

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

SPECIAL MEETING, THURSDAY, JULY 18, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, July 18, 2024, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO; presiding. Townsend, Commissioner First District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Jeff Conway, Assistant Counsel; Kallie McLaughlin, Planning Department, Wendy Green, Deputy Chief Counsel, Shelley Kneuvean, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Michael Peterson, Assistant Budget Director; and Monica L. Sparks, Interim Unified Government Clerk.

Mayor Garner said this is a Special Meeting to be followed up by a Budget meeting.

Mayor Garner said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute their phones at this time when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. Public comments are allowed, which they shouldn't be tonight. Comments should always be limited to the topic and item of discussion. Please make sure to speak clearly and at an audible level into the microphone to ensure that your comments are heard and an accurate record of the meeting can be made.

Mayor Garner called the meeting to order.

AMENDED NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, July 18, 2024, at 4:00 p.m. in the Commission Chambers of the Municipal Office Building regarding: 1. Business Development at 6th & Ann Streets, commonly referred to as the City Hall Apartments and City Hall Lofts. 2. Resolution restating authority of the Board of Commissioners to set overall policy to be immediately followed by a Special Session for a Budget Workshop. Roll call was taken and there were nine “Ayes,” Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez, Garner.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said this afternoon the governing body will be hearing updates regarding the development commonly known as the City Hall Lofts and the City Hall Place projects located at approximately 6th & Ann. Clerk, please announce the revisions.

Monica L. Sparks, Interim Unified Clerk, said we have an Agenda Update that went out that included two revisions. The first one is an Amended Notice of the Special Meeting. The second one was adding an item under the Mayor’s Agenda for a resolution restating the authority of the Unified Government Board of Commissioners to set overall policy.

Mayor’s Agenda:

Item No. 1 – 21254... UPDATE: CITY HALL LOFTS/CITY HALL PLACE PROJECTS

Synopsis: Update regarding permits and paring agreements related to the business development at 6th & Ann Streets, Kansas City, Kansas, commonly known as City Hall Lofts/City Hall Place.

Mayor Garner said the first item is going to be a presentation by staff. I know there’s been a lot of questions about what’s taking place at 6th & Ann with the new development going on there. I know some of our commissioners had concerns. They gave it to our office from Commissioner Burroughs standing committee. We looked into it. We sent it back. There were still more

questions and just so there's complete clarity, not just for this Commission and for staff that may not know, but more importantly, our residents here in Kansas City, Kansas and those individuals that may live within close proximity of that development that is taking place. This special meeting was called so staff could get complete clarity on how we got to that development and where we're at today and what our residents can expect moving forward as a result of what they'll be advising us on this evening.

David Johnston, County Administrator, said we'll start with an overview of the project. Jeff, you're prepared to give us the history.

Jeff Conway, Assistant Counsel, said there is a chronology I think that's been distributed to you about the items that have been run through the process with respect to permitting and all of that. Most of the activity by the UG on this particular project is land entitlements and the permitting process. There were very little items that were sent to the Commission. At one point there was an item for IRBs that was teed up and ready to go for the Economic Development & Finance Committee, but the developer chose to pull that item the night before it was set to go before the committee. For the members that were on that committee that meant that—the Mayor's Office requested a blue sheet to have the matter discussed anyway at the committee hearing and so there was no action item at the committee level and there still isn't.

I don't know about the developer and what they may do, what their plans are. It could very well be that they've sought alternative financing from other locations, possibly private. I'm not sure, but at this point I think we can do an overview. Kallie is here. She's got a chronology of all of the different permitting applications that were filed and reviewed and approved, etc. I can turn it over to her.

Kallie McLaughlin, Planning Department, said to give a brief summary, there were some entitlements made both through the Landmarks Commission and Randy Greeves in our Historic Preservation Office completed. Some of those were done prior to any Planning and Zoning and Board of Commissioners entitlements. Some of them were done kind of running parallel simultaneously together. They are two distinct processes between the historic review and the regular planning entitlements. Once the planning entitlements were completed, both the historic

ones, the non-historic ones, the building permit had a few revisions and then it was subsequently issued.

The building permit was issued July 11, 2024. There was a lot of—a myriad of permits that go along with that, so not just the building permit for what we call like the parent permit for the project, but then there's also the substantial permits that go along with that including Public Works, other trade permits like mechanical, electrical, plumbing, and so on and so forth.

I can give you a little bit more of a breakdown of that entitlement timeline. It begins in October, 2022 and was the earliest application date that we had officially. I know we had some pre-development discussion amongst the department before that just to give them a breakdown of what the process would look like and what those entitlements would entail, but the first official application that came through was for the historic change of zone that we had for that district. That is a different type of change of zone than what goes the traditional Planning & Zoning Commission. This is a change of zone pertaining to historic use, so you will see a second change of zone entitlement on the schedule, but please understand they are the same title, but within different departments, one historic and one not historic.

There was another one that approved more or less the building design itself that was a historic review and then we have some non-historic reviews that include change of zone and preliminary development plans, two Board of Zoning appeals for parking and then a final development plan that comes through. That one is not heard by the Board of Commissioners, but just the Planning Commission itself. After those are complete and all those comments are kind of gathered and the agreements are finalized, they are internalized into the DRC building permit process and presented as comments to complete for the developer to acknowledge. For instance, if we tell you to plant ten trees, do we have ten trees on our building plan, so on and so forth.

The permit as it was issued June 11th, I believe they began construction shortly after which includes some of the site work that you are seeing today such as the job site trailer, the security perimeter, fencing, the erosion control fencing and so on so forth.

Mr. Conway said I did forget to mention that the Board of Commissioners did have kind of a glancing blow on this. The developer at one point was looking at KDFA financing and so we did receive the notice from KDFA that was an option. We just had a similar item before the commissioners last meeting, something like that, but we did receive the notification from KDFA.

Under the statute the local has 15 days to express disapproval. We received the notice March 6th. We scrambled and put it on the March 7th full commission meeting. It was an item the Board of Commissioners decided to not express disapproval on the project. Those 15 days have now run, of course, and so that's another piece of the puzzle.

Mayor Garner said I think I'll start off with some of the questions. The concerns that were brought to my office to work with and thank you Legal team and our Administrator for working with my staff to hopefully get the questions that were raised to my office, both from the public as well as some of our commissioners. I guess the biggest question out there came up as we were going through this was the parking and there's a perception that we know that the Board of Zoning, BOZA, they approved a reduction in the amount of spaces that were required for that development for parking or something along that line. Is that correct? **Ms. McLaughlin** said yes, it is correct. There was two separate BOZA applications or variance appeals as we call them. The first appeal was not approved. I think there was some neighborhood concerns about the distance to the proposed parking lot. After that, there was some additional discussions about what alternative proposals would include. I believe you may have seen some things about Kinship Café and so on and so forth during that time and I know that's kind of about the timeframe when those discussions were being held. The developer came back with the alternative proposal which included that parking agreement that was then later approved and finalized.

Mayor Garner asked, how many spaces did we—as part of that variance, what did we go from and scale it down to? **Ms. McLaughlin** said off the top of my head I'm not entirely sure what the finalized count was. I was not the planner on that, but I can look that up for you shortly. **Mayor Garner** said okay, that would be great.

I don't think the concern was what BOZA did or didn't do as far as the parking. I think the biggest concern that I've gotten from some of our commissioners and some folks in the community was that there was some level of agreement made to use Public Health Department parking spaces as part of this development agreement with this private developer. Is that correct? **Mr. Conway** said that is correct. There was an agreement that was reached. Part of the conditions was BOZA wanted to see the total number of parking spaces, so there was a lot—I can't remember exactly the number, but it's—or the name. There's six over by—I just call over by the Merc and so there were some spots over there and then there were some Health Department spots. I believe

that they were unused. They're largely unused. They were observed for like a week and just looked like there was a bank of 10 or 12 or something spots. None of these are exclusive spots and they're not identified. There's no signage that says that this is going to be a particular residence spot or anything like that, so it's kind of first come first serve. \$18.75 was the dollar amount that was negotiated on those and so those spots put together with what was available plus the lofts all added up to I think it is around 60 spots for the units between the two buildings, the renovated one and the new construction.

Mayor Garner said as part of the development agreement we seeded public parking spaces for our residents to a private developer. Is that correct? **Ms. McLaughlin** said typically when we need a parking variance or requirement, we are looking at a couple factors. One being specifically how many are available exclusively on that parcel. If they are able to obtain parking, but they are not exclusively on that subject property or proposed development parcel, we still have to give them a variance because they're not provided specifically on that parcel. As part of that variance approval, we would have a condition that stipulates find this parking somewhere else effectively is kind of how that worked.

Reading off the staff report that was for the Board of Zoning Appeals heard July 10, 2023 the proposal was a total of 60 off-street parking spaces are required, 14 spaces are provided on-site, 20 spaces are provided in UG Lot E, which is the Wyandotte Health Department, 15 spaces in UG Lot 6, which is across from KCKFD headquarters, 11 spaces are in the City Hall Lofts garage that was their overflow parking that was an addition. The total amount of spaces provided on-site and through the parking agreement did equal the 60 amount of parking spaces that were required otherwise for the development.

Mayor Garner said so BOZA approved the parking variant. Who approved the actual development agreement because I don't believe just looking at state law and looking at our ordinances and the questions I've asked, that's kind of unclear as we know that the broader board doesn't have that authority and that BOZA is a smaller conglomerate of that board. So, what I'm saying is that once BOZA approved the variance, who ultimately approved the overall and I'm going to just call it a deal, that proposal, the development agreement in the deal. Did that come back to the Unified Government Board of Commissioners? That's what I really need to know. **Ms. Laughlin** said I believe there might be a little confusion on the terms of the development agreement versus development plan review.

In the planning and zoning process we have a preliminary plan review which is kind of like a testing the waters to get some initial feedback approval and then the applicant can return for a final plan review which is we've taken all of our previous comments and revisions and finalized them in this final package and presented them for a final development plan review. So, I think there might be a little interchangeable between those terms and that might be where some of the confusion lies is what the development agreement is when it comes to a Planning & Zoning process. When we are going through the review process whether it's a change of zone, special use permit, master plan amendment, any other kind of—including the variance appeal, we include all of the plans and items submitted as their final development plan unless they specifically say it's a preliminary, so from a Planning & Zoning perspective we only—we did hear the preliminary during the change of zone and variance process. They returned to finalize their plans with a few changes to the final development plan.

As far as the development plan agreement, that would not necessarily be held through the Planning & Zoning process. That would be something as a separate kind of term and I think—like I said, there's some confusion on that so that would be for the Legal Department to answer.

Mayor Garner said so I guess for Legal to make it simple—that was a lot there, so just in layman term who approved as far as the governing body this final agreement with this private developer that included the parking and all these public spaces that literally gave to a private developer? That's simple. Who approved that? **Mr. Conway** said there's no approval. There's no development agreement in the conventional sense for this project. **Mayor Garner** said somebody from the Unified Government had to say you can have our parking spaces. Who did that? **Mr. Conway** said it was a parking agreement that was built in to satisfy a condition for BOZA and the parking agreement was signed by the County Administrator based on recommendations that we gave. **Mayor Garner** said and that's fine, but did that ever come back to the Commission for final approval? **Mr. Conway** said it did not because it's BOZA and BOZA on the variance—**Mayor Garner** said I get the variance part. The variance was—**Mr. Conway** said under state law—**Mayor Garner** said I get it. The variance is simple that they wanted so many spaces and things like that, but at the end of the day, past the variance that BOZA did and those requests, I'm just looking at who approved that final—said yes, you all—BOZA is good with this, they've signed off on their variance and now we have an agreement in hand that both the Unified Government staff feels comfortable with, this private developer feels comfortable with,

we're good, we're going to move this thing forward, who greenlighted it? **Mr. Conway** said that would be—BOZA would be accepting the satisfaction of the conditions that were laid out.

Wendy Green, Deputy Chief Counsel, said the County Administrator has the authority to sign this parking facility use agreement. We have precedent for this. When we did the same type of agreement with the casino, the 7th Street Casino, we did the same process for that agreement. It didn't go before the Commission. It was signed by the then County Administrator at the time. There's no history of a resolution or an ordinance approved by the Commission that authorized that parking facility agreement either, so there's precedent for the County Administrator under his authority to sign a parking facility use agreement and so we did the same procedure for this as we had. The County Administrator signed the parking facility—**Mayor Garner** said so what you're telling me, there's a practice in place. **Ms. Green** said pretty much. We also think that it fits underneath the powers that he has under the ordinances as set out under his authority to conduct the business of the Unified Government. He's not giving away property. It's considered just a use agreement. There's no set parking spots that anybody can use. It's just an as you are, same with the casino. The casino parking isn't a—it's first come first serve basis in essence. It's the exact same type of agreement with the casino, so since it was the same type of agreement and that was the way that one was done, because of precedent and because it's just determining the use normal procedure for government property and how to carry out government business, it fits under the County Administrator's powers and authority.

Mayor Garner said you answered the question as far as your viewpoint. I did talk to Chief Friend and he has a different take on what you just described as far as an agreement with the Unified Government and parking. As a matter of fact, he was really upset that he didn't have that opportunity, so I think we need to have further conversation with Chief Friend about that opportunity as well and I just talked to him yesterday. I say that just based on what you said and commissioners if you would walk through with me and I know I graduated from Wyandotte, but I think I can read pretty well with my high school diploma. You've got several forms here. One of the Consolidation Study Report and I asked Counsel and it seems like we've been operating off practice. Now, you got to remember, I'm a prior law enforcement officer and everything's black and white for me. I don't believe in operating in gray until this Commission, this body says otherwise. I don't believe this Mayor or any bureaucrats around here should have any authority

or discretionary powers that is not expressly written in the Consolidation Report. This Commission sets the policy, the resolutions, the Charters and everything else and I know I've heard several commissioners before I became Mayor complain about why is this this way and who did this. Well, as I started looking into policy as Mayor I realized that some of these things—and part of my role is to interpret policy to the public. That's one of the duties of the Mayor, so I'm going to interpret policy to the public as I see it and, hopefully, you all can walk with me through this and if you disagree, please let me know, but I want to start this conversation and questions and debate off.

The first is the Consolidation Study Commission Report and if you go to the first page, it goes to Chapter 3. It says a unified and simplified structure. The Wyandotte County/Kansas City, Kansas Consolidation Study Commission recommends the newly created government shall be called the Unified Government will have a Legislative, Executive and Judicial Branch. The Legislative is the Mayor—I'm sorry, the Legislative is this Commission, the Executive is the Mayor and the Judicial, believe it or not, is the District Court and nowhere does it mention staff.

Follow me along, if it goes to the general powers granted to the Commission, which is Section 2-32 and you go to Section E, second page E, the very top of this handout. Here it says to borrow money for the purpose and in the manner provided by law, provisions of the Charter—this is the Commission's powers. To purchase, lease, construct, maintain or otherwise acquire hold and operate any building or other property, real or personal, for any public purpose and to sell, lease, or otherwise dispose of any property real or personal belonging to the Unified Government. Remember, if you go back to the Consolidation Study Report, the Unified Government under the Charter is the Executive Branch, the Legislative Branch and the Judicial Branch.

Now, based on what Legal is telling us let's go to the next page, Section 20-103. Start with number 9 at the top, but if you scroll down, it says Powers and Duties of the County Administrator and if you read that on number 14, it says—this was approved by past Commissions. It says the County Administrator signs all contracts, deeds and other documents other than those authorized by the Commission, authorized by the Commission to be signed by the Mayor or those which state or other laws require the signature of the Chief Executive Mayor. Now, I can sign stuff too. I sign a lot of documents. I have a lot of conversations with developers, but I do know that I cannot sign any type of development agreement. They have to be approved by this body and so there in lies the question for this Commission and it goes back to looking at our form of

government and making sure that we're following it according to the rule of the law from the Consolidation Study Report.

That's what I'm bringing for you all today because I've heard a lot of complaints. This isn't about giving the Mayor more power. I don't need any more power. I don't want anymore power. I have enough headaches dealing with what I have now, but I want this Commission to be empowered to make the final decision as per the Charter and per your legal obligations that says you adopt both a budget and you adopt policies and ordinances and resolutions for this Unified Government to make sure that you all are comfortable that we're doing that. Why is that important under this situation, because what I'm gathering, and correct me if I'm wrong, was that you had someone other than this body have a final disposition on publicly-owned land being given to a private developer.

If you're going to have a representative form of government of the people, by the people and for the people, we're the elected officials up here. I don't get to vote, but you do and when questions come from the public as how we got here and I'm getting commissioners that don't know, and I don't have those answers, but then when I start doing my homework and working with my staff, we're trying to peel back the layers of this onion to get to the bottom of it. Whatever this Commission decides is fine and I told the Administrator this, if you all choose to build a petting zoo in that lot, I respect it. That's what you all chose to do as a majority vote of this body, but my job and I'm sworn as the Mayor, both state statute and the ordinance and when I raised my right hand was to make sure that the ordinances of the Unified Government were followed as well as any applicable state laws. When I read this stuff and I saw how this went about, it brings that into question and then it raises a lot of just the public questions we have from the public is the tail wagging the dog of this Commission and how do we put the Commission back in the driver's seat of making sure that this organization is being run by the elected officials. That's the questions that are being asked of me from the public.

I know some of you all don't work here every day. I do. I'm here every day. I come in and me and my staff, we do a lot of this mundane work. I'm the 11th commissioner and I'm here to work for you. I'm not here for me. Some of you may not believe that's the truth. I keep telling you, I'm not going to be the Mayor forever. You'll find out real quick I'm here because I want this body to be able to do the things that need to be done according to the spirit and the intention of what our voters voted for when they voted for Unified Government. I don't believe that a lot

of instances when I hear the complaints before I became Mayor and then after I became Mayor that they really wanted non-elected individuals making—especially one or two individuals in some instances making decisions for 165,000 people. They voted 10 commissioners to make those type of decisions and I think this Commission needs to reclaim that power that you have and to make it clearly known who creates the policies, the resolutions, the Charters, and who runs this government and my recommendation is that you make it clear that you all do.

At the end of the day from what I'm getting, and correct me if I'm wrong, if some of you didn't know about public parking being given away to a private developer, that raises a red flag for me because there should be no instance where you don't know. So, I'm going to leave it there and open it up for questions. I did want to start that debate off and then if you have questions for myself or staff, I'm open for that and then we'll get into the resolution.

Commissioner Bynum said I have a variety of questions. I believe you said you spoke to Chief Billy Friend, but I heard staff say we do have a parking agreement with the 7th Street Casino and I don't know which one of those things is true. You're telling me the Chief says he doesn't. **Mayor Garner** said he said he wished he had that opportunity to have conversation about additional parking. **Commissioner Bynum** said there's a parking agreement with the Wyandotte Nation. **Ms. Green** said that's correct. **Commissioner Bynum** said so that doesn't quite line up with Chief Friend saying he wished he had been able to have a conversation—**Mayor Garner** said about additional parking. **Commissioner Bynum** said additional parking. I work downtown every single day and I know for a fact that the casino patrons are parking in the Public Health Department parking lot. They have a van that goes around and picks them up from wherever they can find a place to park and that's been going on ever since that casino opened, so I don't know that those two things are much different. I also don't know if they're paying to use the parking lot. It sounds like maybe they are, which means there's an agreement in place. **Ms. Green** said yes, the agreement went into effect in 2008. **Commissioner Bynum** said okay. I knew it had been a good long while that they'd been operating. **Ms. Green** said right and it was signed by the then County Administrator.

Commissioner Bynum said these three sets of documents, Mayor, this one is the Consolidation Study Report. **Mayor Garner** said part of it. **Commissioner Bynum** said and that's the question. These two, are they from the Charter? **Mayor Garner** said ordinance. Those

are ordinances. **Commissioner Bynum** said charter ordinances. **Mayor Garner** said not charter. Those are just Unified Government ordinances. **Commissioner Bynum** said okay, so not part of the Consolidation Study Report. I wanted to be clear about what it was exactly that we're looking at because this report—**Mayor Garner** said is part of the Charter. **Commissioner Bynum** said this report is three months prior to the actual vote, so the Study Commission, while valuable, is not law. It's a report. I don't know other than, again, with the casino comparison, what were the other reasons that brought forward us needing to look, number one at the project, number two at the parking, and number three at the duties and rules that staff should follow versus authorities of the elected body. **Mayor Garner** said yeah, well, commissioners came to me. It started off with—it went to Commissioner Burrough's standing committee. He had questions. We couldn't answer him. We looked into them. We got as far as we could. We sent it back after the developer pulled his request for additional consideration from that standing committee, but there were still questions. We have a new commissioner, Commissioner Burns. I know some of his constituents had a lot of questions about that. I believe that Chief Friend had not only called me, but has called other commissioners as well about his concerns. I know we talk about parking and I don't know who did this study, but I can tell you I drive around here uncertain, good luck finding parking anywhere around City Hall or in our parking lots because it's just because of the good traffic that the casino brings because we want them to be successful at that venue. So, parking is very limited as it is and I think that was the Chief's concern.

The third deal is just okay, who actually approved this and I think a lot of our residents and some of our commissioners and myself I agree, and you can disagree with me, at the end of the day, you're the Unified Government Board of Commissioners. You create policy, you set it, you set the resolutions, you approve ordinances and you give the direction along with a budget to go forth that gives our administration, which is staff, to carry out the will of this Commission. I've gotten constant questions even before I became Mayor and even after about who's really running things here at the Unified Government. I think if you all choose to delegate a lot of your authority away to unelected officials, that's your purview, but I'm looking at policy and the policy if we need to change that to reflect that type of government, I'm all for it. I respect and will support anything you all choose to do as a Unified Government body. It makes no difference to me. This isn't about me. It's about me trying to help you all be better informed, more engaged, and to have

a little more oversight into how things are done and how things are brought forward and the disposition on matters that happen within our city. That's what this is about.

So me going through these ordinances and really looking at them in-depth, and it takes a lot of time and I know I'm missing some because there's so many more that I could have brought forward, but it's just I don't have the time or the resources to be able to do those types of things, so I brought what I could that are just the barebones basics. That's what you're looking at, that's what I read to try to give you all just something to think about and if you choose to go that route, I think it would give you all a little more leverage so when these types of questions on—because there's a broader question that was brought by Legal and I did mention it to the Administrator. It's concerning to me and, hopefully, it would be concerning to you.

If you go back to the powers and the duties of the Administrator, and if we take into account of what I read on the Administrator being able to sign all contracts, deeds, and other things, I think this is a gray area based on the opinions or I'm not even going to call it an opinion, the interpretation of some of our attorneys, I would say that what is to prevent a Mayor—an Administrator Tyrone Garner 10 years from now and I want to sign and deed away City Hall or the Fleet Center or any other buildings or properties or any interest of the Unified Government based on that analogy. That's a question and it was a concern to me because there's nothing to prevent that based on the view of Legal, which to me sometimes I don't agree with Legal all the time. I have the utmost respect for our attorneys, but I don't always agree and that's one of the areas that raises a big red flag for me because based on that analogy of past practice, I think that needs to be clear. That at the end of the day this Unified Government Commission should make that decision, not the Mayor, not the Administrator, nothing personal against anybody, and not anybody's staff that's not elected. This body with a majority vote should make those types of decisions and should be clear and that's all that I think a lot of folks I'm talking to are advocating for and I know that some of our commissioners that I've talked to are advocating for. I think that gives you all a little more leverage. Again, like I said, to ensure that you all are truly the engine running this government in a way that reflects the way you were voted in to have it run.

Commissioner Ramirez said I'll try my best to keep my cool on the moment. We all know where I stand on this. Why do we have staff then. If we're the ones to be the one to have the final say, final authority, why have staff. I want to apologize to David and to staff for the continued just

bringing down on staff for doing their job. The demonizing, the victimizing of staff. It's being said that we're the big boss, that we have the final say. We are partners in running this government and keeping this community safe. We are partners. There's no power struggle and this resolution or whatever that's on our agenda, it's in my mind a public censure against staff and that's not our authority to do so. That is the County Administrator's authority to discipline, terminate and do what he needs to continue the operation of this government. That is his authority, not ours. If we have an issue, we bring it to David and he will deal with it within the bounds of his authority, the bounds of the employment law, state and federal. We need to stop legislating as we are the Administrator. We are the policymaking body. We are not experts in every department. I'm not an expert in Public Works, I'm not an expert in housing and community development. I rely on the advice, experience, and education of our staff to guide my policymaking. I don't know everything and I will not say I know everything. Staff, you are a partner with us. You know I have stood by you since day one and I always will because I cannot do my job without you.

I, again, apologize to David and staff for the continued just going against staff for no reason. Yes, do we need to change some things, yes has staff made mistakes, yeah we're human, it happens, but again, if it's an issue, bring it to the County Administrator who has the authority to handle it. He's the one who will make the changes. If he comes to us and asks for our advice, he's a good County Administrator, he's a good partner in running this government. I don't know why we continue down this road when we have other issues that we need to deal with and handle. In my mind and I know it's going to be said against me and I'm going to say it anyway because I do not care anymore, this is a waste of our time. Staff is already doing what we're telling them to do. We passed the ordinances. I have nothing else to say. I just—the staff I hear you, I stand by you, I need you so I can do my job that I was elected to do.

Mayor Garner said you know I would agree with you, but you know I just don't agree that you're totally right. I was a staff member. I worked here for 35 years, 32, you haven't. I've been a manager, I've been an executive. I don't know if you have. I've supervised, I've managed. I don't know if you have. I've served on several boards, not just this one and operated things and watched things in a certain way. I don't know if you have. I've had over 32 years' worth of training in management. I don't know if you have. No disrespect to you, but I support this staff just as much as anybody up here because I need them too, but in any government there is a

hierarchy. In our United States government we have a President, we have a Legislature, there's a hierarchy that we all are responsible to. Laws are made and we have to follow them whether we like it or not. There's no baseline of all of us win a trophy because we're all on the same team even though we didn't win the game. There's a hierarchy and there should always be. That's how our system of government and most governments are set up. There's governments—go to New York. You know I've talked to that Mayor, sweeping powers. I've talked to Council's and others, sweeping powers because they're engaged. They're voted by the people to run their governments and run their cities. They don't hand the keys over and delegate what the people voted them in to do to other individuals that weren't voted in. Staff is here, that's what administration does. Decisions are made by this body, staff is there to carry it out and they do a good job. Once we tell them what to do, they do an awesome job. I was one of those employees and they work hard, most of them all the time.

This isn't about hiring or firing anybody. This is strictly about policy, nothing more, nothing less and what I'm reading in our policy that was approved by past commissioners, probably decades ago, and revisiting this and saying okay, does this fit the criteria where you all feel reflects where we need to be today based on this issue that came up and questions that were brought to me. Nobody is here bashing staff. I have nothing bad to say about any of our staff. As a matter of fact I praise them and thank them for their work. I work with them every day. They go out of their way to make sure me and my folks get what we need to help you all be successful and make informed decisions and we are all in this together. But if you look at our org chart, it starts with the people, the Commission, the Mayor, the Administrator, and staff. That's that hierarchy whether we like it or not and the people voted you all to make decisions and I just feel like when questions come from our people of who authorized this and I tell them well some employees made this decision, not the Unified Government, I'm going to be honest, people in this community have a problem with that.

Again, I challenge any one of you commissioners that disagree with me, come with me for one day because I'm out here in this community every day. I don't get home sometimes till 10:00-11:00 at night. I talk to people, I'm in their meetings, I'm in the streets probably more so than I should be and I'm getting this feedback, not something that I want, but I'm telling you what people want and they say they want this body to start listening to them. Little things like this, we shouldn't even be arguing over it. It should be clear. This is the Commission, this is your purview.

It has nothing to do with me. I'm not asking for anything for me. This is to help this body and future body of commissioners to be able to go out and tell the community at the end of the day yes, we make these final decisions. There's no question, there's no doubt about it, so I just wanted to make that clear.

Commissioner Kane said we've lost more staff members in the last couple years than we have in the 19 years I've been here and I rely on staff heavily to help me do my job and I have a thousand questions and I know I'm the most mouthy commissioner they're used to dealing with, but all I want to know are the facts. The facts are the facts. We have had employees stand at that podium and rip their ass to pieces on stuff, which is very, very disrespectful when we do that. We have a Legal Department to make sure that we don't get sued. We have multiple issues that we rely on staff to save us from being sued. This particular issue, if that's the deal, the next time that happens it comes back here.

Mayor, you say you're not going after staff, but in my mind they should all unionize because it sounds to me like you're beating them down and you're beating us down too because of our opinions. I don't stand up here like you just did with Christian and say hey, Mayor, I didn't like it. I give my opinion and that's it. That's all and I haven't been here for just a couple of years. I've been here for a heck of a long time and it's frustrating when we put this—and we do this to staff because we've lost a whole bunch of people in Legal recently and we can't fill the jobs. We can't fill our Economic Development person because people are watching these Commission meetings. I want quality people here to guide us. I have to deal with Public Works all the time and they've got to guide me. I talk to the lawyers. I talk to Bridgette Cobbins all the time and say, hey, I've got a question. Alan Howze, I've got a question to help me do my job and I think that's what we're asking. No, they should not make all our decisions, but they should help guide us to make the right decision and I'm sorry if you disagree with that.

Mayor Garner said I don't disagree. I think me and you are saying the exact same thing. Nobody's attacking staff. I'm talking policy. I haven't mentioned staff. If anything, I praise them. I don't know what you're talking about when you say staff is being attacked. They're not, this is about policy. You mention you want to make the best informed decisions. Well, I do too, that's why we're here. I don't know if you knew about the parking agreement. I know I didn't. I know

some of the other commissioners didn't. That's why we're here for that very reason and looking at policy on how we can improve the level of information and communication between staff and you all so we don't run into these issues and then certain commissioners and myself don't get asked why is the public parking being given away to a private developer. I would love to be able to say because this Commission approved it, end of story. I think you can't argue with that and that's what our policy says this Commission should do. That's all.

I'm going to say it to the public since it seems to be going on deaf ears. Public, I care about our employees. I guarantee the vast majority of them do a great job every day. I was one of them. I support our employees. I'm going to continue to do that. We have some of the best employees you'll find anywhere in the metro. Are we all perfect, no we're human. I think Commissioner Ramirez said that. This is not about employees or about personnel. It's about policy and looking at it to make sure this Commission is comfortable with where we stand on how things are being run in accordance with the Charter and the ordinances and I have to do that because I'm sworn to, to make sure that we're following it as it's written. If you don't like the policy, my thing is, number one we're bound by it by state law and number two, if you don't like it, change it. That's all I'm saying. I'm good and will support whatever this Commission wants to do, but that's what this debate is about. It's not about debating about what employees did or didn't do. It's about policy and how we make sure that this Commission is well informed and is making the final decision and is the final arbiter and gives the final disposition on matters that are of interest to the public. That's it, nothing more, nothing less.

Commissioner Lopez said I agree. I mean the staff is phenomenal. I mean I know we make some mistakes, but I was doing some research on when this whole resolution—or this resolution to adopt to reinstate the authority, Commissioner Kane I guarantee he was here when it happened. I just don't remember who the Mayor was, but it was originally before it was. Anyway, Marinovich I believe on my research was—she's the one that had it changed, had something to do with some strip bars and had something to do with the Mayor or something was paying somebody. I don't—something to do with that, but Marinovich changed that and it's something to do with that. We just need to change this back to like it was originally. There's just so much going on that it's like whoa, whoa, whoa. There's just been some bad decisions made every now and then, but it ultimately needs to come back to the Commission to make the final and our Administrator—I

mean like today on our on-three meeting I loved it. He was—I was like wow. I mean he really made some really good points and I loved how he just stood fast and put his feet in the ground and not going to budge.

That being said, as far as this going forward, the adoption has nothing to do with—I mean it won't take place. It won't change anything with the City Hall Lofts or anything like that. It's already in play.

Action: Commissioner Lopez made a motion to reinstate the authority of the Unified Government Board of Commissioners to set all overall policies.

Commissioner Lopez said I want to make that motion to get that moving so we can move forward and get stuff done. As a business owner too, I mean there's a lot in play that I see some bad decisions and not purposely. It's just when it comes down to it there needs to be one boss and we are that one boss as a Commission.

Mayor Garner said I'm going to hold off on recognizing your motion because we still have other discussion. I believe we have the Administrator.

Mr. Johnston said you're talking about a few issues here. First of all, if we can go back to the start of this discussion, let's take just a quick history road. A previous Commission passed the rezoning of this property for this use in 2022. The petitioner also wanted a variance for parking and got denied at the same time. They made arrangements and got it approved in July of last year, so this project's out.

You're talking about another issue and that is, is the staff running a muck and doing their own thing. Our training is we have to follow what's in the ordinances. Those are the policies that are outlined and passed by this board and previous people who have served on this board and until they're changed, that still is our direction.

If you're talking about the simple issue about a parking agreement and who signs it, we already have a policy dealing with property disposition. Not to counter the Mayor, but there's no way I could ever sign away real estate like Municipal Building here. There are rules that I have to

follow that were passed by this body to deal with property disposition and those directions are ones we have to follow.

If you're talking about wanting us to look at property disposition policy to include stronger language on who authorizes leases of public property, we didn't give it away. It's being leased, but we can bring that property disposition ordinance for reexamination and discussion by you folks and then you can make changes for that. The Municipal Code is large which has gone through public process and review and those are the directions that we follow. If a precedent was done incorrectly by a predecessor, I can't do anything about that, but it was viewed as legally okay in this case and, therefore, I authorized it and that's that.

One thing about a zoning change and I know there was discussion behind the scenes that more and more people have surfaced that were against this project. Once a zoning is done the owner of that property has a vested right to be able to build on that property under that zoning classification. That's not coming back here. That person is building—can build that project because they have a legally vested right that can't be taken away from them to do that. The Board of Zoning Appeals is specifically called out as a body in state government by state statute that says appeals to policy for land doesn't come here to get approved. It stays there. So, they received approval for if they could satisfy their conditions, which they did and the owners proceeding with their project.

However, I do want to let you know that most of the time when we deal with development projects, parking issues are taken care of in the plan development process with Planning & Zoning making sure that they meet the plan, the parking capacity required by types of uses and then that goes through the Planning Commission and eventually it will come here. It's not like this stuff is done in a vacuum. It's complicated. We do have policies in place called the ordinances that we have to use as our direction and I would suggest if you would like a closer look at the property disposition to include stronger language on leasing UG-owned property for private use, we can do that. **Mayor Garner** said selling City Hall is a hypothetical.

Commissioner Bynum said I appreciate the Administrator for bringing some clarity to some of that because it's interesting and has been interesting. The whole time I've been a commissioner that there are areas where those decisions simply don't come to the Commission and the Board of Zoning Appeals is one of them and it's laid out in state law. This isn't the first time a developer

or even an individual has needed some kind of variance through the Planning & Urban Design Division and something has gone to the Board of Zoning Appeals.

I have a couple of questions. First of all, Legal maybe or Kallie with Planning, you can tell us who is the Board of Zoning Appeals. Who sits as that body? **Ms. McLaughlin** said the Board of Zoning Appeals is made up of members who are the same staff that is in the Planning Commission and as you know the commissioners decide who those members will be. **Commissioner Bynum** said I want to make sure I understood what you said. Is the City Planning Commission that is appointed by this set of commissioners the same people who sit as the Board of Zoning Appeals? **Ms. McLaughlin** said that is correct. There are two separate standards and two separate committees with different judicial powers and legislative functions, but effectively they are the same people physically in the chairs during each meeting.

Commissioner Bynum said okay. For clarity from Legal, I think on the resolution in the first paragraph it says, “whereas the Unified Government Board of Commissioners under Section 2-56 of the Code of Ordinances” and then the second paragraph “whereas the Board of Commissioners pursuant to Section 402 of Appendix C of the Code of Ordinances.” I would like clarity around the reason those two particular items are called out in this resolution and perhaps what that is trying to tell me is that if we resolve by the governing body Section 1 to the extent permitted by law, etc., are you identifying that these are the two places in the code where that resolution will sit, will live? I need to understand a little bit better what this is, where it would reside in the code and then lastly, its implications for any other item that goes to the Board of Zoning Appeals that once it’s either denied or approved needs a signature. Are we making a statement with this adoption that in fact we are not authorizing our County Administrator to sign a decision by the Board of Zoning Appeals? I need more info than I currently have.

Mr. Conway said, Commissioner, I’ll take the first question first. The procedures with respect to the Board of Zoning Appeals, if you don’t like the outcome, the appeal is to the District Court across the street. It doesn’t come to the Commission. So, to that extent the commissioners may not have seen this issue because it went to BOZA and that’s where it was and if it went any further, you probably still wouldn’t see it unless you keep track of the proceedings across the street, so that’s that question.

I actually drafted this resolution at the request of the Mayor’s Office, so as far as the language and the whereas’s and that type of thing, that’s just a statement that under Section 256

of the code, the Board of Commissioners already has the power to adopt the codes, ordinances, resolutions, etc. That was just a recognition that's already in the code right now and the second whereas is that under Section 402, Appendix C, it lays out that the Board of Commissioners already acts as the primary policymaking body for the UG. That's already in the code. The County Administrator is also determined to be the administrative head and so those roles are already laid out and it's pretty specific. So, given that context then the Mayor's Office wanted to reiterate, restate that the Board of Commissioners has fundamental and final authority to set policy, so that's what that language says and that Section 1 is not to be codified in the code, it's just a resolution restating what's already in the code. **Commissioner Bynum** said so it doesn't give anybody new powers or take any current powers away from any person associated with the Unified Government. **Mr. Conway** said that's my reading.

Commissioner Lopez said I think this is also why—let me ask Urban Design Planning & Zoning here, before you start a project is it a rule of thumb or part of your ordinance that petitioner to send a letter to the neighbors because the Indian Nation Casino never received a letter of this project at all, ever, and now they are up in arms and we are now looking at the funding. In the past 16 years they've paid us over \$7.6M, roughly almost \$500K a year. Because of this project, because they didn't send the letter he's saying you can say goodbye to that 500 grand a year. **Mr. Conway** said there is the agreement of the payment annually, but that's to pay for public safety. We provide police and fire—**Commissioner Lopez** said right. I asked him about that. He said he doesn't have to pay, we're just being neighborly, we're just being neighborly. **Mr. Conway** said if they withhold the payments, then either we wouldn't provide the services—**Commissioner Lopez** said they have enough money, they could go buy their own. So, we're looking at whatever this project can bring us versus that's a huge cut. That's a huge cut.

Ms. McLaughlin said most of the planning entitlements with the exception of just a handful do require a public notification. The public notification radius is 200 feet. Given the size of Huron Park, it's likely that they did not fall within that 200 ft. boundary, therefore, they would not have gotten a notice. I am able to pull up the list and I believe I provided kind of a generality of who was included and it would have included the neighborhood group, the Strawberry Hill Neighborhood Association, the President of that neighborhood association would have received that, some various residences that were within 200 feet of that boundary, and it was also provided

to Commissioner McKiernan who was the commissioner of that district at the time and then I believe the At-Large District Commissioner as well. So, it did go to some people and those lists were in fact generated mail, but unfortunately, it doesn't seem like they fell within that 200 foot radius. **Commissioner Lopez** said so now it's going to cost us 500 grand a year for that small little overlook. **Ms. Laughlin** said I can't speak to the terms of those agreements and parking agreement. I can only speak to that 200 foot radius and what that process entails. Those are separate agreements made with other governing bodies here. All our ordinances allow us to do or require us to do is the 200 foot radius notification.

Commissioner Lopez said okay and then also how come—I did finally receive the archaeological study from Terracon. How come our state archaeologist does not have that? **Ms. McLaughlin** said unfortunately Randy from Historic Preservation had to leave, but from what I understand we have different levels of districts here and this is not an archaeological district; however, we did require as part of this—during the Landmarks Commission that they do what's called a ground penetrating radar, a GPR study. GPR was completed by Terracon in conjunction with the State Historic Preservation Office and it did not appear that anything was determined to need excavation or that would have been relevant. I believe the building was damaged or demolished multiple times over the decades and was demolished I believe in 1964 and there's different standards of excavation care and preservation at that time that may not have been considered, you know, more carefully in historic. So, if there was anything there, it was likely already removed or already damaged beyond an extent that was deemed reasonable to be able to preserve. Without finding evidence through this radar that there was anything left underground to preserve, then the archaeologist would not have to be called into play.

Furthermore, as Randy kind of described to me earlier, we do have an agreement internally with our Historic Preservation Office within our department and with the State Historic Preservation Society about what our archaeological scope is for recommendation and in this case because the district is not an archaeological district; however, Randy and SHPO as the State Historic Preservation Office classify it, an archaeological study was really not required. It could be handled internally through our office, but we did go that extra step and request the ground penetrating radar, the GPR, just to verify that there was in fact nothing underneath that job site that we could see that would be determined to be a significant importance.

Commissioner Lopez said I don't understand that because it's not just a normal cemetery. This is a National Cemetery, which my fed guy hasn't got back with me yet, but he will because there's other ordinances in play that I think will supersede the UG's. **Ms. McLaughlin** said and I appreciate that. Unfortunately, that is not my specialty. I'm more of the construction person. I just can relay with what Randy provided me for context and so I would defer to him for some more details on which districts are archaeological districts and which districts has different classification and what the procedures are for each one of those historic districts. They're different from Quindaro then they are different from Hanover Heights and so on and so forth, so each different district has different policies surrounding it, depending on the extent of the buildings or the type of site or landmark in the area. I apologize I'm not able to comfortably explain that in maybe a better fashion, so I would encourage to follow up with Randy as I know he is, he is needing to make that evening appointment, but that is the best of my knowledge at this time.

Commissioner Lopez said does Randy have a—to the best of your knowledge, does Randy have a degree to hold this role? **Ms. McLaughlin** said yes. I believe he graduated from Missouri S&T with a Bachelor's Degree in Historic Preservation.

Ms. Green said I remember after we had the standing committee meeting and you were asking about Section 106 and that falls within the National Historic Preservation Act and I did look into that after we had that meeting. That act only applies if it's a federal project or if it involves federal funding and because there is no evidence of federal funding involved, even if they may at some point get federal tax credits, tax credits are not the same as federal funding. So, because we don't see any evidence of that involved, the National Historic Preservation Act does not apply in this situation. So, in that case Section 106 would not apply as well. **Commissioner Lopez** said well, right. I understand that. That's what the State Archaeologist followed up with me about too, but at the end of the day we have a great neighbor that doesn't have to give us 500 grand a year, but he does and now we're looking to lose that because of a small oversight and that's not okay. It's very concerning and I think that's why also this second item was added to—not to, there was just—it was a small oversight, now it's going to be very costly.

Commissioner Hill said I just have one question for staff. Why was the commissioners not included in approving this parking piece? **Mr. Conway** said it was a matter before BOZA and the

parking agreement—**Commissioner Hill** said whoa, BOZA. **Mr. Conway** said Board of Zoning Appeals and that was the item before that body and so the parking agreement was a piece of putting together all of the parking slots that would add up to the 60 slots that was necessary for this project. So, once that was proven to them with this parking agreement, then BOZA was satisfied and that was it I believe. **Commissioner Hill** said so when you say that was it with zoning being satisfied, does that mean zoning had the final say? **Mr. Conway** said on that variance, yes.

Angela Lawson, Interim Chief Counsel, said if you're inquiring about the agreement, no, the agreement was signed at a staff—by the County Administrator, not by BOZA. **Mr. Conway** said the agreement was to satisfy a condition that BOZA imposed, that's right.

Commissioner Hill said in the past the former County Administrator would have signed that document without the commissioners approval in the past. **Ms. Green** said yes, that's correct. The other parking use agreement that we have in play right now is the one we have with the casino. That was done in 2008 and it was also signed by the County Administrator and that agreement did not go in front of the Commission that we could find. There's no authorizing resolution that we could find or an authorizing ordinance and that is consistent with the authority delegated to the County Administrator to sign those types of documents. **Ms. Lawson** said and as he stated there is a prohibition on him selling property and signing off on that and then, obviously, development agreements, which is the use of funds, would have to come before the Commission. His signing the agreement does comply with our ordinances.

Commissioner Hill said okay. I'm just trying to make sure I understand what has happened previously versus—the difference with that versus now and I understand that the commissioners are to be the one that sign off on everything I thought until tonight when I found out there are certain things that the County Administrator can sign off on without the commissioners knowing about it. So that's what I'm trying to distinguish for myself this evening. **Ms. Lawson** said there are, for example, contracts, you know, purchasing contracts. The purchase of office supplies, equipment. Once the Commission authorizes the budget and say it has three dump trucks, then the County Administrator is authorized to sign off on the contract for the purchase of those three dump trucks, but only if there's money in the budget for that purpose. So, that's another example of when the County Administrator has authority to sign documents.

Commissioner Hill said what I'm trying to understand is, I certainly appreciate the documentation before me that lays out what role the commissioners play versus the County Administrator. I was totally surprised when I saw the paperwork come through about the parking lot and some of the questions that were posed at our previous meeting. So, this whole conversation is very key for me and just helping me to understand what can and cannot be done. I understand in the past that the County Administrator could sign off on certain items and the commissioners not necessarily have to sign off on it. I also can appreciate the role of the commissioners knowing ahead of time that something like this is going to happen also, so it's a little bit confusing, but I think I'm gradually understanding. So, thank you to all of you for being patient with me as I'm just trying to understand what's going on.

My main question was, why was not the commissioners included in approving this process and it's because the Board of Zoning signed off on it and then the County Administrator signed off on it, but still the commissioners didn't. **Ms. Green** said correct.

Mr. Conway said, Commissioner, I guess maybe the sequence was BOZA needed to be assured of the number of parking spots in order to sign off on it and so the agreement was reached that satisfied the 60 spots and then BOZA said all right, so that satisfies that. The appeal of that decision would be District Court.

Mayor Garner said there's some confusion. It seems like there's some apples and oranges here and I need clarity too. BOZA only approved the variance request for parking, correct? **Ms. McLaughlin** said correct. **Mayor Garner** said BOZA did not approve to transfer our lease, Unified Government property on behalf of a private developer. They don't have that authority. I looked at the state statute. I should have brought it down with me. BOZA is a subset of the Planning Commission and they looked—it was denied and they came back with an appeal for a variance just for parking. This isn't so much about the deal, the deal is done in my opinion. This is about our policy and our practices and procedures and making sure that everybody's clear and me trying to help get the right information that's going to have profound impact on our residents to this Commission and cut out some of this bureaucracy. That's what this is about and there's a lot of bureaucracy in this Unified Government. It has nothing to do with personnel, again, it's about our policies and that's all we're working on.

I go back to say that yes, the County Administrator based on BOZA being satisfied and saying yes you can have a variance and then as part of this agreement with this developer to give or lease out our property to the developer, which if the Commission would have said yes, we're fine with that. Okay, that's where we're at, but I'm saying it doesn't sound like this Commission had that opportunity and here's where my disagreement and how I look at the policy, it says that the Administrator can sign—I didn't bring the Mayor's duties, but it says I can sign a lot of things too. It does, but I don't sign things without it first coming before this Commission and this Commission approving it, then I sign it after the fact after I'm comfortable this Commission has seen it, debated it, is comfortable with it, and vote with the majority vote to approve it, then I sign off on it. That didn't happen in this situation and I can tell you if the Planning Commission can't approve anything and they can only recommend to the full Commission and BOZA being a subject of individuals from the Planning Commission I didn't see anything in state law, and please show it to me, I don't want to—I like to see it. I'd like to trust you but I'd like to verify and the only reason I do that is because I'm here every day and you know I like to see it in writing and I like to make sure these commissioners see it in writing as well in black and white. I don't operate off of what you tell me. I like to see it and read it for myself, so if you can get me that, that would be great.

Even on these powers of the Administrator, I don't see that anywhere and I go right back to—it says the Administrator signs all contracts, deeds, and other documents. I get it. He signs it. I do that same exact thing. If you go back up to the Commission, the duty to purchase, to lease, to construct, to maintain or otherwise acquire, hold and operate any building or other property real or personal for any public purpose and to sell, lease, or otherwise dispose of any property real or personal belonging to the Unified Government. I know that Commissioner Bynum, she read the Charter, but that is the Charter recommendation is part of the Charter if you read the entire Charter and that recommendation says that. That the Unified Government is the Legislative Branch, which is the Commission, the Executive Branch, which is the Mayor, that I know some people don't want to recognize and that's okay and the Judicial Branch with other people that don't want to recognize, but that's okay, and the role of our administrative staff which carries out all these directives with the budget from this Commission.

I'm just saying the information I've gotten from both some commissioners and community I bring this process into question and I'm not saying that the project is dead. I think

we've gone past that, but what I am saying is to this Commission this resolution just reaffirms in everybody's mind that this Commission, not the Mayor, not our Administrator, and not staff and not even the public, but this Commission that was voted on behalf to be the representative governor of the people of Wyandotte County in Kansas City, Kansas makes these decisions and no one else, especially when it involves public parking. When I come in here at night and I see that there's no parking any where because the Health Department is filled up, now we're going to add to that. I mean they're parking all over the place around City Hall to go to the casino and parking is very limited and now we're going to add to that parking problem, which we don't have the public safety resources to handle and Parking Control everybody knows they don't operate after 5 p.m., I just think in fairness to this Commission and that's what it's about looking at this policy and making sure that our commissioners are well informed on matters such as these and that is concerning to a lot of people especially from what I'm being told in the Strawberry Hill area and so that's what this is all about.

I appreciate staff and everything you guys have done to try and get us their information, but there's a lot of research that needs to be involved in this on just the little stuff I've seen in our Charter and in our ordinances and our resolutions. There's a lot of gray areas that need to be cleaned up and I know Commissioner Burroughs has that task force and he's working on looking at it, but it is a huge task. I don't believe we're going to get all that solved tonight with all the blind spots in our Charters and our ordinances, but that's why I go right back to what I've said before, we haven't even looked at them for over 25 years and now is the time to do that.

Bottom line is, tonight this was not so much about the project and developer, but about how we got to the conveyance or leasing of that property there and was that the correct protocol with this Commission. At least not everybody, from my understanding, knowing that was going to happen because I want to be able to go out and tell our constituents exactly and feel comfortable as the Mayor how that came about. I think I have a better understanding how that came about, but when I tried to explain that, then I got kickback from some residents saying well that's not how that's supposed to work. When do we start giving up parking in our Health Department to private developers. That was a question and if this Commission is fine with that, that's fine.

Commissioner Burroughs said I just want to try to bring this round full circle if I may. I know we went straight from Item 1 to Item 2 and I don't know that we want—I wanted to make sure that

my fellow commissioners from the Economic Development Committee as well as those who were in attendance that evening had a chance to have the questions answered that were proposed in the committee. It was important that they have a chance to do that and you know I don't operate in a void and I want everyone's voice to be heard. There was a number of things that came up. It was the blue sheet that hit the Chairman five minutes before the meeting to go to discussion versus an action item and that raised some concern. I don't recall ever having that happen since I've been here in the seven years and so that was a new ground for us to wander through that evening plus there were questions about the notification process to our neighbors across the street who have been good partners. Then, there's the parking on the street. The street had been impacted by a number of parking spots which affects not only the people visiting City Hall, but visits the other businesses downtown. The roadway was blocked a third of the way across the road in the middle of the evening and I was concerned about a traffic impact on that and I know that our fire station parks their fire trucks on the east side of 6th Street going south when they come out of the fire department and let them sit there and now they're staging facing the wrong way on the other side of the street and so it creates a little bit of a traffic concern and safety concern there. So, the street impact was one that was raised.

I know the Tribal grounds and historical grounds and financial impact has been discussed here this evening, but in all respect for the new commissioner of the district and questions that were raised by individual commissioners on the committee, I felt it was significantly important that we bring this back and get a full timeline so there's just very few questions because we've had a new Administrator, we've had new Directors in new positions, so it's just been a process that may be not deliberately done, but the perception can be wrong if it's not utilized properly. So, through proper transparent discussion we can find out exactly what happened and if there's any remedies that need to be conducted, we can do that. Due to the number of constituent questions and concerns, I believe there was even a question about change of ownership of the development project and what degree of ownership causes a significant change and these are things I can't answer and those were questions that were raised that night. I'm really glad that Legal was there because it gave them a chance to forecast—for us to forecast to them the questions that were going to come forward.

I think the Landmark Commission was questioned as well as I know some of the colleagues have reached out and talked to the federal entities, but I think some of the concern that

was raised was the elimination of our only mixed-use rental facility in downtown Kansas City, Kansas and that's at the old City Lofts that the market rate apartments that were in there are now being eliminated and so the entire project will now be all low-income tax credit housing. That raised a number of concerns for many of the constituents that I hear from and I won't speak for the other commissioners quite capable of doing that. I wanted to ensure that we separate these two resolution issues Mayor because I think we've gotten them tied up collectively together. I know where they got tied up and that's where the use of the government property was given permission to be utilized by a private entity and I want to go back to the commissioner on the end that stated he wants to work collectively. I remember when he was first elected we had an issue very much like this before this body and I reached out to that commissioner and stated that will be one of the first issues he's going to have to deal with when he got elected and that was the private entity utilizing a government building. So, there are those of us on this Commission that really do try to work collectively together to find a resolution and I know it took a couple of iterations and some battles and some heavy lifting and sometimes some conflicting language, but it got remedied. I don't know if it's 100% remedied, but it's moved along more smoothly now. There's been an agreement made and I think that comes from having open, honest, transparent communication with those that are affected in their district.

As Commissioner At-Large I don't remember, and as Chairman of the Economic Development Committee I don't remember, seeing any renderings of any layouts of the former lofts that I can recall and if they did come to my committee, then I'll stand corrected, but I don't recall those and my memory serves me pretty well, but I'm not saying it's perfect. So, if there were renderings submitted as to the design prior to the plan coming forward with the changes, I would like to know because I think it went from mixed-use down to LIHTC and the floor plans changed. If there's renderings from before, they can't be the same renderings that we're talking about today. I don't need an answer. I just don't want to put anybody in that spot.

So, that leads us to this discussion about a resolution change and if I understood Legal correctly and the way I interpret it, it's just codification that is already—the resolution and ordinance will change nothing except codify what's already there. If that's not my understanding, please help me understand that Legal because I believe I heard that from Legal. But if that is the case, then I might want to make a suggestion colleagues that when we have a piece of government property that is going to be used in a development project that only requires the Administrator to

sign through Planning & Zoning, we get notified if they exceed a certain amount of money, we get notified if there's other actions that need to be taken that are already in policy. It may be that we implement a policy that says if there's a piece of government property that will be utilized by a private developer in our community, the Administrator has agreed to do that, the In-District Commissioner and the Commissioner At-Large be notified prior to the signing of the agreement. I think that's a really straightforward, very transparent, very easily done trust building option.

Mayor, I really thank you for the time you've given me. I made copious notes this evening with the comments being made and they'll go into my written file, but I'll stand for any questions should any of you have any questions.

Commissioner Stites said there's a couple things and I think I totally agree on everything that Commissioner Burroughs said there. One thing that I want to make sure that we address, go back to what Commissioner Lopez said about the amount of money that is given to the Unified Government from the 7th Street Casino that because of the small oversight, I don't know that there has been a small oversight. I don't know that anybody has identified a small oversight. You know that if they didn't fall or did fall within that 200 foot distance, so I don't know that it's an oversight. If somebody can say they were outside of that 200 feet, then we did exactly as policy dictates that we should do. Now, if they didn't, then in lies there possibly could be a problem, so I don't want to say there was an oversight and that it cost us money because I don't know that occurred.

The other thing that I want to say is I believe that BOZA acted within the guidelines of the state statutes that are currently in place. There's things that don't come in front of us that state statute mandates and I don't believe that staff nor the Administrator worked outside any current guidelines that we have in place.

I am in favor, however, if we need to bolster language as Commissioner Burroughs suggested, if we need to bolster language that strengthens our position where if there are those things that Commissioner Burroughs named, you know, land in a certain amount, that is something I'm in favor of so that there are more eyes that get put on this. I totally agree with that and I appreciate the opportunity. I don't know if that's something—how we do that Mayor, looking at it down the road if we're going to try to draft an additional ordinance, do we still vote on this resolution tonight or how would that look? **Mayor Garner** said there's a motion. There's a resolution here. I was going to ask for a motion. It's up to you to vote yes or nay once I accept

that motion, but we can always draft—I mean it’s the—that’s what this is all about. The authority of this Commission to draft, rescind, implement or direct the Administrator on any ordinances, resolutions, or policies at your will. I mean that’s what this is about.

Commissioner Stites said so, vote on it maybe tonight and then it’s a living document and we—**Mayor Garner** said somewhat like the task force. If you bring forth policy recommendations or ordinance changes, those are ongoing. That’s the power and the purview of this Commission. I don’t even have that ability. I don’t get to vote, so I’m just trying to empower this Commission to be able to do that exact thing and just ensure that our public, myself, our Administrator, and the staff are clear on the fact that this Commission as a voting majority body has full discretion and power and authority on how policy’s interpreted and how things are run in this Unified Government because I believe in a representative form of government. That’s the expectation from the voters that vote all of us in these offices. They want to feel like their elected officials are running things and not so much unelected staff that really by a policy they administrate. They carry out the will of this Commission.

Mr. Conway said, Mayor, I’m sorry but I think I may—if I misstated, I’m sorry, but for Commissioner Burrough’s question, this resolution is just a simple resolution. It’s not to codify into the code. I think I may not have made that point, so if that makes any difference. **Commissioner Burroughs** said thank you for that. I wanted to make sure that as I was writing as I was listening that this doesn’t change anything on how we’re doing things, but yet there’s an issue that some feel that this needs to be done. So, there’s a kink in the system somewhere and I think these kind of discussions are important to have so that once everybody’s armor—they learn to lay their armor down and have these discussions and find out where we agree and then we can start working as to where we disagree.

If I’m to understand this, if we pass it, it means nothing and if we don’t pass it, it means nothing—or if we approve it, it means nothing. **Mr. Conway** said, Commissioner, it’s a restatement of policy that’s not in the code. It’s a resolution and so at least that’s on record and so that provides some direction and I think Commissioner Stites probably was going to follow from that.

Commissioner Stites said I think you're exactly right. What I think that I would like to say is that we don't vote on this tonight and that we give staff recommendation to—or direction to bring back language that says exactly what we expressed this evening that bolsters the opinions of putting more teeth into the ordinance for the Commission to be able to have the final set of eyes that looks at it. That's a motion.

Action: Commissioner Stites made a motion, seconded by Commissioner Kane, to give staff direction to bring back language that says exactly what we expressed this evening that bolsters the opinions of putting more teeth into the ordinance for the omission to be able to have the final set of eyes that looks at it.

Mayor Garner said I can't recognize those motions. We still have Commissioner Ramirez and Commissioner Lopez and then we've got the issue of Commissioner Lopez's motion.

Commissioner Ramirez said just to clarify for the community, I know it's been said that BOZA is a subset of the Planning Commission, the same eleven Planning Commissioners that we appoint sit also as the Board of Zoning Appeals. They're the same people. I just wanted to make that clarification. I agree and I worked with Commissioner Burroughs during that time with the same kind of issue of a private entity over taking—being inside a public community center. As he said, it took time, it took some compromises, took some negotiation between us as the Unified Government and them as a private entity to take and use a private—or public property.

I agree that we can come up with compromises to change and as we've been saying bolster our authority and bolster where we get notified of certain things over a certain threshold when it comes to public property. All of that can happen without having to pass this resolution. We just as a Commission vote and say, County Administrator please bring forward, Legal Department please bring forward language that says this. That is our policymaking authority. Again, I'll say we can make that motion tonight without having this vote. This vote's not necessary. If all commissioners agree that we want change in language of how public property is disposed of or leased, we can all make that—agree, make the motion and give the direction to the County Administrator and Legal to come up with the language. The resolution that we have in front of us

is not necessary for us to do that. We already have that power and we can use that power anytime we want.

Commissioner Lopez said question real quick about—Commissioner Burroughs was talking about how we were supposed to have an action item about this project, but then it got changed to information only—or discussion, whatever. Then, I was told the petitioner pulled their application and that’s why it got switched. So, now what about those permits that the petitioner had, but then he pulled his application. **Mr. Conway** said there’s certain words—they put in an application for IRBs and so that item that would authorize the commissioners to approve that, that item was scheduled for ED&F and then the developer said forget it, we’re going to withdraw that and so that took the IRB issue off the table. Now, they did submit an application for IRBs and so when that item goes—assuming the application’s gone too. It doesn’t go to the building permits or anything like that, that’s a separate issue.

Commissioner Lopez said so the building permits were signed off by the Director of—who gave the building permits? **Ms. McLaughlin** said I did. **Commissioner Lopez** said you gave the building permits. **Ms. McLaughlin** said correct. **Commissioner Lopez** said okay, because just like what Commissioner Ramirez was stating at the beginning about sometimes we make mistakes and things happen, what I’m saying is that when I said oversight that is going to potentially cost us 500 grand a year. I’m not saying—I’m just saying it’s—he’s very strongly going—it’s going to cost us. That’s why I was trying to—I understand when you say is oversight—or you know we all make mistakes and oops that happens, well that’s a huge oops, that’s a monster oops. As a business owner that’s really bad. That’s not good. I mean 500 grand a year that’s a lot of do-re-mi.

Item No. 2 – 21281...RESOLUTION: RESTATING THE AUTHORITY OF THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS TO SET OVERALL POLICY.

Synopsis: Approval of a resolution restating the authority of the Unified Government of Commissioners to set overall policy and clarifying the intent that the determination of meaning, and implementation of such policy may be made by the Board.

Mayor Garner said, Commissioner Lopez, you had a motion. Does that motion stand? I'm going to recognize it. **Commissioner Lopez** said yes.

Mayor Garner said there is a motion. Is there a second for the resolution to reaffirm as is written the authority of the Commission as it relates to the Unified Government ordinances?

Commissioner Lopez asked, do we need to wait on that just for a second because we're missing a commissioner?

Commissioner Burroughs said, Mayor, I want to make sure of the motion, what the motion is. I just want to ensure that the motion—that staff has the motion properly written. I mean I'm a stickler on that. I apologize to the maker of the motion. It's been a while, lost in a couple hours of discussion. I just want to make sure that we understand exactly what the motion is and with respect to the new commissioner, he's back.

Commissioner Lopez said the motion was to—is to for the resolution to reinstate the authority of the Unified Government Board of Commissioners to set all overall policy. That was my motion for that adoption. **Commissioner Burroughs** said I will second it for the point of discussion. We've had plenty of discussion this evening. I think we all know what the motion has stated. Legal's given us as guidance. We've had plenty of discussion. If there's a motion, let's put this to rest.

Mayor Garner said there is a motion and a second. Clerk, roll call.

Commissioner Stites said I have a quick question. Since I did make that subsequent motion, it wasn't recognized, so it doesn't mean anything. **Mayor Garner** said correct.

Roll call was taken and there was one "Aye," Lopez and seven "no's," Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane. Motion failed.

Action: Commissioner Stites made a motion, seconded by Commissioner Kane, that regarding the resolution before us now, that we give direction to staff to put in language that was expressed by the Commissioners and Mayor to bolster language for us to have the final look disposition of public property I guess is how we want to say it.

Mayor Garner said let me be clear. The motion was to have staff draft an ordinance that would codify the—I think Commissioner Ramirez hit it on the nose—the disposition of public property as it relates to development agreements to be vested in the hands of the Commission. Are we good with that? **Someone** was inaudible. **Mayor Garner** said it's slightly different. **Commissioner Stites** said yes, that is correct. That is my motion. **Mayor Garner** said, Clerk, were you able to capture all that? **Ms. Sparks** said I did. **Mayor Garner** said there is a motion and a second.

Commissioner Burroughs said, Commissioner Stites, you want an ordinance change or are you looking for a policy change? I mean they're two different things. An ordinance is a little more extensive, has a lot more meat in it. Policy allows us to still change it. I'm just curious because I know that I mentioned that we at least look at a policy change because if it doesn't work, we can come back and massage it, where if it's an ordinance, then we're stuck with it till we go through the legal channels again. I just want to make sure on the clarification because if it was due to a statement that I made. I think mine was more geared towards policy than ordinance and then it'll determine if we need—it gives us a level of disposition if it's over \$10K, he reports to us. If it involves parking lots or because we give away fire trucks, we give away police cars to other entities and I don't know if we need to get caught up in that minutia.

I've been advised that they're both policy and ordinance are the same thing. Policy can go into a handbook, but ordinance...

Commissioner Stites said okay, well I'm the one making the motion and here's what I'm going to say. I want it to be policy and my reasoning for that is so that we can massage it and tweak it as it goes along and then I believe that we codify it into an ordinance once we've got that final draft in place and I believe there was a second.

Mayor Garner said we have a motion and a second. Roll call.

Roll call was taken and there were eight “Ayes,” Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez.

Mayor Garner said we’re going to have to adjourn from this Special Meeting.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Kane, to **adjourn**. Roll call was taken and there were seven “Ayes,” Stites, Burroughs, Burns, Ramirez, Hill, Kane, Lopez. (Commissioner Bynum was out of the room).

**MAYOR GARNER AJOURNED
THE MEETING AT 6:00 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

July 18, 2024