no clue that my shop was even in this district. I paid out, I'm not sure of the exact amount, I've been paying my taxes. I've paid out several thousand dollars and all I got is one guy giving me a card and the card doesn't even have his name on it.

Retail sales are up but what I'm worried about is what about car count, what about customer count, they're not up.

Prices for service and costs of business have increased and that's how they come up with some of their pie chart stuff. They spend a lot more professional time on than I have.

**May 26, 2016**

**Fred Smith** said I own properties at 1245 State Avenue and 1230 Minnesota Avenue as well as six lots up on State Ave. My issue is very simple. I think it's a great concept for downtown. If you really look from 10<sup>th</sup> St. on west, as the gentleman said, you never see the ambassadors, you rarely see the people that pick up the trash. To that end, I invite you to look at the property at 1228 Minnesota Avenue, which is next to my building, which is a dump. It has been a dump for 28 years that I have been in my property. What I'm asking is if you approve it, please consider looking at the lines and saying most of the people that signed the petition are not in our area. From 10<sup>th</sup> St. on west, don't want it, don't support it. We pay a lot of taxes. This is an extra burden to us that we really don't get any benefit from. We would like you to consider that, redrawing the lines. Thank you.

**Jeff Farr**, said I am at 714/718 Minnesota Avenue. I have been there for 26 years. Seen a lot of things happen, seen a lot of things change. We originally had Avenue Association that was the downtown area. It cost us I think \$40 a month to join that. He had a guy that went around and picked up trash. He did development. He talked to all of the business owners. It was fine. I would consider the ambassadors have helped a little bit, but I still on a daily basis have pan-handlers, I still just this year had a plate glass window broke out. Of course, it happened at night when the ambassadors aren't working. I'm right next to the Police Department and that hasn't even changed anything. That doesn't change what happens down there. Those trash cans, the one in the picture that he showed, that's a business that doesn't even have a dumpster. They use that as their trash can. That is a hair braiding place on Minnesota Avenue and that trash can looks like that all of the time because that's their dumpster. If we would start enforcing codes and the police would do their job, we wouldn't have to have the extra ambassadors.

As far as property values, business, I had to go through a nine month fight because my property taxes were raised and nobody could tell me why, except I found out, that oh, they raised somebody's because they were trying to get them to do something. I'm like are you trying to get me to do something, are you trying to get me. We've struggled for 26 years to make a living and don't make a living on this street. I mean, years ago I talked to a guy that had a business there and I was telling him what I was going to do. He said man, I don't care if the rents free, you won't make a dime on this street, and he absolutely is true. We've lost so much population downtown. That new, the Katz building looks great, are there any people in it? Are there any people in it? No, there's not. I don't know where this development that you're talking about is

**May 26, 2016**

happening because it's not happening. I'm looking at 21 years buildings have been emptied and they're just sitting there, nothing's happening.

**Mario Leon, 731 Minnesota Avenue**, said I just want to make a couple comments. I feel like if I say anything I may be going against the Police Department or somebody else. I was just reading up on taxes a little bit. One of the things about taxes it's for the government and it's for protection, Police Department, Fire Department and those types of things. I can see that that's important. I get stopped by the police all the time. They got a smile on their face when they give me a ticket and I appreciate that. As I was listening to those that are for it then listening to the people that are against it, I'm a recent a building owner, I don't see a whole lot going on in downtown KCK but that's probably not a result of criminal activity or anything like that. Any clean-up that's going on down there should be the responsibility of the building owners. What I don't see in any vocabulary about taxes is for the people to pay a relief service type of ambassador in a tax, I don't see it. What I see is that we pay for policing and cleaning, BPU. I'm just of the opinion of where is this stuff going to stop. We can continue to come up with reasons to tax ourselves or the city government can continue to come up with reasons to tax owners and so forth, but where does it stop. I guess I'm questioning whether or not this has any legitimacy. Yeah, I know Ed and all these shareholders are doing a great job of improving, but this kind of burden is something that I'm concerned about for our city. I mean, I'm concerned about it for the people that are trying to do something in this city. Lord knows I've done a lot of volunteering for the city, a lot of people don't see it, but I have. Just want to make those comments.

**Dave Reynolds, Rain Tunnel Car Wash, 1549 State Avenue**, said conceptually I don't think anybody in the room can really disagree with what the SSMID is all about. I just think we need to reconsider the financing. The financing should not be on the burden of the small businesses.

**Carl Schumacher, 1406/1409 Minnesota**, said I can see the value in what we're doing with the SSMID. It's questionable at times but I can see what it's there for, but I don't see the equity in the taxes that's covering it. I bought a property last year at 1321 N. 13<sup>th</sup> St. The property at the time I bought it was valued at \$69,900. One year later I get this, \$130,000, how do you explain that? All we did after we bought the building is clean it up. We resurfaced the parking lot

because it was in bad shape, we painted a retaining wall and cleaned it up inside and out. I've been around Kansas City, Kansas since 1951. I've been up and down Minnesota Avenue. I've been all around the area. I just don't understand this kind of thing. I've got a building at 1406 Minnesota Avenue, the taxes on that thing are \$3,600 a year. It's insane. I can't rent it because they have jackd around the parking and you got a guy who wants to rent it and he says where can I park? You got to park on the street. Well, they don't want the parking lot on the street. If you're going to do this kind of business, you have to have x amount of parking spots, but you can't count the ones on the street. I did own the bowling alley, 1401 Minnesota Avenue and 1327 is right across the street, that was a parking lot, for 25 years that was a parking lot. I sold the building to a corporation and when I did he bought the properties, the parking lot and the building, and they said well that can't be a parking lot, for 25 years we've had a parking lot. I go down and sell it and they said it can't be a parking lot because there's no building on that property. For 25 years it was a parking lot and the taxes just keep going up. I would support this thing if it wasn't such inequitable.

**Randy Schumacher** said that was my dad Carl. I started buying property in Wyandotte County when I was 25 years-old. I grew up around here. We lived in Missouri at the time but ever since I was that high, I've been coming to Wyandotte County, Kansas City, Kansas, working here, lived here for a lot of years. I bought several houses, fixed them up, and cleaned them up. I fought with the inspectors to get things right with headaches all the time trying to fix the property up and make the place a better place to live. I also own a building that I lease on Minnesota Avenue and have two tenants in it. I talked to all the businesses in the area. My son and I, third generation, my son has the shop in the building that he just bought that they doubled the property value on. We service most of the businesses in this area taking care of their stuff. We talk to them all the time. I think it's a good idea doing what you're doing. I don't think it's the right way. I'm all for the clean. I don't see that the security past 10<sup>th</sup> Street, the security detail or whatever you call them, are of any benefit. We get hit on a regular basis with crime at our new shop. The other day they busted out a window at 12:30 at night on a car to try and steal it. I talk to a lot of the businesses that are scared to call and complain because of repercussions. I know that sounds a bit odd, but it is happening. Everyday pretty much I have to run a drunk off my lot or deal with the guy that stands across the street at the liquor store and jumps up and down and screams all day long for the past two or three years that we've been driving through

**May 26, 2016**

there. It's an ongoing deal; they come through and steal stuff out of cars. I have two trucks that they ripped the radios out of. We need the security at night. I get no sleep. I'm always in and out down there trying to keep an eye on the place. I see a lot of the security guys, if they were working for me, they'd be fired immediately standing around for hours on end talking, hanging out inside a business when they should be outside up and down the street, doing what they're paid to do. The money's coming out of my pocket as a business owner and as a building owner and it's not being taken care of the right way don't believe.

**Mayor Holland** said I don't see anyone else coming forward to speak in opposition. I would give you the same opportunity that I gave those who are in favor. If you are here tonight, whether you spoke or not, if you are opposed to the SSMID, would you please stand.

**Mr. Waters** said that's all that staff has. We're happy to answer any questions.

**Mayor Holland** closed the public hearing. We do not have a vote tonight because by state law that must happen 30 days from now. That will be on June 30 when we will have the actual ordinance before us for our full consideration. I don't see anyone else moving to speak at this time.

**Action:** No action required

**Mayor Holland** said we are going to take about a ten minute break. We've been at this for about 2 ½ hours. We're going to stand and stretch. I think if we stand and stretch the other items will be quick. If we don't stand and stretch, they'll probably take two hours.

**Mayor Holland** called the meeting back to order.

**Mayor Holland** said we're actually going to do two public hearings at once. One is for the Rainbow Village TIF and Development Agreement. The second is for the Rainbow Village CID. They each have their own requirements for a public hearing. We are able to do them together. We will begin with the Rainbow Village portion and I'll ask Mr. Bach to lead us off.

**ITEM NO. 3 – 16533...PUBLIC HEARING: RAINBOW VILLAGE TIF AND DEVELOPMENT AGREEMENT**

**SYNOPSIS:** Conduct a public hearing to consider adoption of the TIF Project Plan and development agreement for Rainbow Village Redevelopment District (NW Corner of 34<sup>th</sup> St. & Rainbow Blvd.), submitted by Marlon Goff, Urban Redevelopment Manager, Economic Development. Rainbow Legacy Investor's LLC, is proposing the construction of an 89-bed hotel project and related site improvements. On April 14, 2016 the Commission adopted Resolution No. R-36-16, setting the public hearing date.

**ITEM NO. 4 – 16534...PUBLIC HEARING: RAINBOW VILLAGE CID**

**SYNOPSIS:** Conduct a public hearing to consider creation of the Rainbow Village Community Improvement District (CID), a 4-acre parcel located at the NW corner of 34<sup>th</sup> St. & Rainbow Boulevard, as part of the hotel project proposed for this existing redevelopment district, submitted by Marlon Goff, Urban Redevelopment Manager, Economic Development. On April 14, 2016, the Commission adopted Resolution No. R-39-16, setting the public hearing date.

**Dough Bach, County Administrator**, said a little bit of unique situation tonight. We're not ready for the presentation on this. We're still working through some details with the developer as to exactly how we will present this project. At this time we're asking that we continue forward procedurally, open the public hearing, if anyone that's here that's stayed tonight we'd ask that you go ahead and let them come up and present if they'd like to, but we're requesting that we continue it until June 9 at which time both our economic development partner and the developer who are here would give our presentation on the projects and then we would continue the public hearing, but people would have the chance to be able to comment precisely on what is made during that presentation.

**Mayor Holland** said alright. So that adds some clarity. **Mr. Bach** said that would conclude where we have from presentation at this point I would ask that you open the public for both Items 3 and 4.

**Mayor Holland** opened the public hearing. We're recommending pushing this forward to June 9. We will have another public hearing on June 9 so you will still be able to be heard even if we've moved this.

The following appeared in support of:

**Heidi Holliday, Rosedale Development Association, 1403 Southwest Blvd.,** said because I've waited around I'll go ahead and speak in favor of it tonight and probably on June 9 as well. We are excited to see this investment in the Rosedale neighborhood. Lane4 has done a number of great projects in our area. We think that they've done the best that they can to try to align with the Master Plan due to the constraints that they've got on that site and with the lease of Applebee's and other issues that have come up. We are really excited to see this. We think it will be an asset for the neighborhood and we'd appreciate your support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to continue both public hearings until June 9, 2016. Roll call was taken and there were nine "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

#### **STANDING COMMITTEES' AGENDA**

No business items

#### **ADMINISTRATOR'S AGENDA**

No business items

#### **COMMISSIONERS' AGENDA**

**ITEM NO. 1 – 16634...DISCUSSION: 2016 HOLLYWOOD CASINO/SCHLITTERBAHN VACATION VILLAGE GRANT FUND DISTRIBUTION**

**SYNOPSIS:** A discussion of whether to reserve, and not distribute a portion of the 2016 Grant Funds, and to hold over any such amounts to be included and distributed as part of the 2017 Hollywood Casino/Schlitterbahn Vacation Village Grant Fund distribution. This item is being submitted after discussion of the Public Works and Safety Standing Committee.

**Mayor Holland** said at the standing committee on Monday there was a discussion about the grant applications for the Casino/Schlitterbahn grant application that we're in the midst of now. There are two issues. The first is there was a desire by that committee, and I've spoken to folks who were at the committee on Monday, in light of the tragedy that the Police Department has faced; the Police Department is working on opening a foundation. They've been working on that for a long time, long before this latest tragedy. They were coming forward with just an update. There was a desire expressed by the commissioners there to want to show some support for that foundation, particularly in light of the recent tragedy. One of the suggestions was to reopen or adjust the current 2016 Grant Fund application process. I would discourage that. I have a possible solution in talking to some of the folks from there that might work out that if people are in favor of that we can move in that direction tonight though I'm glad to have a full dialogue about it if you would so choose.

My recommendation is this that we not change the current process that we're doing for a lot of reasons but we keep the process on track for 2016. My recommendation might be that we set-aside instead of \$750,000 from Schlitterbahn, we only put \$695,000 into this year's pot to be distributed and we move \$55,000, which would represent about \$5,000 for each of the eleven of us, to set-aside and move to next year's allocation so that when the Police Department does have their 501(c)3 formed then that money would be eligible if they applied and if they were eligible that we could allocate that money as seed money for their foundation. That would show, I think, our commitment to supporting the foundation and our heart for wanting to do something in response to the recent tragedy. That's just a suggested way forward and then we would continue with our process as it's already moving forward with the applications we already have. We would simply be allocating as a group \$55,000 less this year and committing that money next year. That's a suggestion. I'll be glad to make that in form of a motion,

**May 26, 2016**

**Action:**        **Mayor Holland made a motion, seconded by Commissioner Kane, to approve.**

**Mayor Holland** said but I'm also open to other ideas.

**Commissioner Kane** said I like the idea. **Mayor Holland** said there is a motion and a second.

**Commissioner Townsend** said I just wanted clarification on this if we do this \$55,000, does that mean the entire \$55,000 would only go to just foundation? **Mayor Holland** said my hesitation to earmark it is they haven't completed their process so I'd like to move it forward to next year. I think the intent is and we're all going to be here next year because there's not an election between now and then, so it will be the same set of commissioners. The intent is to go to that foundation but they would need to complete their process—I don't want to give money to an entity that doesn't yet exist. I think giving it to the next years process, we know that will exist, and if for whatever reason the Police Department comes back the next year and says you know, we decided we're not going to do it, we would still be able to allocate that money in the same process that we are now, but I think we will remember next year that our intent and I think we add that to the motion. Our intent is for it to go to the foundation should they complete their process. **Commissioner Townsend** said my only concern about it is that with the process that we have now each of us is free to give to an organization or not and I certainly want to support our public servants. That's the only reservation I had. It almost sounds like we are determining in advance for each one of us that that money is going to go there. As opposed to allowing them to be considered, what was the other alternative? **Mayor Holland** said well there was an alternative that was suggested by the committee that we would extend the application deadline for this round. I think we would need to extend that for everyone. The dilemma is they're not a 501(c)3 to even be able to apply in this round. It would create, I think, more difficulty to try to change this year process at this late date. If we reallocate that to next year I would assume that every Commissioner would still have the right to choose if they would like to put that \$5,000 into this application or not. I think you still would retain that right and then if you didn't you could allocate it some other way. We would just be adding that money to next year's pot and not dealing with it this year. **Commissioner Townsend** said so we are in effect lowering the amount available for each one of us for this year by \$5,000. **Mayor Holland** said by \$5,000, that's right.

**Commissioner Johnson** said just to get more clarity. It seems to me that the Schlitterbahn which was \$750,000 the way that it was initially presented to us was that we would, they wanted us to allocate I think \$50,000 towards a specific organization, Urban Scholastic Center and another amount of money towards another organization, and it seems during the dialogue we came up with the opinion that everyone should apply. If in fact now, it looks like we're reversing our decision overall as a Commission by allotting this. Now having said that, I'm in full support of finding a way to support a foundation for the Police Department, but I wanted to make sure that it's equitable and fair to everyone in that regard.

**Commissioner Bynum** said this is why we wanted to bring it to the full Commission because this is part of the conversation that we had at the standing committee level and we felt like since we had created an application process and that the Commission during the discussion of the dollars had agreed that we would allocate where those dollars go. We, like Commissioner Johnson said, I think we all liked the idea of finding a way to support our future Police Foundation but we did want this to be a discussion among the whole Commission. If I'm doing my math correctly it would leave this year \$1,195,000 and, therefore, \$108,636,000 per commissioner if I did my math correctly. **Mayor Holland** said I think that's correct.

**Commissioner Murguia** said I'm very concerned about all the changes over the very short period of time that we've had the Casino Grant funds. Originally, when that money was worked in into the development agreement all of the commissioners at that time agreed this was finally a great way to get money to the neighborhood grassroots organizations that are out there working really hard. Now, with the new changes, I'm seeing in the application process, I'm seeing the Unified Government departments apply for money. I'm seeing universities apply for money. I'm seeing school districts apply for money, when really the discussion was to get it to all of the grassroots organizations. I totally support the Unified Government or giving \$50,000 to the Police Foundation, but I think that should be our job as commissioners and that money should come from our General Fund not from the Casino Grant money. I think it sends a very wrong message to people about what the Casino Grant money was intended to be used for. Pretty soon before you know it they'll be this situation, they'll be another situation, they'll be another and pretty soon we're just going to see another pot of money that is for the Unified Government to

use for operations, personnel, or some sort of issue like that. I've said from the beginning we need to support public safety. This is a big issue. This foundation should have been set up a long time ago. We've should've stepped up a long time ago to help them. It should come from our General Fund and we should make a major statement about that and we should then use the Casino Grant money for what we intended to use it for, which is for grass roots initiative, those people that have a difficult time accessing grant money from larger foundations. Some of our neighborhood groups who struggle with capacity, this is their one and only opportunity to have an impact in their neighborhood. I just want to be very clear. I am a huge advocate of public safety. I absolutely think we should give that money to the foundation and support that, but it should come from the General Fund not the Casino Grant fund.

**Commissioner Markley** said Commissioner Bynum is right. We sort of started of having this discussion Monday and then we decided the full Commission needed to be involved. I guess what I'm hearing is that we don't want to make changes to this year because we're concerned about how that looks procedurally, which is again part of the discussion that we had on Monday as well. I guess what I'm thinking is if we don't want to change what we're doing this year why don't we just tell them to apply next year, not even change the amount for this year and people can decide next year whether to give them money or not give them money. If we're not going to do anything this year, why even make the change? **Mayor Holland** said the only reason is we have \$750,000 in one-time money from Schlitterbahn that is over and above the \$.5M we usually have. Just in keeping in discussion with the committee and, again, I wasn't at the committee on Monday. I heard the heart of what people were trying to do so I was just trying to think through it. We have more than doubled the amount of money this year then we will next year. It would be less impact on the grassroots group if we use this year's large bulk of money to hold over. We could have split up the \$750,000 and said we're going to do \$350,000 this year and \$400,000 next year, however we wanted to do it. We put all of it in this year's pot. I'm willing to do whatever the will of the Commission is. I'm just trying to offer a path forward. **Commissioner Markley** said I will just say if we don't want to change this year, let's just not talk about any changes and they can apply next year. People can either choose to give them money or not choose to give them money and you have all year knowing that you're going to give them money or not give them. You're going to go into it knowing whether you want to give them money and that you're going to have to give up some of that money next year. The whole point of this

**May 26, 2016**

discussion with whether we're going to do something different than we had already planned and it sounds like that we don't want to do that for procedural reasons so we should just move on.

**Commissioner Kane** said I didn't think we'd get into this big of a debate to be honest about it. It was something that we thought about. We didn't know what amount. We wanted to come to the rest of the Commission and say, hey, you all know that I don't agree with Mayor Holland very often, but the comment before is if we set this money aside this year and then we vote on it next year, but at least there's the \$55,000 sitting there and if they don't have their stuff together then it goes away. If you don't want to put it in that pot a year from now then don't put it in that pot.

**Commissioner Murguia** said I would suggest, Mike, I'd just tell you that to Not-For-Profits grassroots organizations \$5,000 is a huge amount of money. I'm with you; I'm on the same page with you on what your ultimate goal is. I have a couple of questions. The foundation doesn't have their IRS designation yet, correct? **Mayor Holland** said no. Have they even applied? **Mayor Holland** said no. **Commissioner Murguia** said they haven't even applied. It takes a long time to get that. That's why I'm even more leaning toward the budget because the nice thing there is we can put it in the budget and if they don't utilize it, it stays in the budget where it originated from. We can always reallocate it at any time. Like I said, I'll say again, I think it's sending the wrong message to use casino money, but I'm 100% in favor of General Fund money.

**Commissioner Townsend** said as I think through the statements that have already been made, I would support some amount of money coming from the General Fund for this. What we have this year are people that we know have met the basic criteria to apply, they've gone through the application process and I'll just speak for myself. I've kind of identified those people that I would give money to support them entirely or with the help of other commissioners divvy up those funds, and Commissioner Murguia was right, \$5,000 is the world to some of these groups and it's the only way really that they can access these funds. I would be willing to support money set-aside from the General Fund if the other commissioners are willing to do the same. That way it keeps the integrity of that Casino Grant Fund process intact as well.

**Commissioner Johnson** said I would agree with that and I would add to that, that would give the foundation the time to get their 501(c)3 established and then we can add them to the list of applicants for future requests in subsequent years. I would agree with Commissioner Murguia and Commissioner Townsend in looking towards the General Fund.

**Mayor Holland** said well, I think we want a consensus on this. The heart is to be generous and I think we all share that heart. I think there are enough issues with the fund. I just want to relish in the moment that Commissioner Kane and I agreed, that's enough for me tonight. I will withdraw my motion. Commissioner Kane said I will withdraw my second. **Mayor Holland** said thank you for the conversation. I think that's what we wanted. We will stay on track with where we are and we will reconsider this next year and talk about sources of how we want to deal with it. I don't think we need to decide that right now. **Commissioner Murguia** said my question is, you said we'll decide next year, are you saying we'll talk about it as part of the budget? **Mayor Holland** said we can. The thing is I think we need to let the Police Department get their ducks in a row and then they can come forward and once we know what we're dealing with then we can approach it at that time. Does that seem reasonable? **Commissioner Murguia** said I just didn't want them to miss budget. **Mayor Holland** said I think we're fine.

**Commissioner Philbrook** said I always find this process interesting. The problem is I agree with everybody. I wish we could hand them the \$5,500 right now. They didn't come prepared and didn't apply but that wasn't their intent I don't believe. I think it was just to let us know they were planning on moving forward with the foundation and they were just asking for our support in the future. We just got all carried away and wanted to help them immediately. I think that's what the committee felt and why we asked for the full conversation. It sounds like we're almost in agreement that we don't mess with what were in the middle of right now and that's our agreement of finishing up the job of picking out who we're going to give the money to out of the Casino Fund. I'm going to make a comment real quick and you guys can yay or nay. I'm going to ask ahead of time that next year we have a month to look at these, not two weeks so we'd have to ask for an extension. That's just not long enough. It's just me saying it. You have to look at the applications so I have time enough to study. I've got five books up there to look through, to refer to, to understand who I'm giving what. I want more time boss. This is a learning process.

**Mayor Holland** said in keeping with that spirit, I have had a couple of requests for extra time to review those things. I've talked to staff. We can do an extension, they are due tomorrow. We have a three day weekend. We could receive them as late as Wednesday at noon which is June 1 which gives almost a week extension for everyone to continue to do your homework. You'll have a whole holiday weekend and what would you rather do over your holiday weekend then review grant requests. We can do an extension to June 1. I don't believe that takes action. I think that staff has agreed that we can make that happen. Mr. Connor, is that correct? **Mr. Connor** said yes. **Mayor Holland** said this is just for the commissioners for your review process, Wednesday at noon. Mr. Connor, can you call Mr. Walker? **Ms. Mundt** said yes. **Mayor Holland** said just make sure that he knows. Give him a call. He's dealing with lots of stuff right now but I think we can extend it that far and stay on track. **Mr. Bach** said if you have yours done, I think we'd go ahead and welcome them if you want to go ahead and submit them to us so we can go ahead and start processing. **Mayor Holland** said alright so June 1.

**Action:** No action taken.

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

### **LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

#### **ITEM NO. 1 – 16561...COMMUNICATION: LAND BANK APPLICATIONS**

**SYNOPSIS:** Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. On May 2, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

#### Applications

2811 S. 37th St. - June Gutierrez, yard extension  
(Applicant owns house at 2814 S. 36th St.)

2605 N. 11th St. - Rogelio Cedillo, yard extension  
1504 New Jersey Ave. - Jose Gomez, yard extension  
1716 N. 25th St. - Moises Sanchez, yard extension

1602 S. 11th St. - Mark O'Bryan, property acquisition

**May 26, 2016**

1610 S. 11th St. - Mark O'Bryan, property acquisition  
 1618 S. 11th St. - Mark O'Bryan property acquisition  
 1624 S. 11th St., Mark O'Bryan, property acquisition  
 1630 S. 11th St., Mark O'Bryan, property acquisition  
 1629 S. Bethany St. - Mark O'Bryan, property acquisition  
 (Applicant wants to maintain property, gardening; minimal impact on existing area.)

6918 Sloan Ave. - Leslie Galloway, property acquisition  
 (Applicant wants property across from home to maintain and place a camper on it.)

#### Best & Final

407 Cleveland Ave. - Trinity AME Church for development/Benjamin Caruthers for yard extension  
 (Standing Committee voted in favor of Mr. Carruthers.)

#### Transfers from Land Bank

1950 N. 11th St. to Mt. Carmel Church of God in Christ  
 1934 N. 12th St. to Mt. Carmel Church of God in Christ  
 1929 N. 13th St. to Mt. Carmel Church of God in Christ  
 1931 N. 13th St. to Mt. Carmel Church of God in Christ  
 1937 N. 13th St. to Mt. Carmel Church of God in Christ  
 1939 N. 13th St. to Mt. Carmel Church of God in Christ  
 1927 N. Bethany St. to Mt. Carmel Church of God in Christ  
 1124 Garfield Ave. to Mt. Carmel Church of God in Christ  
 1138 Garfield Ave. to Mt. Carmel Church of God in Christ  
 1200 Garfield Ave. to Mt. Carmel Church of God in Christ  
 1137 Garfield Ave. to Mt. Carmel Church of God in Christ  
 1140 Garfield Ave. to Mt. Carmel Church of God in Christ  
 1139 Troup Ave. to Mt. Carmel Church of God in Christ.  
 (Request to go back to the ownership of the church.)

#### Transfers to Land Bank

Reference attachment for the 303 depicted properties  
 (Per the December 2014 NCD Standing Committee presentation, property controlled by the Unified Government that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.)

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

**PUBLIC ANNOUNCEMENTS**

No items of business.

**MAYOR HOLLAND ADJOURNED**

**THE MEETING AT 10:30 P.M.**

**May 26, 2016**

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Bridgette D. Cobbins  
Unified Government Clerk

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**May 26, 2016**