

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

**PLANNING & ZONING AND
REGULAR SESSION
September 28, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, September 28, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Jeff Conway, Assistant Counsel; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning and Urban Design Department; Reginald Lindsey, Budget Director; Monica Sparks, Deputy UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

Mayor Garner said we have two parts of the Commission meeting. One is the Planning and Zoning and the other is the full Commission meeting. It is a regular session. Before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should, please, mute their phones when not speaking to avoid any background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows exactly who is speaking. This is critical given the number of remote participants and is current guidance from our Kansas Attorney General's Office. Also, when you speak, please make sure you speak at an audible level so you can be heard and your comments can be captured for record by our Clerk.

Mayor Garner said I'll now call this meeting to order. Clerk, roll call.

Roll call: Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Garner.

Mayor Garner said tonight's invocation is going to be given by Reverend Stella Ruiz of the Oak Grove Christian Church, followed immediately by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions to tonight's agenda? **Ms. Sparks** said yes. There was a blue sheet issued adding an item under the Mayor's Agenda, Item No. 9 – A resolution regarding the Community Identification Program.

MAYOR'S AGENDA

Item No. 1 – 212762...VETO: MAYOR'S VETO SEWER SERVICE CHARGES

Synopsis: Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Ordinance O-105-23 relating to sewer service charges, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said as some of you probably heard, I issued three vetoes. Basically, all revolve around our budget and some of the increases. One of the commitments I made to this community when I became mayor is that I would continue to fight for a streamlined government, for efficiencies, for lower taxes, and to find ways that we can responsibly provide essential services. What I found my first year, I came out with several options and plans to work with this Commission to do just that and it was rejected in my first year, which is fine.

My second year, because the Commission has shown me over and over again as a totality, that they had no interest in any items or recommendations coming from this mayor. So, I worked with a few commissioners, our administration, and our staff to, hopefully, provide leadership, as I'm required to do by ordinance, to give this Commission several options to include the cuts and the options necessary that, hopefully, could give our residents tax relief. It was heartbreaking for me, my first year as mayor, to listen to people literally begging for tax relief. Then going into our second year, hearing a different group of people, again, begging for tax relief and fee relief.

My first year as mayor, all things considered, the increase basically equated to about a 9 mill increase overall from what staff had told me. This year, with what we're looking at, is about a 15 mill increase all things considered. That's compounded on what was last year. To me, that is totally unacceptable in a community where staff tells me, again, all things considered, we're about a billion dollars in debt. I've inherited, all of us, all our residents have inherited us recognizing that we are on a pathway to bankruptcy.

We're working diligently with our community to, hopefully, get this Commission to at least pause and listen to the residents, the majority of them. There's no place I can go in this town where nobody tells me that they want increased taxes.

Looking at our fiscal situation, yes, I have said to the public time and time again that I know you want things but with our budget, us looking at bankruptcy potentially. I know our Administrator has pushed it out from '26 to '28. A lot of our needs that we have as well as our debt, which our Administrator, again, has told us is about 44% of our spending every year that this community had to be prepared to sacrifice with this Commission and to help this Commission get us to the point to decide what the essential services, needs that you wanted, as well as letting them know what was acceptable to you when you talk about necessary cuts.

We're not operating in the black. The cost of living and interest rates have gone up. The quality of life of our residents, especially in one county where we have some of the most distressed zip codes anywhere you'd find, not just in the state of Kansas, but in certain parts of the nation, and people have come time and time again and said they just can't take anymore. Please give us relief. Put a pressure point on taxes. If you can't lower it, consider revenue neutral and operate at the same budget level you had last year; and take the necessary cuts to operate fiscally and a balanced budget to give the taxpayer some relief.

A budget was passed and there was no relief. I know that some had called me. A lot of people that I've gone to since then have reached out to me and have, again, pleaded with me. Mayor, we need you to act. So, I've taken what little leverage I have, as mayor in this weak form of government, and I've chosen to veto these items in hopes that this Commission will, again, take a pause, again, listen to the people, and take whatever time necessary in the short window that we have left, to try and give our residents some relief this year to, hopefully, satisfy and maybe make a difference in the quality of life for our residents, especially our hardworking families and our seniors who are struggling just to make ends meet. You can go back and watch the videos and you can see those stories.

Last year, even one of our ex-councilmen, Chester Owens, came up and said I was sitting where you are and he asked this Commission, don't do that to me. Don't do that to this community.

I watched people come this year, and on top of last year, businesses and saying, we can't take anymore. My fear is that if we don't take the necessary steps to do what is right by our

residents, we're going to tax people out of Wyandotte County and we're going to make it not attractive or affordable for people to want to move here or do business here.

I've said it before, I don't believe that taxing, spending, borrowing, and using our reserve fund and depleting it to balance our budget is fiscally responsible and the best way to do business. I wouldn't operate my personal budget that way. Any successful businesses you find around the country, they don't operate that way.

So, I've challenged our Commission to work with me, but more importantly, you, the residents, to find real solutions to some of these real problems that we know have a profound impact on people's lives.

This isn't political for me. This is about people's lives. That's all it's about. My background of being a public servant, it hurts me to know that I don't have the ability to find solutions to these problems other than sit right here and petition this Commission to take a different course. We have an administrator and we have good staff members here that are saying, you tell us what direction we need to go and we're going to make it work for this Commission. They've told us that and they're going to find a way to do it responsibly.

With that being said, the first item of the veto is relating to sewer charges. As a result of this, and this is one positive that I can say, we found that there was an error to where there was going to be, I believe, a 5% increase when in all actuality, they only needed a 4%. The first item is we did find savings there as a result of this veto. So, that's one good note to start off with.

Commissioner Bynum said I wanted to add this before we address the actual veto item. I have a motion that could alleviate the need for the override.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve an amended ordinance of our previously passed Ordinance O-105-23 relating to sewer service charges, substituting a 4% increase for the originally passed 5%, with all the other provisions remaining the same.**

Administrator Johnston said when the Mayor's concerns came to light, staff really looked at those numbers again and realized that during the budget process, we met an error. In the consent decree we have with the EPA, we said we intended to have a 4% increase and inadvertently talked

about a 5% increase in the budget. In working with a few of the commissioners, we saw that we could maybe avert a long discussion on override by saying, because of our intent and our contractual obligation with the EPA, we want to be as transparent as possible and make sure that we're reflecting that agreement in all the language of this budget. So, instead of a 5%, we want to make sure we're focusing with all our numbers at 4%.

Roll call was taken on the motion and there were ten "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 212763...VETO: MAYOR'S VETO BOARD OF PUBLIC UTILITIES REVENUES (PILOT)

Synopsis: Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R-59-23 setting the percentage of gross revenues to be set over by the Board of Public Utilities for the year 2024, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said this is a veto I did of the BPU PILOT. There were several fees associated with that, that were, in my opinion, significant. Again, looking at relief and looking at what BPU did by raising their rates, which means the Unified Government is going to bring in more dollars as well, I just thought it appropriate that I veto the BPU PILOT increases as well. So, that's where I'm at.

Before I get started, I'm going to allow public comment.

Cheryl Yates, 4525 North 108th St., said my concern is not only with that, but all of the increases that we're seeing with the BPU. The PILOT will go up, but even though you lowered the one you just voted on by 1% or 1 point or however you determine, our rates are still going to go up. Water rates go up. It's just a no win situation for consumers who can't afford it. While we may be able to afford it, each one of you may be able to afford it, we heard from a lot of people last time who couldn't. I think it's a travesty if you continue to increase all of these fees like you're doing.

Alex Sanchez, 3800 Weaver Ct., said in terms of BPU, specifically, everybody is really hurting with these bills. If you break down the cost for the actual service itself, it's very low. The majority

of that bill are fees and taxes. For people who have all their services cut off and ate nothing, they're still going to get an average of about \$150 a month bill just for the privilege of being hooked up to the system. That is ridiculous. We are getting pinched at every corner and it is the responsibility of this body and BPU—this is also why I'm running for—I'm on a slate for BPU District One. That's also why I'm running because I hear too much from my neighbors, a lot of them who are retired who cannot afford to pay their property taxes, their BPU. God forbid they have a car and have to pay car insurance. Things are not as rosy as you think they are.

I had the privilege of getting an email from work last week that starting this week, I am operating under a 20% salary decrease. Now you can't just expect to dip into the well because it is our money. I guarantee you if you started going door to door and asking the residents about whether or not they want their BPU rates increased, 100% are going to say absolutely no. There's a lot of things that can be done internally, structurally, organizationally to streamline, to operate more efficiently. That's what businesses do and that's what government needs to do. This is a no-brainer, but to have to come back here because after hearing all that was spoken at the last meeting, the audacity to go ahead and approve the increase anyways...**Ms. Sparks** said you have one minute remaining.

Mr. Sanchez said ...is a slap in the face to Wyandotte County residents. At least two of you had the guts, and Mayor Garner, to stand up for us. We thank you.

It's time to get a backbone and make hard decisions that have to be made. That's why you are here, not to dip in our pockets every time it gets rough.

Ryan Parker, 1040 Edwardsville Dr., said not much to say about the PILOT. I see it as a tax; not called a tax. I believe it's taxation without representation. I'd like to see it sunset. It needs to go away. We need to figure this out better. BPU is pretty shiesty You've got to watch them all the time. I moved into a home with septic and they charged me for sewer until I called them out. Then I found out they do that to everybody on septic, so they're shiesty.

The PILOT needs to go away. It's taxation without representation.

Susan Eubanks, 208 South 110th St., Edwardsville, said I am going to be retiring in three weeks. I'm 69. I worked past when a lot of people do. I have paid my house off with the intention that I could still afford to live there after I retire. For all practical purposes, I still have a house payment

of almost \$400. That's just my property tax. I'm going to be tightening my belt a lot. I just don't know what the end game is here, if this is going to happen every year. I've lived there 25 years. I have been a productive, law-abiding citizen. Do you want us to have to leave the community and get somebody else in? I love Edwardsville and I want to live there.

Fannie Hill, 4310 Parallel, said I want to thank the Mayor because he's doing an awesome job and fighting for us. We don't need people who just vote. We need you to fight for us. If the vote isn't in the favor of the people that you represent, we want to know that you're fighting for us. All we see is that you all are fighting for the UG department and yourselves. You're fighting against us.

I want to thank the Mayor because he's out there all weekend long, every weekend. I keep saying, people stop calling on him because he'll be there. He's doing an awesome job and then he comes in here and he has to fight with everybody.

Commissioner Stites, I appreciate you and your honesty because like you said, when they got that \$10 million last year, they could have lowered our taxes but they didn't. I thank you for going to them with the idea of asking people if they could cut their budget. I appreciate that. At least you were considering the people because you're the only one that I've heard considering the people.

Ms. Townsend, you said you would go to the state legislator about getting them to lower the mill levy. Why can't you all come together and lower the mill levy? I know you have the power to do it, but you want them to do it. That doesn't make any sense. I wouldn't even go there and embarrass myself with you. They'd probably wonder why are you there and why am I there when you can, you commissioners can lower that mill levy.

I'm just asking you to try to work with the Mayor. Consider the people because people are really hurting in this community. The saddest thing I saw, I apologized to a 28-year-old. She said I live by myself on my own, but I have to have a roommate because I can't afford to pay these BPU bills. She said I have to. I said, I apologize to you. I'm sorry because it's happening to you and it's going to happen to your children, your grandchildren. One day they're going to be in the same situation if you just keep skyrocketing with everything. We understand everything is going up and we understand you need more money...**Ms. Sparks** said one minute remaining.

Ms. Hill said ...but you've got to find another way. The taxpayers just don't have it, but yet, you all keep spending money like you got millions. You keep giving all the tax incentives. If you don't have any money, how can you afford to give tax incentives and you keep doing it? You're spending money you don't have. We can't understand how you keep spending money and telling us you don't have any and you need more from us.

Albert Meeks, 64th St., said my street runs directly into the back of the new middle school. What the problem is, there's no sidewalk there. I talked to my commissioner about it. I explained to him I've been there 34 years. There's been four children that's been run over by cars because they walk in the streets because we don't have a sidewalk on either side. I said, well, you can put a sidewalk on either side or speed bumps or something. He gave me a number to call down to the Street Department, which he's the boss over there. He could have just did it himself.

Another thing about this BPU. My daughter stayed with me from January until May and she was just still getting high BPU bills. Nobody in the residence. She lives in the townhouses on 74th St. Everybody over there, that's why they're leaving out of that area because same thing. There's nobody in the residence but yet, still high bills. Not right.

Robert Karl, 3420 North 67th St., said I hate talking. I don't like getting in front of people, but when I hear my friends and family back here saying that they're all struggling, I don't think I'm feeling as much as they are, but I know people that are. I have seen people come onto my property just looking for a place to park, just to stay, because they can't make it. Yeah, they might be drifters in the area and that's what they do, but it also goes to show to a deeper problem that the community has. There's just too much taking. Too much taking from the people. It's not that hard. It's really not that hard. You all found your own budgets. You all see your ins and outs. All we're looking for—y'all are our representatives and you're supposed to act like we do, managing the ins and the outs. Managing and balancing it properly.

The less government we have, the stronger the community we'll have. But I see a burgeoning and a ballooning of government. It just keeps growing.

To the Mayor's point, I don't know you, but I like you. I've liked what several of what y'all have said. Different ways y'all can look at the budget, but then you punt the can. I'm disappointed in some of you. I'm trying to get to know y'all. Why aren't you listening to us?

That's why we put you here. We put you here to listen to us, not to listen to bureaucracy. Bureaucracy is the product of government. It is not the product of the people. I wish y'all would just start listening more. Take it to heart. Take it to heart that people do suffer. **Ms. Sparks** said you have one minute remaining.

Mr. Karl said I just want y'all to know that we're all children of God. We should all see each other that way. We should all be taking care of each other. It's not the government's job to take care of us. It's the government's job to take care of the basics and the community takes care of the rest.

Want to fix that budget? Go back to the basics with government and let the community take care of the rest. Where the chips fall, that's where they fall.

Marie Jordan-Hodge, 2724 South 79th St., said I don't really know what I'm going to say, but I feel like I need to say something. I think it's so unusual for the mayor. He does not want to raise taxes, but we have other commissioners that want to. I think that we all need to make sure that we vote those commissioners out and keep our mayor in.

I'm married, but my husband and I, we've only been married eight years and he's 85 and I'm almost 80. Both of our spouses passed away and we remarried, got married. We met each other in church. It's very hard for me to pay the taxes, the insurance, the BPU, the water, the electric. I just can't imagine. Each one of you all—if you've got a budget, you have to live—I have to live within my budget. I can't go to you and say, I want some money. I have to live within my budget, and I think you guys need to live within the budget also.

Like I said, I didn't know what I was going to say, but I felt like I needed to say something.

Bonnie Smith said my husband, Ricky Smith, is running for a commissioner. BPU is not the only bad problem. It's the property taxes. They're horrible. We got these old houses and you're paying \$22 - \$23,000 a year for taxes. It doesn't make sense. I've had to go back to work. We retired and I've had to go back to work just to pay BPU in the summertime. I work at Washington High School and I've been cussed out. I've been almost hit daily. The kids are horrible, but I have to put up with it because the bills are so high in the summer until I have to work. It's just not fair that we have to live this way.

Again, about the PILOT. As a guy said, it's not just the PILOT. It is a big problem. The PILOT needs to be dropped and the property taxes need to be dropped on these old houses. Half the houses are not even worth what we're paying for every year.

Just as bad, I hate getting up in the morning to go to that school because the kids don't respect you, they don't respect the teachers, but again, it's what I have to do to pay my bills every month. We need help really bad. I don't know who all on the panel that's not understanding this, but you guys really need to get together and try to help Wyandotte County.

Abraham Orr, 32nd & Parallel, said BPU. My first question is, do you hear the heart cry of the people? Do you see the tears that fall from their eyes because this is truly painful? I just didn't speak for my wife and I. It seems like the bills just keep going up and up. The crazy thing is, we tried to contact them and we can't get a voice. It's like they're running and ducking at the same time. They want your money, but they don't want to have a conversation with you. Their conversation is if you don't pay your bill, your stuff will be cut off.

Once again, do you hear the heart cry of the people? Do you see their tears?

Anthony Andair, 2212 North 5th St., said product of the community, Wyandotte County. Graduated from high school here. Lived here predominately all my life. Lived in ten different states working restaurant, retail business, district manager, general manager. By far, this is the only city that I know—I love it; it's my home—that there's only one utility company. You go to Texas, you go to Arizona, you go to other states, they've got multiple companies that you can choose from where it's not monopolized by just one company. People can make choices on what company they want to go with or the company they don't want to go with. But here in Wyandotte County, BPU. That's all we got and they know that.

So what they do? They take advantage of us. They raise taxes when they want to raise taxes. They put little tidbits in, again, taxation. It's another way around the loophole of it, and they expect for us to just accept it and say okay. That's another BPU charge added. We're just going to roll with it. I don't understand why we don't have a second choice. Why is there not another utility company that we can bring into Wyandotte County to combat the difference? It's called competition. Competition. Competition. Let's get another company in here that's going to come in and take care of the people's needs versus stealing from them, robbing them. It's just

like when we have these freak rainstorms or all of a sudden we have a wind that comes in that's 40 miles an hour, but everybody's utilities off in one area for what, 10, 14 days. Is there a discount on our utilities being off that long?

During the summertime when we have these blackouts, is there a discount on us for our utilities being off 24 hours or 72 hours? **Ms. Sparks** said one minute remaining.

Mr. Andair said no, there isn't. There are other choices out here of utility companies that we can bring in to Wyandotte County that's going to work with the people and help the people versus hurting the people. You guys have that power in your hands to invite other utility companies to come in here and make a difference. It's in your hands. All you guys got to do is vote on it. Rubber stamp. That's it.

Roxie Armstrong, 6541 Donahoo Rd., said that gentleman is kind of right. Y'all do have the power. Is that the problem? Too much power without thought?

Last week I ran into three different friends three different times. There were only three people. Each one, that's the first thing they said, how are you doing, Roxy? You're a widow. How do you get through it? They say, I can't. They're talking of leaving. People are going to leave here, good people. I think it's sad. I kind of feel like some of you guys need to think and be ashamed about what you're doing and think about what you're actually doing to these people. I don't know if you really understand how much depth that is causing. It's causing depression. When you can't pay your bills—I have to say I'm fine. I'm going to be fine. I know I am. But I know too many who are not. I know a lot. I hurt for them.

Mayor, thank you. Thank you for deciding to do this. Mr. Burroughs, Mr. Stites, thank you. I really do feel like you guys are thinking about what you're doing.

There's so many things that need to be paid going back and have other—there's a lot of people that need to pay their past property taxes. What is it? Somebody was saying today, I heard, like 72 pages of unpaid property taxes in this county alone. How in the world can that many people...**Ms. Sparks** said you have one minute remaining.

Ms. Armstrong said ...not be paying their taxes and get away with it? What is the deal with that? I don't understand that part.

There are other cuts I know that can be made. I know that you guys can dig down and find those problems. It may take a bit, but I know that y'all can do it. That's your job. That's what

you were voted in to do because somebody had faith in you that you could do this kind of thing. We all have to do hard things in what we do. It's hard, but we have to do something. It can't go on like this. It's awful.

Ms. Smith said you tell us in the kitchen and they did not tell us and it's bad. It's really bad. Teachers are sick. The kids are sick. We found out probably just last week and it's been going on for almost a month. Not that you would care, but I'm from Arkansas and my brother has a mansion, somewhat. He has five bedrooms, five bathrooms, and my brother told me he has never had a \$200—he even has two air conditioners—he told me he has never had a \$200 light bill. I just want y'all to know that. He's never had a \$200 light bill.

Phil Lopez, 5408 Osage Ave., said I feel the pain. I feel the pain for all my neighbors with their BPU bills. Here's the thing. There's too many suck head plays that are being made. Just wrong plays. Our money's just being misused completely. I watched the whole BPU meeting with you guys. I almost wanted to say heil Hitler. It was just we're being held hostage. Are the rates going up because they want to set themselves up for another ridiculous raise? The management, oh my God. I look at their money, their salaries. I look online and having to look at Power & Light or Evergy or whatever. It's wow. Our GM is making a lot more than Evergy's GM. It's interesting. Like a lot. They're a lot bigger than us.

I feel really bad for these elderly people that just can't—they have to go get greeting jobs at Walmart just to pay their BPU bills and their medication. The whole thing is we've got to kind of figure out square one again because this is just like so far out of hand that it's not even funny anymore. I feel sorry for my neighbors. I don't know how many times I'm just like, hey, I'm gonna pay your BPU bill. They don't want me to, but I'm not going to let you suffer especially in this heat.

Are we going to be held hostage just constantly, constantly, constantly? **Ms. Sparks** said one minute remaining.

Shelley McCann, 7933 Roswell Ave., said I think the PILOT fee should be dropped. Could someone explain what the PILOT fee is and why we have it? What's it for and why? I don't know what it is. Do you all know what it is? Do you understand it? Do you all understand it? We don't

know what it is. Why do we have it? Would somebody please explain that to us? Which one of you commissioners can do it? Kane, can you do it? You're my commissioner.

Commissioner Kane said you're up here to talk about this. If staff wants to answer that question, staff will answer the question. I'm not passing...**Mayor Garner** said we're going to have order here. Ma'am, staff or somebody can answer that question or one of us will answer that question after everybody has the opportunity to speak.

Joe Caiharr, 10550 Riverview Ave., said I live in Edwardsville, KS. I wasn't planning on speaking tonight, but one of my neighbors said something about taxation without representation. Edwardsville residents, we pay this PILOT fee. This tax, they say it's a PILOT fee, it's a tax. It goes into the Kansas City, KS General Fund. We cannot vote on any representation from BPU. When I go to the polls, I have no say in this whatever, but every person up here, this body, you can get rid of this for Edwardsville, at least.

You've known about this since last year that this money is going into the KCK budget, but it's not going into Edwardsville. It was not budgeted. It was about a half million dollars in money and we were like well, we didn't account for that in our budget so we'll talk about it next year. Next year came and gone. We had a budget. We're still paying a tax that is going into another city's budget. That makes no sense to me. I don't understand it.

I can't vote for anybody. I can't vote anybody out. I have two people up here that represent me and they're doing a good job. There's nothing I can do to have a say in this. It's really disappointing that this is a body that knows about a tax that is being taxed to another city that's going into their fund. It's inexcusable from the citizens in Edwardsville. Why are we paying somebody else's bills? If this was happening in KCK and you had a say in it, if you were paying a tax that went to Edwardsville and you had a say in it, you would stop it the second you found out about it. I don't know why it's continuing. I hope that it stops.

Several people came up here and said there's a lot of people hurting. That's very evident. I see it every day in my job. There's more than just the BPU PILOT. Maybe there's a way we can think outside the box and come up with some solutions, come up with some cuts. **Ms. Sparks** said you have one minute remaining.

Mr. Caiharr said something that we can do if we can find some inefficiencies, as a body, just some tax relief. A lot of old people. I've been out campaigning. I'm running for the

Community College Board of Trustees. There's 4 spots and 11 people are running. That's how upset this community is. I don't know why somebody wants to run for Board Trustee on Community College. Eleven of us are doing it because we're hurting that bad and we want to represent this community a little bit better.

Please consider lowering this PILOT. Getting rid of the PILOT for Edwardsville. Lowering it. Helping the citizens out where you can. Finding inefficiencies and lowering this mill rate if you can. Come together as a body and find common solutions.

Thank you for what you do. I know it's not easy sitting up there. You have tough decisions. It's not easy making cuts, but when times are tough, we've got to tighten up the belt. We've got to cut spending.

Miles Van Bebber, 2709 South 79th St., said I look at the Board or Commission, whatever you call yourselves up there. Every one of you probably ran on you're going to lower our taxes. How many of you have done that? Anybody? Where did you lower my taxes? I've paid taxes for over 60 some years in this county. Taxes never gone up, Tom; up, not down. Nothing's been reduced. Sales tax, nothing. When are you going to do your jobs?

Jessie Villarreal, 4045 North 67th St., said I wanted to clarify. Are there going to be any open comments for general comments, or is this the time to do it tonight? Mine's gonna maybe sound a little bit out of left field, but...

Mayor Garner said generally, they have to be related to the matter at hand. **Ms. Villarreal** said that's why I'm asking. Typically in these sessions, you have an open comment section. **Mayor Garner** said that's not for this session. **Ms. Villarreal** said not for tonight. **Mayor Garner** said that will be next month.

Ms. Villarreal said I tailored what I wrote down today towards what am I seeing from my taxes. You say you want people to move here. I moved here in April 2022. Since then, I've been pulled into a battle to preserve the character of my neighborhood and keep my property safe. I've been forced into a lawsuit to keep a Johnson County developer from literally tearing up my property. Since then, the Commission's decision last September, I have endured harassment, intimidation, threats to people on my property. While I'm grateful for the thoughtful consideration that the Commission put into denying his rezoning request, it's become obvious that he will still

ultimately accomplish his goals and turn a beautiful piece of land into one of his many rundown properties.

Here have been some of my experiences, as a taxpayer and trying to get my UG employees to service my needs. From day one, the Director of Planning and Urban Design Office has assisted this developer to the detriment of the taxpayers in opposition. Gunnar Hand lied in front of the Commission when he was asked if there were any violations on the property. He also was not required to hold a neighborhood meeting until after this man completely altered his original plans. Mr. Hand, at the request of the neighbors in opposition, also gave us a list of names that we could gather for a protest petition. After getting those signatures, we were told the day of the Commission meeting that the petition was denied due to not having the proper signatures.

At every turn, we've been on the defensive to preserve the character of our neighborhood, despite being as proactive as we can possibly be. I met with my commissioners and to their credit, they listened, but our tax dollars should be supporting a government that can be held to its own codes and ordinances.

We had to do our own homework to find the code that stated if the developer didn't start work within a certain period of time that that variance was null and void. Mr. Hand tried to say that was not the case and even cited an incorrect code to me and my neighbors. But when we quoted the code, the correct code, all of a sudden he changed his mind. This is not speculation. This is from public records we requested. We saw the conversations where he admitted to his co-workers to giving us the wrong information. **Ms. Sparks** said one minute remaining.

Ms. Villarreal said if we didn't spend hours of research educating ourselves, the man who's tax—our tax dollars go to pay his salary, he would have gotten away with it. Maybe the most disturbing part is up until this recent time, he's not even lived in this county. I believe that's a requirement, a BPU requirement, in fact. So now he has a rental property address, I guess, but he also has an address that he's claiming he lives at down the road that's a vacant property. Oh and wait, it's having work performed on it with a permit that expired in 2021.

I'm going to skip through some of this other stuff because I think you get my drift, since I don't have any more time left. What I want is support from a county, but a county that deliberately works to work against us and no matter what happens with our taxes, remember that the needs of the taxpayers are worth something. When we come to you for the needs of our property and our

lives and our safety, that's what we expect. We expect these high taxes to go towards that. **Ms. Sparks** said your time has expired.

Ms. Villarreal asked, are our needs worth anything? Are they worth \$460 million because that's what I've experienced over the last 18 months of living in Wyandotte County.

Mayor Garner asked, anyone else? (No one stepped forward.) We're going to close the comment for the room. Clerk, do we have anyone online? **Ms. Sparks** said yes, we do.

Louise Lynch, Kansas City, KS, said first, I want to say to all of my fellow citizens here in Kansas City, KS, what we're talking about here is not new. All of these commissioners have heard these stories over and over. They don't care. They are not going to go along with what's best for the people.

I want to thank Tom Burroughs and Chuck Stites for going against the grain at the last vote, but the rest of these commissioners up there, I want you to take a good look at them. They don't care about you. The only way you're going to change this is to vote them out. We have the ability to change five of these seats. We need to do it.

I have a unity rally at Rosedale Park this Saturday between 2 and 5. There will be burgers and hotdogs served. For those of the candidates that are running for an office, if you have not been personally invited by me—because I am putting this on as a person—you are not welcome to come or we will have you escorted out.

It is time we give the power back to the people. Enough is enough. The rates of BPU, the PILOT, the taxation, the mill levies, all this garbage is garbage. Offering to give us a dime or nothing and vote to raise our taxes, vote to raise the PILOT, vote for all of this garbage is nonsense.

Seeing people in the street doesn't matter to you. Well, guess what? It's time for election and you all need to go. My commissioner, Mr. Ramirez, needs to be gone. All of you that voted against the people, time's up. Meet me at Rosedale Park this Saturday, 2 to 5 PM at the shelter. Come together. Put your partisan disagreements aside, ethnicity aside, whatever other aside. **Ms. Sparks** said one minute remaining.

Ms. Lynch said it is time that we, as the people, take this county back. Give the Mayor what he needs to put this county back in the right direction because these people up here don't care about you.

CeCe Harland, Wyandotte County, said the first thing I want to say is I'm so proud of Wyandotte County residents for showing up and speaking and having a voice. So many times we come and there's not a lot of people there. So I'm glad for the crowd that we had tonight, and the fact that you had enough bravery to get up and address your government.

I want to reiterate that you have the power over both of these boards. You own BPU so assert that authority and that ownership over BPU and that's where you will get your change.

I'm going to reiterate what everybody else said. Vote these people out who are already on the ballot to be voted out. The ones who voted against or voted for raising the taxes, despite what people said, recall these people. Get them off the Board because when you sit on that Board and say you're going to represent the people and then don't, that should be malfeasance if it's not.

Donna Henderson-Hoyt, Cernech Group, said I have been a leader in my community for many years. I have fought and stood up to support my community.

Last year you guys had sent out a budget plan to try to see who could balance your budget and my question to the commissioners and to mayor was, how many people submitted that budget and how many were able to balance that budget? I balanced that budget. It was difficult based on how you manipulated the questions and the answers. When somebody chose to cut some spending or adjust for spending, you manipulated that system by telling people negative impacts on that. But it can be done. We need to be responsible. Like many have said, tighten your belts, make some tough decisions, and stand up and support the community. The services that we should be receiving as taxpayers for that, Wyandotte County, are null and void.

Animal services. Our community has fought. We don't get the support from Animal Services. Cut that or do something about it and enforce the fines, the fees, and start collecting on some of that. That will bring in an extra revenue stream.

Number two. Your codes, fines, and fees. I've got buildings and properties in my community for decades that have gone to pot where we have constantly tried to get help and it's no change. If you would levy these fines and fees that are on the books for these people that don't take care of their property, you would have another revenue stream; but instead, your employees don't do anything. **Ms. Sparks** said one minute remaining.

Ms. Henderson-Hoyt said and then the same with your building inspections and permits. You have inspectors who do not go out and do their job except from their home. You have

contractors who know the rules and the systems and get away with them and avoid them by not paying those permit fees and fines. That is revenue stream that you guys could be pulling in money from instead of taxing our elderly citizens who are losing their homes, losing their family ancestry homes. It's sick, it's sad, and it needs to change.

Yekaterina Makarenko, Kansas City, KS, said I came to this meeting for a different matter, but since I hear what people are talking about, I just want to say that I just moved here to Wyandotte County three years ago. I sold my big house in Olathe and bought a little townhome here just to meet the ends and be able to send my four kids to a private school because I just don't trust the public schools. Now my property taxes and my bills are coming higher and I need to come up with extra \$300 a month to pay that even like I'm paying for public schools better than trust them. My kids go to a private school. My husband and I are finding ways to make that extra money.

I have a neighbor. She's a single mom of three. I don't know where she would go for that extra \$300 a month. It's huge. If there are families who can find a way to make more money, meet the ends, there are still some who will deteriorate. The parents will spend more time working trying to pay their bills. The kids will go unattended, and the community will just go worse and worse. I can feel it.

I look at my neighbors. The kids are always on the streets playing together because their parents are at work. Those kids, they are neighborhood—what's it called? I forgot it. The windows got broken and stuff get broken because kids are unattended.

Parents need to work. The more taxes, more bills they need to pay, the worse the community is getting. If we need to fight for the community, for our kids getting better future for the neighbors, then there should be something done to help those people with their taxes and bills by lowering them.

Susan Stevens, 4018 Silver Ave., said I want to echo what one of the other residents said. She was talking about how we're on the verge of bankruptcy and how can we be affording to give tax incentives to big businesses here. I've said this before in different ways when we're trying to look at how to make the ends meet. There shouldn't be developers and businesses being able to come in here and not just pay their fair share of taxes. I think that if they were paying and no big

businesses were making huge profits and then getting a free ride here, I honestly think that would help solve a huge amount of our issues.

I really think we need to put people first. If any businesses don't want to be here or if they can't get a free ride, then let them go and let's invest in our small businesses and family-run businesses who could maybe do more business here if they weren't pushed out by the big conglomerates.

Stephanie Barton, Wyandotte County, said I have a question for the Board. Is it big business or the community? There will be no community if these oversights by our commissioners are not stopped.

I'd like to thank the Mayor for standing up against these increases that are directly harming our people. More of the same will never fix the problem. Asking the same people who caused these issues to fix these issues will get us nowhere. You violated the public's trust by putting big business before our community. It is now our duty to hold you accountable by putting people in these positions that will work for us and not against our best interests.

I'm praying for a change of heart and some compassion for all those who have spoken tonight and who feel like they haven't been heard all the other times that they've spoken.

Stevie Wakes said after the revenue neutral meeting, I approached the City Manager, who was recently appointed to serve. I understand that he is still learning and going through the budget. Unfortunately, his job is to review and help develop a budget that I personally do not believe that he has had the time to determine what cuts need to be made to balance our budget. Only he can speak to that. However, if a few of our commissioners—I'm talking about a few commissioners and you know who you are—could stop fighting our Mayor and try to work with him and our new City Manager, then I believe that the real work can begin to bring necessary relief to our hurting citizens who need to be heard and need relief from the tax burden and increased rates upon us.

As a citizen here of almost 40 years, who married and raised a family here, I feel the pain. That is one of the reasons why I agreed to run for the First District of the Board of Public Utilities. I pray that we could stop the infighting and that we could understand what our real issues are and try to address them for the sake of our county, for the sake of our government, for the sake of every

citizen who's out there hurting right now. I believe that you can do it. You just need to put forth the effort to do so.

Ms. Sparks said, Mayor, there are no other hands raised at this time.

Mayor Garner asked, is there a motion?

Commissioner Bynum said a couple of items. On the veto of the BPU, and I believe the item speaks to the PILOT, I think you explained that. Just a couple of comments. The increased revenue, at least yesterday when you and I were meeting with some other commissioners and the Administrator about this item, I asked you if you were referencing the PILOT rate. You said yes and that part of the reason was because the BPU rate had increased and, therefore, we were taking in more revenue from the PILOT. The committee that worked with me to bring the PILOT Relief Program had identified that as the way that we were going to fund that program. That PILOT relief ordinance passed at standing committee Monday night and I believe is on the agenda for this evening. So, I just wanted to make that point.

Commissioner Bynum said another point I would like to make is that, I think, there is a number of us willing to work with the Administrator and, I believe, the Administrator is working with the General Manager at the Board of Public Utilities to find ways to at least remove the fees that are charged on the utility bill off of that bill and into some other way. I think a lot of us support that. That came up in the joint meeting that we had held with the BPU Board members and their General Manager. I think there was consensus to work to move those fees off of the bill.

The point is, many of those fees are user fees such as the sewer charge and the trash. We can move them off of the utility bill. I think there's a lot of support for finding a way to do that, especially in light of making sure that non-payment of one of those items doesn't cause a disconnection. The point there is simply that if we do that, we simply must find another way to bill for those fees. This is another area that requires complete transparency on the part of the Unified Government.

For example, you have a monthly trash fee. If you do not pay that on your utility bill, not every community collects their trash fee in that way. There are communities here in the

metropolitan area that, for example, send you your annual trash bill in January and it's due in full. I'm not sure that I would support that because I don't know what our community looks like if the bill comes in January for the entire duration of the year and it's difficult to pay, therefore, now your trash is not getting picked up.

So, we have a lot of work to do to solve these problems, but I think that we have administrators, a mayor, and commissioners willing to look at that. I did want to make that really clear.

Commissioner Bynum said I have one more thing regarding the PILOT. When the committee that I worked with to bring forward the resolution to provide PILOT relief for the targeted population of the older adult community within a certain annual income range—we brought forward that presentation in May—I worked with several members of the community. We worked with staff to bring forward the proposition, again, that is on our agenda tonight.

One of the things that came forward, as a result of the study and research that we had done along with staff, is that the PILOT fee is, by state law, a collection of revenue which is a percentage of the BPU's gross operating revenue. That is a state law. There is a portion of our charter ordinance here at the Unified Government that requires the BPU to transfer a percentage of gross operating revenue to the Unified Government. Further study could be done in these two areas such that, as many of you have said and requested, there is no PILOT on your bill because the state statute and the charter ordinance do not direct that. What they say is, revenue on a percentage of the BPU's gross operating revenue, a percentage of the gross operating revenues are to come to the Unified Government. That's what the laws say. I would want to have further study to clarify with Legal whether those laws also say, and those revenues should come from the ratepayers because I'm not sure that those laws say that.

So, that's sort of a big elephant that's been sitting in the room for an extremely long time, but that is what the state law and the charter ordinance say. So, I wanted to take a minute and point that out.

Mayor Garner said to hit on the, I guess, comment you made involving me, yes, I do know that resolution to, hopefully, give some PILOT relief to our residents passed through standing committee. I didn't veto this item because of that. If you watch the BPU presentation that was given by the BPU General Manager, they listed a historical graph, and I encourage everybody to

go back. They really talked about the PILOT and how it started and where it started from. What you've seen is a gradual increase to 11.9%. Really, to answer anybody that's curious about what the PILOT is, it's just a tax. I'm just going to call it like it is. It's a payment in lieu of tax.

The Unified Government owns BPU. They throw that tax on there in simple terms because they know you're going to have to pay for it or you're going to get cut off. That's just a way to collect tax dollars. They can raise it or lower it at their whim.

They've added additional fees on there and that's why I vetoed it because those fees across the board have been added to the BPU that is going to add an additional tax. When the BPU raise their rates as a result of the PILOT, you're going to see an increase. The UG is going to bring in more money as a result of that through the PILOT.

The General Manager mentioned in that meeting that the PILOT was supposed to have come down by past promises from previous Commission's to, I believe, at or below 10%, but we haven't maintained that commitment to the BPU or to this community. We're nowhere near where we started at when the PILOT began. The equivalent of a PILOT is a franchise fee for any other utility. The average franchise fee is 4 to 6%. Ours is 11.9%. You can see where we're at and how we measure up against other utilities of the same.

So, we use that as a way to just bring in more tax dollars. I say, and I join the public here, that enough is absolutely enough.

Commissioner Townsend said just one or two things. For those who don't believe that we don't feel what you're saying, that is not true. Maybe the way that it's being displayed now with the concerns raised by how much are valid, but it's not valid to say we don't feel that. Each one of us has to pay as well.

Commissioner Townsend said for the person who mentioned not necessarily about the PILOT, but a statement I made about taxes and assessments, that was misunderstood. Go back and look at the tape. Look at what our neighbors to the east, Jackson County, has just done. I talked about assessments and I hold to that that we have to investigate how these properties are assessed. This Board votes on the mill levy, but what all of us pay in rates is a factor of that mill levy and what the assessed value of properties are.

I want to know a whole lot more about how properties are assessed and when my tax, your taxes are assessed, what's being compared to that? That's what we need to look at. That's what I said. That's what I hold on to and invite any one of my commissioners—there are several who have expressed a desire to look at that more fully and anyone else. So, just let the record be clear on that.

Mayor Garner said I share in Commissioner Townsend's sentiment that we do need to look at our assessments. We do need to coordinate with the state to see what they can do. But as some of my colleagues know and a lot of you know, the state gave local municipalities an option. It's called revenue neutral. So, until we can get to that point, revenue neutral allowed municipalities to set the mill levy rate that would represent not allowing a property tax increase because your valuations increase. That's what's called revenue neutral.

Now, we know costs go up. Inflation plays into that, but what does that do? Hard times call for hard measures. You tighten your belt. You do what needs to be done to come to a balanced budget. That's what this Commission has not historically done. Their fix is continue to tax, spend, borrow, and deplete our reserve funds to make up the difference. To me, again, that's unacceptable. Enough is enough.

Commissioner Townsend said (inaudible) taught me how to add and subtract and buy. Last budget I voted against the general budget because about six mills were added to reopen a fire station. We were in a lot more red than we are now. While that was painful, there are those of us who do realize you cannot spend more than you're taking in. So, that was painful. One other commissioner joined me in that.

Again, I look forward to looking at assessments and how we can bring down tax rates.

Commissioner Davis said I think I had some communication with some of my constituents on Facebook and email and some of you, call their office. Wanted to try to give you a call before then because this setting, in my opinion, is just not conducive to as much productivity. There's a lot of complexity that comes with this decision. I would hate for one vote, or two or three Commission meetings to then shape how you see myself or anybody else up here.

There are some things that I think kind of have been missed as far as the budget. This is just how I see it. On one hand I have residents that will call me and ask me for relief. We'll say fees are too high. They'll say taxes are too high. They need to lower. Those same residents in the same conversation will ask for new curb, street, sidewalk, all of these things that are currently not in the budget. So, I try to find the middle of what I hear, not just from a particular neighborhood or a particular group, but from all of my constituents and see where is the middle. Overwhelming, and I have all of the calls and the notes to prove it, the middle has been, Commissioner Davis, we want relief and we want improved services. We want relief and we want improved amenities.

Mayor Garner said if we can maintain order. Just allow the commissioner to speak and be respectful; decorum, please.

Commissioner Davis said that is my perspective. Within this budget on the relief side, we have updated our Senior Tax Utility Rebate. We have updated our Utility Tax Rebate. That's more money in the pockets of seniors. We are rolling out a new program, a BPU PILOT Relief Program, that will for seniors that qualify, you won't have to pay the PILOT. That starts in the 2024 budget. That is the relief that we could find within this budget.

But there's the other side. The improved services. We have 13 unions here. We have employees here. Our employees, there's no way any of us can answer your calls or provide service if we don't have adequate staffing, period. We have lost staff, which has had an impact on the level of service and quality of service that we have been able to provide.

Commissioner Davis said there's questions and comments about developers. I ran not on going revenue neutral. I did not run on universally cutting taxes every year. I did not run on that. What I did run on was using my academic acumen and using arithmetic to ensure that decisions are made properly. One of the things I ran on was a community benefit ordinance. This would solve some of the very issues that folks have said which is that we feel like development is coming here and they're not necessarily paying directly into the community. That work is still ongoing. We actually have language and was actually introduced in the Mayor's Economic Development Task Force. I'm also working with Churches United for Justice to bring forth an affordable housing

trust fund because, again, I hear the cries for relief. I hear the cries for relief. We need real legislation to push that forward.

I say all this to say that on the expenditure side, we have Police, we have Public Works, we have Fire Department. We have Parks and Recs that has been underfunded for years. We have the DA's Office, the Sheriff's Office. We have over 30 departments here in the Unified Government because we are consolidated county and city that all provide services, services that you all have asked us to provide. So, that is why I'm not for revenue neutral.

Commissioner Davis said before I stop my comments here, I do have a question for our staff. When do we need to adopt this budget? What is the state statute? What's the deadline? Tomorrow?

Mayor Garner said I believe it's tomorrow. They have to notify the state of the mill levy.

Commissioner Davis said so that's the other side. The deep dive that you all are asking us to do—our County Administrator, who got here six months ago and has done a phenomenal job, including reducing the debt by \$3 million in this budget, in just six months, he's been able to do that. We're just getting started with his tenure. We're just getting started. I know that is not the answer that many of you are looking for, but I feel like before voting, you, at the very least, I, at the very least, owe you an explanation. I, at the very least, and I'm ready to talk with you as long as you're respectful, as long as you're not trolling, as long as you're here to have a real conversation, I'm ready. We can disagree all day, but I want to go home just like you want to go home. I have a family just like you have a family. I have family members that are complaining to me about the same issues that you're complaining to me and they're asking both for relief and improved services. We are trying. I am trying. We are trying.

Commissioner Davis said the state of Kansas revenue neutral has not been beneficial for cities. There are other revenues such as the local ad valorem tax, which has not been funded for 20 years. It's a state program that our state has not funded. It's designed to provide tax relief. You're being double taxed by the state.

There's more there. I'll be sharing more of that. The Kansas Association of Counties has that. This is not, ad valorem, this is not an easy decision. At the very least, I wanted you to hear that from me.

Commissioner Markley said thanks to Commissioner Bynum for her explanation of the BPU PILOT. It is complicated. I would urge you to reach out to your elected official if you want to talk more about what that is and how it ends up on your bill because it is complicated. Thanks to Commissioner Davis for his discussion as well. I'm not going to belabor the point. We have to pass the budget by tomorrow. I think the middle that Commissioner Davis addressed for us is the flat rate budget that we have proposed. It's a flat BPU PILOT and it's a flat mill levy. So for purposes of the PILOT, which is the first item on our agenda, I would make a motion to override the Mayor's veto.

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to override the Mayor's veto.

Commissioner Ramirez said Commissioner Davis alluded to it already. There is another. It is the local ad valorem tax revenue fund. That is the percentage set aside from state sales tax that is collected from throughout the state that the state legislature is supposed to provide to local governments for dollar to dollar tax relief, which they haven't funded since 2003. If the state funded it at \$128,000, we would receive \$6.8 million, which is equivalent to 3.6 mills we could reduce. If they funded at \$150,000, that's \$7.5 million which is 4.3 mills. With just \$200,000, we would receive \$10 million, which would be 5.7 mills. Meaning, we could take that money, do tax relief, and not have to cut anything. The state can do \$200,000 because by June 2024, we will have a \$3.2 billion surplus in the state budget. So, \$200,000 is a drop in the bucket for the state.

We, as a community and as a Commission, need to advocate to our legislature, to our Speaker of the House, our Senate President to fund the local ad valorem so that we can provide tax relief while not having to cut programs and services. There are avenues out there, but we need to have the advocacy to do it. So I ask you, come January when our legislature comes back in session, reach out to your state reps and to your state senators and ask them to advocate to fund the local ad valorem. I'm going to do the same. I'm not going to write a letter. I will go up to the

capital and meet with our legislators and ask, on behalf of my district, to fund that local ad valorem. If we can fund it \$200,000, that is \$10 million of free money we get from the state and we can lower the mill by 5.7 mills and cut no programs or services. It's a win-win for everybody.

I'm going to continue to advocate for that. I just wanted to make sure that those stats and those numbers were out there so that everyone understands that we do have another avenue to pursue.

Mayor Garner said there's a motion on the floor and a second. Any further discussion? Clerk, roll call.

Roll call was taken and there were eight "Ayes," Davis, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley; and two "Nos," Stites, Burroughs. **Commissioner Stites** said, prior to his vote, I just want to make sure that in voting aye or nay what that means. The motion is to override your veto, so a vote for yes would mean that you are voting to override the veto. Is that correct? **Mayor Garner** said yes. That means you're voting against my veto.

Mayor Garner said if we could maintain some decorum. This leads into the next part of—we have an Item No. 3, which is going to be our budget.

Item No. 3 – 212761...VETO: MAYOR'S VETO CITY/COUNTY BUDGETS

Synopsis: Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R-57-23/Ordinance O-108-23 approving and adopting the Amended 2023 Budget and the 2024 Annual Budget of the City of Kansas City, Kansas, and Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said if I can talk a little bit about the budget. I've heard some comments being made that we have to find the middle. Well, I've been working here for over 32 years now and I'm beyond finding the middle. I want to know where the money is. When I look around this town, I don't see—when you look at—and I'm going to go through and walk you through this. This is going back to 2019, the budget increases.

The budget, starting in 2019, was \$376 million. It went to \$394 million the next year. Then the next year \$381 million. \$420 million when I became mayor, was approved. The year I was mayor, \$432 million, which is the budget we're under now. This budget that we're looking at that this Commission approved that I vetoed is now \$466 million. That's on top of almost close to about \$90 million worth of ARPA funds that were given for COVID relief. We've had money coming into this town and I keep asking when you talk about good services and resources, where is that money going when there's weeds growing up out of the sidewalk. You call 311 and nobody picks up the phone.

You've heard the complaints from developers trying to get something done from this government. The auditor said it, this isn't me. What we've experienced with this is decades of questionable management. So, when you talk about where's the money or where's the middle, I say I'll take it a step further. Where's the money.

I hear things like oh, well, next year or let's look at the state. I've heard a commissioner talk about let's advocate the state. Well, this isn't the state's problem, number one. If you're telling these people to go do the same thing to the state that they're doing with you, good luck. You're asking them to do what they're doing to you, which is to advocate for relief and it ain't happening. I don't think anybody would go to the state and follow anybody up there when we're not even listening to the people.

Mayor Garner said all I can say is that we have a budget and I went over that with you. I vetoed this budget and that's the next item on this veto is the actual budget itself, which I talked about, \$466 million. Again, what we've seen are increases across the board with absolutely no relief.

I know we talked about the PILOT. There was an increase to pay for that PILOT relief. So no matter what, it's an increase across the board. These are what the people of Wyandotte County have been telling me, as mayor, everywhere I go in all four corners and everything in between, Mayor, we can't do anything. We need relief. All demographics, all backgrounds, all age groups. BPU PILOT to the budget. People are saying we can't afford to live here. Businesses are telling me, and I'm trying to attract business, we've done the market study. That's not an attractive place to do business unless you give us huge incentives, which give us the farm, to come here. Then when we do, most of the employees don't even want to live here themselves. So, we've got huge issues.

Mayor Garner said, again, I'll open public comment. I did veto the budget. This is an opportunity for the public to come forward and talk about the budget, which basically is property taxes.

Again, no, this Commission did not raise property taxes. They did not raise the mill levy. That is the truth. That's where revenue neutral comes in because it equates to when your valuation goes up, it equates to a mill levy increase and that mill levy increase brings in more tax dollars through property taxes. This Commission, just like every other municipality, has the ability to put a pressure point on that and say we are not going to take that additional revenue from increased mill levy rates. We're going to put a pressure point on and give you some relief. Even if we don't want to do it all, last year they decreased two mills on the increase, so it wasn't the whole nine mills. It was equated to about seven mills. Still an increase.

This year they've done nothing. For me, as a mayor, that was unacceptable especially when I've heard people in this room and across this county say, Mayor, I'm going to lose my home. Then we sic codes on people because they can't fix their properties. Well, okay. They've got to make a choice. Do I put a new roof on and paint my house or do I pay my BPU, my light bill, and my property taxes? Do I put food on the table? We listened to a young lady the other day talking about how she was living off of less than a thousand dollars and she didn't know what she was going to do, a single mother of one. Broke my heart saying, don't do this to me.

This Commission has the ability to cut, streamline. I've done it. I've been an executive. I've done it. You say, where do you cut? This Commission—and I didn't even get involved in it because I wanted to see if this Commission was going to do the things that need to be done if they were really listening to the people—were given options and opportunities to do just that. They didn't take those opportunities. That's why we see increases across the board.

I know in my line of work when I was an executive, I've been given a task. Tyrone, you cut 10% out of your budget and I need it within 30 days. I did it. Tyrone, here's your budget. Don't spend a dime over it. Don't borrow any money and don't overcharge anything. You operate in this budget. I did it. I've had to lay people off, not that I'm advocating for that. I've had to not fill positions. I've had to not buy certain things that were wants and not needs. When you're struggling financially, those are the hard decisions and choices you have to make. It's called shared sacrifice and it's called leadership and that's what we are.

The community voted us to lead. I know these are hard decisions but if we're going to get out of this mess—when you're looking at going into the red all the way up until 2028, and I don't

even know what it looks like after that, I don't see any blue sky with all the debt we have and we keep operating as though everything is great. Let's keep spending. Let's keep building things that we don't need and buying things we don't need. Let's keep borrowing.

I haven't heard one in this budget cycle, one thing that was cut to streamline and bring in more efficient, more effective, more customer service-friendly government that brought about a balanced budget, not in 2028, but could bring about a balanced budget this year or next year. I can tell you, big companies, that's how they operate and they're successful. I don't know what's wrong with the Unified Government.

So, if anyone would like to come forward and talk about the budget, property taxes, this is your opportunity.

Ryan Parker, 1040 Edwardsville, said I like how you pass the buck to the state. That's great. I would think if you had shown us in that ARPA money that you really were engaged in tax relief, you would have shown us rather than tell us to go storm the gates of the state. You've never shown us that you want to do this in the past, so I don't know what would make me think you want to do it tomorrow. Tomorrow is a funny word from the last Commission meeting. Commissioner Bynum wants to look at things tomorrow after the pass today. I found that highly offensive as a Wyandotte County taxpayer.

As far as the middle, being a Wyandotte County taxpayer who moved out of KCK to try to help himself, I now live in a city that pays you but you don't really do anything for me. So, I just want you to cut it. I don't want you to give me nothing. How about that? Just cut the taxes. I just want the relief. You don't do nothing for me now but take from me. So, how about you just stop taking from me. Quit robbing from me. I feel like you've got a gun to my back. You don't give me nothing, you just take from me. That's all. That's all you do, Unified Government, the un-Unified Government of Wyandotte County.

I don't know why I'm even talking to you guys. Obviously, I already know how this vote's going to go. Two against everybody, right? Why are we even—it's a moot point. But, hey, I'll say my peace anyway. I'll sleep at night knowing that, obviously, you, at the end of the day, your words are only words. Your actions speak much louder. Your past actions mean nothing to your words tonight.

Fannie Hill, 4310 Parallel, said I have a copy of the budget. I took a look at the budget and I could balance the budget from what I saw. Nowhere in history is there a fire department that gets more money than the police department. That budget could be cut. Then the \$10 million revenue that came in last year that our tax could have been lowered that didn't take place. Then the ARPA fund money that came in, the \$85 million, somebody came to one of my monthly meetings and I said who are you guys? Where you come from? They were shocked. They looked like Muslims. He said well, we're looking for the ARPA fund money. I said well, it's not here. You all say it's not here either. So, it's somewhere.

There's a lot of money in the budget that I looked at that could be cut. We talked about the pizza party money. That's about \$400,000, \$100,000. It's a lot of money. I think I'm like we don't need a pizza party. I'd rather have my taxes cut. I can pour my own pizza so put that money in the General Fund.

Then I talked to Ms. Bynum and commissioner about the casino money. That's a lot of money that the casino gives that's given to the budget. I've been looking at that. Do any of you look at that? I saw a skate, a bike ride, a scooter thing. What I saw on there I thought this is ridiculous and we need tax dollars. When I saw—what I said, so I could just come up with a name and say I'm going to have a skating thing in the community for the community then I could get a grant. I thought, really. Have any of you all checked into any of those things and see if they really exist or people just—I just couldn't believe it. I couldn't believe what I saw. It's a lot of wasted spending.

There is no budget. Nobody goes millions over a budget. When you get close to your budget being over, you stop there. I think now really and truly, you could, I may be wrong, but I think you guys just want to keep spending the way you've been spending. **Ms. Sparks** said one minute remaining.

Ms. Hill said I talked to them about taking the tax off the tables with the developer. We need tax dollars. How can we keep giving away tax dollars and we need it? Be negotiators. Negotiate with these guys. Tell them hey, we're hurting, people. We'll give you a year's taxes until you get up and running, but you're getting rich off of this business so why aren't you paying taxes. After two years, your business ought to be rolling and you ought to be paying taxes. Why are we giving 5 or 10 years? It's just no negotiation going on. No budgeting going on. It's just spend, spend, spend, spend. You know why? It's simple. Just ask the taxpayers. They have to

pay it. It's like you've got us over a barrel. You've got a chokehold on this. That's what you've got.

I talked to commissioner a long time ago. I said, Commissioner, you're drowning us in Wyandotte. I said, Commissioner Davis, people's heads are under water. My chin is on the water and you're pushing me. You think I'm not going to fight. If I have to be here by myself, I'll be here. I'm not going to let you drown me, not without a fight.

Jessie Villarreal, 4045 North 67th St., said I didn't plan to get back up here, but I've got to finish what I was going to say. I heard somebody mention the fact that permits aren't even required for people that work for the Unified Government. Also, developers that come in from Johnson County and need to pull permits but don't pull permits. Even today, I was told by the permits department that they didn't have enough evidence despite the pictures and the drone footage that I sent them of over an acre of treed land that was cleared, with no permits pulled, where this developer is going to put people on my property line to hunt. They, after much back and forth, said sorry. We just don't have enough evidence. So, if you actually got them out of their offices to come and see for themselves on my street, which they could see from the road but they don't leave their offices, would that be considered a revenue stream for everyone?

I have dogs dumped on a regular basis at the end of my dead end road, but we have nonexistent animal services in this county. I can't get my trash picked up in this county either.

Lastly, it's offensive to me that people up there can't even look us in the eye when we're up here speaking. You're up here laughing at whatever text message conversation you're having. It's a good thing I don't think you're running again. It's a good thing there's somebody running against you because it's shameful. You should look all of us in the eyes when you're going to put these people in this position.

Alex Sanchez said, Mayor, thank you so much for your stance and sticking up for us and representing us; Commissioner Burroughs and Commissioner Stites. The rest of you are an embarrassment. You have no ears to hear what the people who put you in your position are telling you. UG is not working. How about we disband UG and go back to the way it was because of the inefficiencies? How about we get rid of the duplicated departments and agencies between the BPU and the UG? How about we let the service providers come to the Commission to provide bids on

behalf of trash and all the other services to deal with us directly instead of having a bloated operation that is failing everybody?

I heard today that there's an excess of what, 40,000 pieces of property in the Land Bank. Turn that around. Focus on that. Focus on what you have and make it work. Instead, all you know how to do—and, Commissioner Bynum, I just love that little shell game that you played as if you're actually doing something. Absolutely shameful. Absolutely shameful. My house, seven years ago, was \$75,000. I look on Zillow, now it's \$257,000. My ad valorem from last year was \$130,000. This year, it was \$171,000. I think the actual figure was it went up \$38,500. That is an absolute pitiful joke.

Balance the budget. Look at the duplication of services within the administrations. If you cannot do that, do the county a favor and resign. **Ms. Sparks** said you have one minute remaining.

Mr. Sanchez said we'll get people in here that are going to do the job. I just took a 20% pay cut at work. I can't go to them and say well, that's not good enough. I need more. There's more stuff I want to buy. Not cutting it. How about I come to you and have you vote on a salary increase for me to make up what I lost at my job. Is that going to happen? No.

Thank you, Mayor. Thank you Commissioner Burroughs and thank you Commissioner Stites. The rest of you, unbelievable. No matter what the people here tell you, you have no ears to hear. I can get—I'm not going to, but people here have had it. If you don't get your act together, you are going to force this county to go into receivership. Do you understand that? Do you want that because then you have no say. It's all the state.

Yes, they're sitting on an incredible surplus at the state level. **Ms. Sparks** said your time has expired.

Jerry Vest said I've been a businessman most of my life at 13th & State. This is very much upsetting to me because my taxes are to the point I can't afford employees anymore. I've had to get rid of my employees. You can't hardly get taxes in Wyandotte County. I tried to get taxes right up the street at Farmer's and it's so expensive. When I told them Wyandotte County, they said, oh, you can't do that because of the tax we have here.

I've called a lot of people. Universal Construction Company's been around here for over 50 years. They're planning on moving. Look up and down Minnesota Avenue, State Avenue, all

over the city. How many vacant buildings do we have, businesses that used to be thriving that are now empty?

Years ago we had a commissioner that I was complaining about my taxes, which aren't near as high now or higher now, and he said we had ten businesses. We had four businesses close so we have to raise the taxes on these six businesses to make up for the four that we lost there. I said, really? What you need to do is you need to take a cut in salary, the whole UG Government, not just you guys, until you can figure out a way to get the money back in. He said well, that's not going to happen. I said, what do you think you've done to us? You've cut our salaries when you raised our taxes. I can't afford an employee.

There, again, there is Unified Government employees that need to be fired. I know lots of people. I go to a lot of meetings, believe me. Everybody knows that. I go to them. They don't want to see me because we've had people complain about the Unified Government. When you try to call somebody, you can't answer the phone. I've had this problem for years, many years ago, the Unified Government.

I think you have to be paid off to get something done in our city. I really do. I had a man that I kept calling him and he would never be there so I went to the fifth floor and I called him. They said well, he's not here right now. Open the door and he was sitting there with his feet on the desk. Now that man needs to be fired.

Years ago I got a bill that I thought I had already paid. **Ms. Sparks** said one minute remaining.

Mr. Vest said when I bought the building, I thought I paid it. The following year I didn't get any bills for two more years. All at once, I had \$7,000 in penalties and interest. I said, why didn't they send me the bill for two years? I'm willing to pay it. Nobody could tell me anything. Now that's Unified Government that screwed me over. I lost over \$7,000. Is that fair? Tell me.

Anyhow, more vacant buildings. Go around and look at how many vacant houses there are. They're everywhere and you're the reason why.

Cheryl Yates, 4525 North 108th St., said I heard it said once that sometimes governments, politicians, you name it, those in charge of mandating what we are expected to do, sometimes they create problems. It's obvious from the sentiments in this room and what I've seen here in this

county all of the time that I've lived here—some of you continue not to look us in the eye—but I've seen the decisions that you've all made, now and in the past, have created problems.

I called our commissioner yesterday or maybe it was Tuesday, I guess, and he called me back. We had a nice little chat. I expressed my concern that he not vote against the mayor's veto. His response to me was well, I'm going to. You just don't know the whole story. I'm going to. There were eight of us, or whatever the number was. We all voted. We all agreed. I said, sometimes you have to stand up and be counted and not vote the way the others are voting. You need to listen to people and you need to take a different approach.

Today, I called the office and asked that the same message—oh, and he told me he was the only one that ever responded—asked that the same message be delivered to all of the commissioners. I got a call from Chuck Stites right off the get-go. I got a call, a message, from Andrew. Andrew's response to me was well, I'd like to talk to you about the relief programs that we're going to have too. This is the concept. The problems are created by the bureaucracy and then the bureaucracy runs in with relief programs which ends up costing the city, the governments, way more. **Ms. Sparks** said you have one minute left.

Ms. Yates said it does not work. You can't create the problems and then act like you're moving the shells around to give us relief. You're creating relief programs. It does not work. We're not blind to it. I would say probably everyone in this room has figured you out. We're asking you to change the way you're doing business.

Marie Jordan-Hodge, 2724 South 79th St., said I'd like to say, Mr. Mayor, I appreciate you. Tom Burroughs, I appreciate you. Mr. Stites, I appreciate you. I don't know how the three of you come to work every day and work with these other folks. I just can't imagine it myself. The one lady there, Melissa, you amaze me and so do you, and so do you, and so do you. I just hope that we all have the guts to vote you out the next election time.

Also, I was wondering about we were talking about vacant buildings. I don't know if you can answer this right now, but I wonder about the Cerner building. What a waste. Is that costing us? It has to. What are we doing with the Cerner building? No answer? That's a multimillion-dollar building. It seems like we could do something beneficial with that building.

Mr. Burroughs, I really appreciate you. He's a very nice man. I know him a little bit.

Phil Lopez, 5408 Osage Ave., said I just want to go over a couple of things. This kind of makes sense in a way when you look at the numbers why we need higher taxes, I guess. I don't know. Maybe because we blew all of our money.

How much money did it cost us to get rid of Doug Bach? And then this other county administrator we hired and then she didn't show up. She goes back and she works for KCMO.

I have a tree service so I do a lot of work for big outfits. Me and Steve Dunn are pretty tight. I met him a few years ago. I like him. He has no filter. He cracks me up. But anyway, he owns this blue hat. He text me or called me the other day and he's like, you know, it's funny—he's mad at me right now because I didn't take him hog hunting—but he said it's kind of funny that they sent a lady over to 8300 or the annex building to do their tags. She's got a check for \$700,000 to give to Wyandotte County. She's batted away because they only do two or three tags. You're going to turn a \$700,000 check away? I just don't get it.

I do a lot of work for Johnson County Waste and Kansas City, KS. You guys buy the same equipment I buy. Johnson County Waste buys the same equipment I buy. You guys have the same salesman. Johnson County Waste has the same salesman. I have the same salesman. Skid Steer's what I buy. I buy big equipment. Skid Steer is probably about \$120, \$150,000. Johnson County Waste went to my salesman, which is your salesman, and said hey, this is what we're going to do. We're going to buy this \$120, \$130,000 Bobcat from you but we're only going to give you \$20,000 because next year, we're going to trade in for a brand new one with low hours. Then Bobcat can take it and sell it for a brand new price. Why can't we do that? Why are we spending...**Ms. Sparks** said one minute remaining.

Mr. Lopez said ...\$120, \$130,000 on the same equipment Johnson County Waste is buying for \$20,000. I want to start my own municipality and do the same thing, but I can't. Why can't we go to our salesman, to Murphy Tractor, to wherever? You guys have the same equipment I have. Same salesman. Anyway, that's just my taking. There's ways. We've just got to put our heads together a little bit better.

Joe Caiharr, 10550 Riverview Ave., said this community is a great community. We all love it here. We don't love the taxes, but we're very diverse. We're very resilient. You have great department heads. I know several of you. Worked with several of you. We have good people all throughout this community. I believe if you, as a body, were to cut this budget by 5% across the

board, or even a little more, that the people in this community could find a way, the people in the UG could find a way to make it work. Yes, some services might be reduced a little bit, but we're going to find ways to get a little bit more efficient, be a little more effective, save that money like Mr. Lopez was talking about, find ways to be more efficient. Demand this of your employees and see what they come up with. You have good people here.

I agree with Mr. Davis. This is not a great environment. It's us versus them. It's you versus them. This isn't great. We are all one. We all live here. This is very divisive, but we can do better. We can work together. Community and the body can work together and that's what we're asking for, some relief. Show us, give us some hope. Please don't take it all. Just because our property valuation went up doesn't mean you deserve it. Please don't take it all. Show us, give us something. Give us some hope. I know you're going to take a deep dive, but do something now. You have the opportunity to do something right now.

The Mayor's given us one last glimpse. Please, give us something. It doesn't have to be all of it. I really doubt we're going to go revenue neutral. I don't see that happening. We have costs. There's things that are expensive, but rely on the people, the staff, to make the cuts. Trust them to do the right thing. Make them dive deep like you're talking about doing next year. Force it to happen. Make the tough decisions. **Ms. Sparks** said one minute remaining.

Mr. Caiharr said I don't know what that looks like. I don't know if it's a one mill, two mill. I don't know what that is. That's for you to discuss. But this is very divisive and we're coming saying, please work with us. Show us something. We can do this. This isn't us versus them. It's not I don't like the mayor. I'm not going to work with him. If that's the case, please set that aside and represent the people who elected you. Please do that for us.

Reece Tower, 709 North 6th St., said I'm with this young lady right here. We need to, if it's possible, we get the developers department audit. If you're going to do anything with our tax paying dollars, can you please get the Unified Government audit from the beginning to the end so that we can actually see where our tax dollars are going to.

I've also had friends that are developers that have dealt with Mr. Gunnar Hand and he has not been fair to them. They have been blocked. They have been stopped. They're willing to come in to use their own money to build. They're not asking for the Unified Government money.

They're not asking for tax breaks. They are from Wyandotte County and want to give back to Wyandotte County, and they have been blocked on every, every area.

Gunnar Hand needs to be held accountable because he's part of the reason why we have nothing in Wyandotte County because he shows favoritism to certain developers. Half of these people that come in, they don't even live here. They make decisions by, they make decisions—let me say it again—by him, as a developer, but in reality, they don't live here. You've got everybody making decisions for Wyandotte County that don't live here. We need people here that have the best interest in Wyandotte County that knows what we need. He needs to be stopped. He needs to be blocked. If he does not live here, he needs to go.

We are suffering. We're all suffering from the same thing: high taxes, high utilities. There's no development being done.

They don't want to work with the mayor. You have three people that only come together for the community. That is sad. Bynum needs to go. She's walking around the answer, talking around the answer, but she is not for the people. Ramirez needs to go. There's too many issues. We all have the same concerns and they're not being addressed. It's time that we start addressing, as taxpayers, the decisions that are being made. We need to start addressing those problems, and we need to get rid of people that are not in the best interest of our community. That starts with the developer's department. **Ms. Sparks** said one minute remaining.

Ms. Tower said that starts with the commissioners. That starts with—even if the mayor doesn't go with us, he needs to go, but he goes with us. So, at the end of today, I am asking that you please bring back the audits because those were shut down. Bring back the audits, the Unified Government, from the beginning to the end. If you don't do nothing else with our money, we need to see what the developers are doing, how our tax dollars are being used, what kind of tax breaks are being given.

We need BPU's audit because obviously there's a lot of issues with BPU. The PILOT, where is our money going to? It needs to be audited. Why does the general manager make over \$300,000 a year? That's a problem. You talk about you don't know where the money is. The salaries are ridiculous in this county. You have more than one person in the same position. We've got about four or five assistant county administrators. We don't need that many county administrators for one small town. You need one administrator and you need one assistant. That's it. **Ms. Sparks** said your time has expired.

Ms. Tower said you got too many people getting paid way too much money off the taxpayers. Then I don't believe anybody out here that's over the age of 65 should not be paying taxes. They should not be losing their homes. They are on fixed incomes. That's a problem.

Then let's talk about the Cerner building because somebody came in and tried to do some things with the Cerner building and that got shut down. Mr. Block had an idea for the Cerner building that was going to bring in revenue. That idea got shut down by our Commission. Now you may not think that we're not paying attention to what's going on, but we absolutely are paying attention.

We are going to start holding you all accountable with our tax paying dollars. We are your boss. You don't tell us what to do, we tell you what to do. If you cannot, if you refuse to do what we ask you to do, then you've got to go. Bynum's seat is up this year. She needs to go. If you live in her district, vote her out. Ramirez's seat is up. He needs to go. If you live in his district, vote him out. The power is in your hands, not theirs.

Bette Mc Gill, 2762 Espenlaub Ln., said I usually don't do this. I am 70 years old. I'm still working every day. I'm working every day because I can't afford my bills. I just sold a building because I couldn't afford \$6,000 a year because I sit on a corner. I sold the building. My daughter was in there doing t-shirts. I moved her in with us. We're crowded; we're making it.

When I shut that building down, I called BPU and I said I want to shut the utilities off in this building, but I want to keep them at 3410. This is on Gibbs Road. They said well, there isn't any utilities in that building. I said well, I'm standing in the building and they're on. I thought to myself then oh, hell. We're in trouble. I said shut them off then.

The guy who bought the building is going to call you. Keep them on at 3410. They said there's no water on at 3410. I said yeah. I flush the toilet and wash my hands several times a day. There's water on in this building. The next thing I know I got a bill and they took 30% off of my BPU bill for me. Now, I've been paying a bill every month. I even got my deposit back so I even would had money to the plus. I got a \$13,000 BPU bill and I'm paying \$388 every month on top of my regular bills for the next three years, so I guess I'm not going to retire anytime soon.

I never thought that I would run for office, but I'm after that office right there, Christian Ramirez, because I've had enough is enough. Enough is enough. I listened to what you said. You

tax us and you tax us and you tax us, but then people want something. **Ms. Sparks** said you have one minute remaining.

Ms. Mc Gill said yeah, we do want something. I've lived on my street 40 years. It's never been paved. It was never in that budget. Forty years my street getting paved was never in the budget. Just curious.

Thank you, Mayor, Burroughs, and Stites.

Bonnie Smith said this is my first time being here, but I will be back. I've got to leave because I have to get up at 5:00 to go to work to pay my BPU bill. My BPU bill this month is \$509 just in case you all want to know. That's all I've got to say. I'll see y'all at the next meeting.

Robert Karl, 3420 North 67th St., said I don't know if y'all noticed that the atmosphere has kind of changed around here. Went from one of people sadly pleading to then hearing y'all's response and to now people angry. I'm not coming here in the spirit of anger. I get the frustration. Totally understand it.

I think there's been a misunderstanding what government's purpose actually is when it comes to the budget. There is a very basic purpose for government. We're too big. Most governments are too big. The misunderstanding, and forgive me, but Andrew Davis, you spoke right to it. There's people that are asking for tax relief and then there's people asking for more service. It's not your job, as government, to provide those services. It's not. You're providing too much. If you think you're not providing enough then you're staying in office to pat yourselves on the back because you provided a measly little give back in a relief. Oh, wow! It's like I'm going to go to Walmart because they got a 30% off. I'm still spending money. I didn't save anything. I spent money to get a 30% off. That's not how budgets are supposed to work either.

Government's purpose is to provide the basics. We hear about the roads, right? Y'all can't handle a pothole. Stop trying to do what churches used to do in the past. Stop trying to do all the things that we, the people, can do for ourselves. That includes things like take care of the homeless, take care of the poor and the needy. It is a directive given to us by God to take care of our fellow brothers and sisters. It is not the government's job because the government doesn't do it right. They are a belief system unto themselves, a power unto themselves, and a god unto themselves...**Ms. Sparks** said one minute remaining.

Mr. Karl said ...to presuppose that they have power over those to which have willfully chosen to be within their boundaries. Government exists for the people. The people are not slaves to the government. What I see here and what I hear from your understanding of government and services provided, you got it wrong. I'm sorry. You're a great guy. You're awesome. I like you, but there's a misunderstanding. I think we're from the same generation. We've been taught through school that there's a certain way government is. We got the ICC for codes. We've got so many international committees, so many regional committees telling us what to do. Stop listening to them. They don't pay the taxes; people do and the people want basic services and the community will provide for the rest.

Mayor Garner asked, is there anyone else who'd like to speak. This is your last opportunity for this budget. If not, I'll close the public comment in this building and we'll go online.

Andrea said I am the person, to be specific, I make \$900 a month. You guys want me to paint my house now. My question is, what would each of you do, \$914 a month? The only reason why I'm not physically there tonight is because I have to save the gasoline to go pick up my child from his job because he's trying to actually help and benefit my household to be able to make those bills. You guys want, want, want. What you're gonna have is have all of these vacant properties. I want to know what are you going to do with all of the vacant properties when we, the disabled, the seniors, the persons who can't make the ends meet. A lot of people have house insurance. Is that even an affordable thing?

I mean, really guys, as far as Cerner. Cerner, good job. Last week when it rained, y'all had the sprinklers on. You know who foots that bill, community? We do. Good job, I guess, on turning some of those lights off but it's still adding up. We're still paying those bills. Just like the T-Bones when they left. Who foot that bill? We did as the community.

All I want to know is how are we to make it. You guys tell us. Now we're trying to tell you that the budget's got to be cut. You guys want to take from our pockets, we want you to come out of your pockets and cut it down. We can't afford it. We cannot continue going on like this. For each and every one of you who think that we can, you're absolutely ludicrous. This is like beating my head against a freaking wall. It's sad. It's ridiculous. I hate to see my community, the community I've raised my child in his entire lifetime of his to just watch it all crumble.

My father didn't raise me to go out like this. He didn't raise me to be a quitter and you know what, I'm not about to give up my family home for this because this government, these commissioners can't understand that people are just trying to barely get by. Can we do that? Not at this rate. It's sad. It's very, very sad. We expect better. We voted you in these positions to do better for us as the people of this community. If we don't want a community...**Ms. Sparks** said one minute remaining.

Andrea said ...community would like to stay, just that, a community. We want to be amiable. We want to be able to come to our commissioners when there's real issues. This is a real issue. Are we being heard? How many times do we have to be the mouse on the wheel that keeps going around and around and around just spinning the wheel? It's not working what you guys are doing.

I appreciate Mayor Garner actually trying for our community. I appreciate my commissioner, Commissioner Stites. I appreciate Commissioner Burroughs. Even though you're not my commissioner, I do appreciate you. I want you to know that I greatly, greatly am thankful and appreciative that you guys hear us. Now if only all of your other persons there on those positions, seats would actually hear us because if so, (inaudible) let's not be smart about it. Please. **Ms. Sparks** said your time has expired.

Louise Lynch, Kansas City, KS, said, again, I want to reiterate to my community to take a good look at these people. Ramirez, who's playing on his phone right now, not paying attention to what you all are saying. That's how much he takes us seriously. They don't care. He needs to go. Melissa Bynum did not vote for us. She needs to go and the rest of them, as soon as we're able to recall them, they need to go.

There's a song I think about from Harold Melvin & the Blue Notes that says, "Wake up everybody, no more sleeping in bed. No more backward thinking, time for thinking ahead." We have to think ahead. They've got to go. They must be replaced now with people who will listen and act on our behalf. There is so much hatred and warn poverty as in that song. It's right here in Wyandotte.

Thank you, Mayor Garner, for trying once again. They talk about money and the ARPA funds and everything. Think back a year ago this year when in the middle of the night of the budget hearing Commissioner Davis pulled out of his hat a slush fund and divided up \$10,000 to

each of these commissioners with no oversight; \$10,000. That could have gone toward the budget. That could have been used for the people.

A couple of Commission meetings ago I asked each one of them to give us an accounting of what they did with the money. I can tell you that Commissioner Stites and Burroughs did not use it. The two that are for the people did not use the money. The rest of them, they gave nothing to be accounted for. They don't care. Enough is enough. We must change the players. I urge you to meet us this Saturday at Rosedale Park under the shelter...**Ms. Sparks** said one minute remaining.

Ms. Lynch said ...from 2 to 5 PM. You can contact me personally at 913-605-5570. We can take the power back together. Put our private, petty biases aside and get rid of these people who are not caring about you, giving you excuses. Ask them, where is the money they took. What did they do with it? They didn't even want to help the people with the tax sale. What did they do? They don't care about you. It's time we wake up. We must act now. Take them out of office now.

Helen Hokanson, 6453 Cernech Rd., said I also own a home at 419 South 81st St., where my son lives. I moved to Cernech Road in January 2022. After a year, I, like many experienced crippling tax increases, I thought I was moving to an affordable neighborhood. The thought of experiencing that kind of increase again is terrifying.

Commissioner Davis, I love you but you twisted my words. I'm not asking for sidewalks. I'm saying that if I'm going to be taxed out of my home, I may as well go back to where there are things like sidewalks and museums and public libraries that don't have four buses sitting unused in the parking lot. Those are our tax dollars. If you're not using it, you're wasting it. Let's repurpose those for something useful.

I have not seen a return on my investment from the tax increases that I saw this year. I would like to suggest that we allow Mr. Johnston, the new City Manager, to have an opportunity to figure out how to use the money that's being taken in from the tax increases that we just saw. He's only been here for six months.

I have a master's degree. I'm working in the profession I'm educated for and I can't afford to live here if you increase my taxes to the degree that you did last year. Who are you trying to attract to Wyandotte County? I don't want to live. I don't want to move. I love my home. I love

KCK. I'm a transplant. I love it here. I am terrified that I won't be able to stay here. **Ms. Sparks** said one minute remaining.

Ms. Hokanson said I'm finished. Thank you for listening.

Yekaterina Makarenko, Kansas City, KS, said talking about BPU. I have a small business on Leavenworth Road. Last year, the city was doing a great project on Leavenworth Road. It looks much nicer. BPU is doing some work as well to prepare the road for the roadwork. On my property, I have a paved parking lot. BPU had to dig a hole and do their work underground. Then they just patched it with concrete. I contacted them millions of times, left voicemails, and no one got a single call back. The engineers told me that BPU is responsible for paving that back to make it look like it was before, but they never did that. I'm doing it at my own expense to make it look nice while I'm paying my tax money for them to do their work.

The other thing, the Mayor was right telling that it's hard to have business here in Wyandotte County. I bought my business in 2010. At that time, I was seeing \$6,000 taxes for my building that is 50 plus years old. This year, I'm paying \$12,000 a year in taxes so it's like twice as much. I didn't make twice as much money in ten years. I'm still making about the same amount of money, but I'm paying double in my taxes.

Third, I have many friends who work as realtors. They say that people when they're looking for houses, they try to stay away from Wyandotte County because of the bills and taxes. If it's more affordable to live in Johnson County, they will overpay for their properties, but they will save on taxes and utility bills overtime. They prefer to stay away from this county.

If people are moving out, people are not wanting to live here, then whoever is left, we will end up paying more and more because the budget needs money. People don't want to live here and who will pay for it? The taxpayers will pay more and more.

It would be nice to have our city and our country attractive for people...**Ms. Sparks** said one minute remaining.

Ms. Makarenko said ...here.

Ms. Sparks said, Mayor, there are no more hands raised online.

Mayor Garner said there is the item. I vetoed the budget.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to override the Mayor's veto.**

Commissioner Burroughs said I want to thank you all that are here this evening to once again express your views. I want to start by expressing my appreciation to both Commissioners Bynum and Stites, to you, Mayor, Administrator Johnston, and Budget staff for the willingness to meet and have discussions regarding the budget. Seek collaboration is healthy and it's necessary.

It is quite clear that many throughout our community, taxes are too burdensome. Many have appeared before this body emotionally pleading for relief. What I find troubling is this déjà vu again. Yet here we are this evening once again most likely advancing a budget that ignores their pleas and adds to an already heavily taxed community. Collectively, this body substantially increases property taxes, raises multiple fees, increases the BPU PILOT, payment to the Unified Government, and, again, utilizes our reserves to balance the budget. This is not sustainable. Not my words; the auditors that audited our process.

The public's request, I'm disappointed that we, as a body, dismiss so easily. The relief that relieves the fear of people losing their home is fleeting. Heaven forbid that you go without food, without water, without power, without medicine or healthcare. Heaven forbid you should lose your home.

Mayor, colleagues, I have stated all along, we can do better. My years of experience I bring back home and offer those experiences to not only you, colleagues, but to the community. I want to do my part. I want to see us be effective. It's not insurmountable. It's possible. The people in this room deserve it. It's the very least we can do. Let's get our feet off of their necks.

Mayor Garner said there is a motion. Before we go there, I'll just close with the Commission. Just know there's a motion, but just think about things. People are hurting. I've heard it. We've heard it. You've heard me talk and advocate time and time again. They don't expect us in this community to solve all their problems, but they know what a slight change in what we do, that this Commission can do better and we can give them the relief that they've been asking for. It doesn't take a lot. I've done it in my personal finance and my professional finance. It can be done, and it can be done responsibly.

To the community, I just want to let you know there's a motion and a second to override my veto, and they'll probably override it. That's probably what we expect. As your mayor, I made a commitment and I'm not done. Stay tuned. I'm going to work to put the power of this community and this Unified Government back in your hands. It's not over. I know some people think it's over, but it's not. Stay tuned. You'll hear from me again within the next week. There's other options.

Roll call was taken on the motion to override the Mayor's veto and there were eight "Ayes," Davis, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley; and two "Nos," Stites, Burroughs.

Mayor Garner said before we move forward, we do need to take a vote to correct the oversight from the 4% to the 5%. Do you want to describe that, Counsel?

Angela Lawson, Interim Chief Counsel, said it is simply correcting the sewer service charge to 4% in the budget as it was adopted earlier. It should have been brought forth in that amount. So, it's just correcting that error.

Mayor Garner said the Chief Counsel brought some clarity. Is there a motion to correct the I'm going to call it a mistake that was brought forward with the sewer rate?

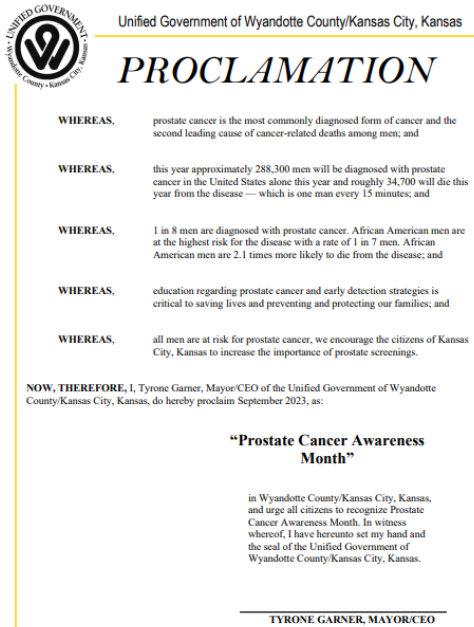
Action: Commissioner Bynum made a motion, seconded by Commissioner Davis, to correct the mistake and approve Ordinance O-109-23, substituting a 4% increase for the originally passed 5%, with all the other provisions remaining the same. Roll call was taken and there were ten "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Mayor Garner said the next items on the Mayor's Agenda are proclamations. Clerk, if you can just read those in distinct, that would be great.

Item No. 4 – 212754...PROCLAMATION: PROSTATE CANCER AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of September 2023, as Prostate Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read the following proclamation.

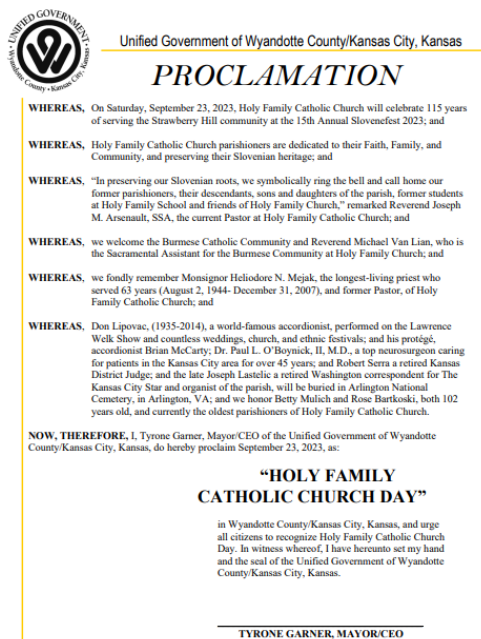


Action: **The proclamation was read.**

Item No. 5 – 212755...PROCLAMATION: HOLY FAMILY CATHOLIC CHURCH DAY

Synopsis: Proclamation proclaiming September 23, 2023, as Holy Family Catholic Church Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read the following proclamation.

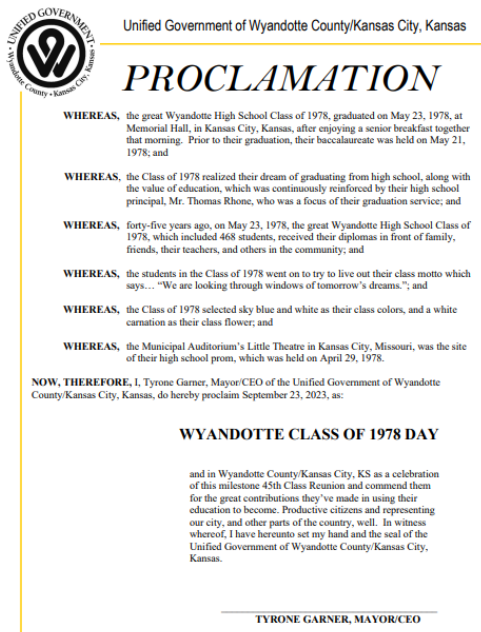


Action: The proclamation was read.

Item No. 6 – 212756...PROCLAMATION: WYANDOTTE CLASS OF 1978 DAY

Synopsis: Proclamation proclaiming September 23, 2023, as Wyandotte Class of 1978 Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read the following proclamation.



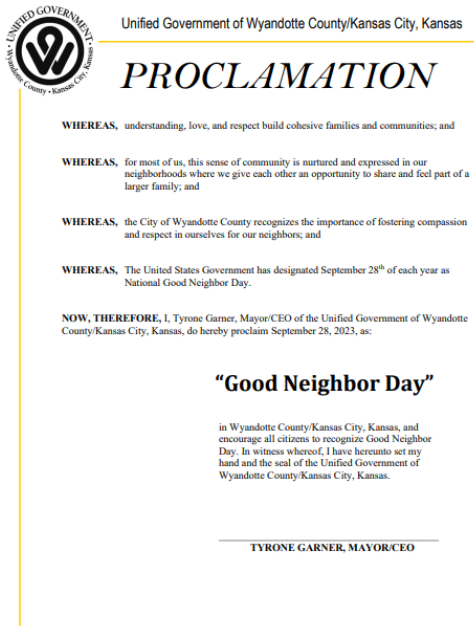
September 28, 2023

Action: The proclamation was read.

Item No. 7 – 212757...PROCLAMATION: GOOD NEIGHBOR DAY

Synopsis: Proclamation proclaiming September 28, 2023, as Good Neighbor Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read the following proclamation.

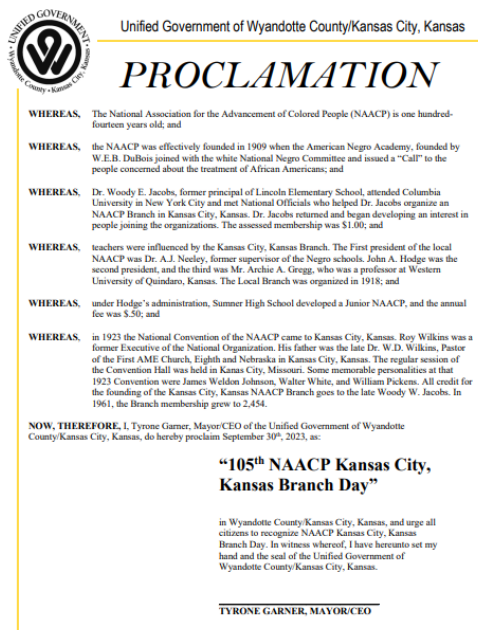


Action: The proclamation was read.

Item No. 8 – 212758...PROCLAMATION: 105TH NAACP KANSAS CITY, KANSAS BRANCH DAY

Synopsis: Proclamation proclaiming September 30, 2023, as 105th NAACP Kansas City, Kansas Branch Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read the following proclamation.



Action: The proclamation was read.

Item No. 9 – 212770...RESOLUTION: COMMUNITY IDENTIFICATION PROGRAM (ADDED PER BLUE SHEET)

Synopsis: A resolution to temporarily suspend applications of the community identification until such time as the issues have been resolved or the statute amended, submitted by Angela Lawson, Interim Chief Counsel.

Angela Lawson, Interim Chief Counsel, said the Mayor asked me to look at the issue of our community ID because he had concerns. As you know, the Commission passed the Safe and Welcoming Act. Then we had to pull some of that back because of state action, but we still have the community identification card.

The ordinance references putting out an RFP to select a nonprofit vendor to administer the ID card. Since then, the Kansas Legislature adopted House Bill 2350 concerning human trafficking. While there are various interpretations of the statute, and I acknowledge the differing opinions, this law does create concern. It also creates a lot of vagueness and worry. There's concern that a nonprofit vendor or a friend of someone who drives someone to the application center could become caught up in this law. Therefore, I'm asking for a temporary stay on issuing

the RFP in hopes that this law is revised and clarified. So, the RFP just says that there will be a stay until such time as the issues involving this state statute have been settled.

Commissioner Ramirez said this 2350, correct? **Ms. Lawson** said correct. **Commissioner Ramirez** said 2350 is not the ordinance that negated safe and welcoming in the beginning, correct? **Ms. Lawson** said correct. **Commissioner Ramirez** asked, this is an entirely different law? **Ms. Lawson** said correct. It was put forth to address human trafficking, however, it is so broad that any action that is taken to help someone who you should know is not documented and you help them to conceal them, that can now be considered a crime.

Commissioner Ramirez said that just goes, again, to show the state taking away our authority as a local board to do local control and be able to do our own affairs. Unfortunately, I'm upset that we have to because this was something that I, Commissioner Bynum, Commissioner Johnson worked on with Community Partners to bring forward. They brought forward safe and welcoming. They created a law for us to have to repeal it. Now it seems that they created another law so that we couldn't do our community ID. That was something that the three of us, the whole Commission, the Mayor, everyone supported. All of our hard work is now being taken away.

Commissioner Markley said I just want to make sure I'm thinking about the right program because we had two programs come down at the same time. When I saw this community identification, I was thinking this was the program the Police Department was doing, but they don't put out an RFP. They do it themselves, right?

Ms. Lawson said that's correct. This is not the... **Commissioner Markley** said it's not the Police Department. Okay. Thinking of the wrong one.

Ms. Lawson said, again, I understand there are different interpretations of this bill, however, the consequences for our vendor, we are trying to protect our future vendor here.

Commissioner Davis said I echo what Commissioner Ramirez is saying. This is super unfortunate. I would hope that we would continue to work and find something that is within current state statutes to help, I mean, vulnerable communities. We have a very, very diverse population that have mixed status families, mixed status communities. I hope we're able to do

something. I know our staff and, Mayor—I know you brought it forward—I know we’re all committed to it. This is super unfortunate. Thank you, Legal, for this information.

Commissioner Ramirez said I apologize. I didn’t think of it until Commissioner Markley brought this forward. Does this law also affect PD’s ID Program?

Ms. Lawson said that is a very good question. We have started with this one because the requirements are a little bit different, but we will certainly look at that one and advise the Police Department.

Commissioner Ramirez said because if I remember correctly, my memory can speak, if my memory is correct, the PD’s ID is for those who have already had an ID in the past and have lost it in some way, shape, or form through life, whatever has ever happened in life. I’m hoping that stipulation holds and that program still can continue.

Ms. Lawson said yes, and it is with the end goal of helping someone to obtain a state ID. I do think it is a—they have different requirements and it’s probably looked at through a different lens because the goal there is to get a state ID.

Commissioner Bynum said I’m just asking for clarification. We are not taking applications for this program at this time that I know of. **Ms. Lawon** said that’s correct. **Commissioner Bynum** said the action that we’re being asked to take on here is temporarily suspend applications, but we aren’t taking applications. Just help me out.

Ms. Lawson said it may be worded incorrectly on the agenda. Section 2 states that the RFP process will commence at such time that the language of the House bill is resolved to the satisfaction of the chief counsel. So, it’s placing a hold on contracting with the program administrator until such time. The description may be misleading, but it is not to hold off on the applications. It’s to hold off on the administration. **Commissioner Bynum** said okay. I see that.

Mayor Garner said I do concur with my colleagues here that, hopefully, there can be a resolution, that we can get something in place that can be of value to all our residents that would have benefited from this ID program. I think what was brought to me by, in conversation with our Legal Department, is this new law is a severity level 5 felony that has severe penalties if it’s violated. It is vague enough that would allow for an interpretation that could come from various individuals,

from our state government, to interpret in a way that may not be of benefit to those that were deemed to be in violation. So, the recommendation from Legal was to take some caution and to let them do a deeper dive. While they're doing that deeper dive, I guess there's been talk at the state level to bring a little more clarity to the purpose and intent of that law.

Commissioner Davis said just a question. If we haven't released the RFP, which is just administrative, why is it necessary that we pass a resolution? Couldn't we just indefinitely withhold the RFP until we figure out something else?

Ms. Lawson said we could, but the Commission, in the original ordinance, establishes that RFP will be issued. Now, fair enough, the Commission did not establish a timeframe for that, but I think there's some caution on staff's part to just pull back a delay when the Commission has ordered an action to be taken. **Commissioner Davis** said gotcha. That was kind of my worry with this.

Mayor Garner said to answer your question, hopefully, or that it's clear, Commissioner Davis, Legal wanted to be cautious that this Commission had given clear direction on what needed to be done and gave staff, through that resolution or ordinance, to proceed forward. They wanted to make sure that there was no conflict with the direction given legally from this Commission to staff with the question being raised that they are not following through and carrying out the legal obligation they had from this Commission.

Commissioner Davis said one more question. Are we at all, right now, if we were to administratively just say we're not going to do anything until we find out what the state does, are we currently legally liable for anything? Could the state sue us for passing the ordinance as is?

Ms. Lawson said no, I don't believe that would establish a factual scenario under the criminal statute because no action has been taken to assist any particular person who might be undocumented. I don't believe the mere existence of the ordinance creates a crime.

Commissioner Stites said I make a motion to accept Resolution No. 9, the Community Identification Program.

Action: **RESOLUTION NO. R-60-23, “A resolution placing a hold on the RFP process to select a Program Administrator for the Community ID Card Program of the Safe and Welcoming City Act.” Commissioner Stites made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Stites, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley; and one “No,” Davis. (Commissioner Davis’s vote was, “symbolically no.”)

Mayor Garner recessed the meeting at 10:03 P.M and to return exactly at 10:10 on the dot.

Mayor Garner reconvened the meeting at 10:16 P.M.

PLANNING AND ZONING AGENDA

Mayor Garner asked, Clerk, could you read the statement?

Monica Sparks, Deputy UG Clerk, read the statement, required by state law.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Deputy UG Clerk, asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Bynum** said I’ve had contact with opponents of Non-Consent Item A1, SP2023-042. **Commissioner Markley** said I do not have any disclosures, but I think Commissioner McKiernan is on Zoom and needs to be let in just in case he has any. **Commissioner McKiernan** said I didn’t actually need to say anything, just to be let in as a panelist. **Commissioner Townsend** said I’ve had contact with opponents of Item A, SP2023-042 on the Non-Consent Agenda, Matt Thomas, the Firm Foundations Ministries. **Commissioner Kane** said I’ve had contact with A, Non-Consent PR2023-014.

Commissioner Ramirez said it’s a question of an application that Director Hand may be able to answer. I did receive a, in my email and through Facebook, personal message of the application of Carina West. Is that application on this week? **Gunnar Hand, Director of Planning and**

Urban Design, said no. It will be at the City Planning Commission next month. **Commissioner Ramirez** said I was told differently.

Ms. Sparks read the items on the Planning and Zoning Consent Agenda.

Mayor Garner asked, do any members of the Commission, the County Administrator, or the public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll ask if anyone in attendance would like to set aside an item?

Jerry Vest said my business is at 1313 State Avenue. This has been going on for a number of years. You're supposed to be, according to the law, from my understanding, you're supposed to have so many parking spots per square foot of your building. I do, and I pay taxes for it very dearly.

Well, 1315 and all of the businesses—Luke Kush bought this property years ago. It's designed for two businesses. There's like seven or eight businesses in that area. It's cost me thousands of dollars in damage to my property.

The car stereo shop that you're wanting to allow at 1315, a number of years ago when I wanted to put a fence around my property to protect it—by the way, I was burglarized last week and lost \$20,000 again. Three times this year I've been burglarized in my parking lot. I had to come here to get a permit to put my fence up; three times to put a fence up because you couldn't see, supposedly, around the corner for traffic at a stoplight.

Now, 1315 has trees planted there and I have literally been hit numerous times. There's been police officers that even complained about the trees because you have to drive out into the street to see if you can get out. That's dangerous. Somebody's going to get hurt. This has been going on for many years.

Ms. Sparks asked, do you wish to pull this item off the Consent Agenda? We'll go ahead and pull it and then you'll have a chance. That was Item SP2023-044.

Mayor Garner asked, is anyone else in attendance that would like to have an item set aside? Seeing none, Clerk, is anyone joining us virtually who would like to have an item set aside? **Ms. Sparks** said no hands are raised.

Mayor Garner said, Clerk, we do have one set aside it appears. Let's vote on the Consent Agenda minus that set aside.

Commissioner Ramirez said I know in the miscellaneous ordinances, there's a lot of STRs. I just want to clarify, is this due to the blitz that Planning did to bring those non-compliant STRs into compliance?

Gunnar Hand, Director of Planning and Urban Design, said partially, yes. I think some of them are in response to the new ordinance in general, so people have been coming around to legalize their uses. But yes, we've had a consistent string and surge in SUP applications for short-term rentals. The ones on the Non-Consent Agenda obviously were not unanimous by the Planning Commission.

Commissioner Ramirez said I'm happy that the efforts of your department are working and we have those non-compliant STRs coming into compliance. I appreciate it.

Commissioner Kane said the folks at home can't hear us at all; audio. **Mayor Garner** said we'll take a short break and we can test that.

Mayor Garner said we'll continue. We're back.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve all remaining items on the Planning and Zoning Consent Agenda, (minus set aside item SP2023-044).** Roll call was taken and there were ten "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212732...CHANGE OF ZONE APPLICATION COZ2023-019 - YEKATERINA MAKARENKO

Synopsis: Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to continue to operate an auto repair shop as well as open a garage door installation shop at 7511 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Yekaterina Makarenko, is requesting a Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to operate an auto repair shop and a garage door repair shop at 7511 Leavenworth Road. The auto repair shop is a continuation of the use of the property as an auto repair shop, dating back to 1968. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-019, subject to:

1. The applicant shall plant trees in the islands along Leavenworth Road as well as expand landscaping in the rear;
2. Remove all of the gravel parking in the rear of the property;
3. Install a six (6) foot tall opaque fence with masonry columns every 32 feet along the property line that abuts residential properties;
4. Install a fence that separates the residentially zoned portion of the property from the commercially zoned portion of the property;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
11. The applicant has filed and maintained a current business occupation tax application;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. Any business in Wyandotte County that is required to obtain a permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission.
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this permit, or any portion thereof, does not violate the

applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2023-019, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 212733...CHANGE OF ZONE APPLICATION COZ2023-022 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District to operate a retail candy store at 2324 Grandview Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212734...MASTER PLAN AMENDMENT APPLICATION MPL2023-011 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING

Synopsis: Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-022 and Master Plan Amendment MPL2023-011, subject to:

1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;
2. Install a bike rack on the property;

3. Install handrails for all steps on the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2023-022 and Master Plan Amendment Application MPL2023-011, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 212735...CHANGE OF ZONE APPLICATION COZ2023-023 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses, including the keeping of cattle at 3308 North 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Alex Elliott with Atlas Land Consultants, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses, including keeping five (5) cattle, at 3308 North 75th Street. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-023, subject to:

1. Continue to work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wycoco.conservations@gmail.com or (913) 334-6329;
2. Per comments from the Wyandotte County Conservation District, winter disposal of waste needs to be done on the flatter area of the pasture. Soil samples of the pasture need to be taken at least once every two years to ensure the balance of all nutrients;
3. All trees on the property shall be maintained. Any trees that are removed shall be replaced;
4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
5. The applicant must strictly adhere to the submitted waste disposal plan, unless directed otherwise by the Conservation District;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

8. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. Lighting shall be installed to have a 90-degree cutoff;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive

operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and

17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2023-023, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212736...SPECIAL USE PERMIT APPLICATION SP2023-017 - WILLIAM WALKER, JR. WITH WALKER REAL ESTATE

Synopsis: Special Use Permit for a Short-Term Rental in one (1) of four-plex units at 15 South 17th Street #2, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, William Walker, Jr., is requesting a Special Use Permit to operate a short-term rental out of one (1) unit (Unit #2) of a multi-Family residence with four (4) units at 15 South 17th Street. This is not the owner’s primary residence. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-017, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-017 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Only one (1) unit of this fourplex may be used as a short-term rental.
3. Maximum number of guests shall be five (5);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include

the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the

associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-017 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 212737...SPECIAL USE PERMIT APPLICATION SP2023-040 - KRISTI PRIDDY

Synopsis: Special Use Permit to keep livestock at 3425 North 87th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Larry and Kristi Priddy, are requesting a Special Use Permit to keep chickens, ducks, goats, and a miniature pony on the property at 3425 North 87th Street. The applicants previously had a Special Use Permit (SP-2020-25) for the same use, however, that previous Special Use Permit expired in April 2022, over a year prior to their re-application. The applicants are experienced with caring for animals. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-040, for two (2) years, subject to:

1. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservations@gmail.com or (913) 334-6329;
2. All miscellaneous debris shall be cleaned off of the property and stored properly;
3. The applicant shall pave the driveway apron and any parking areas;
4. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the structure. Standard

concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;

5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. Lighting shall be installed to have a 90-degree cutoff;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building

Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
17. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-040 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 212739...SPECIAL USE PERMIT APPLICATION SP2023-044 - UBLESTER GONZALEZ

Synopsis: Renewal of a Special Use Permit (SP2020-100 expired 5/6/2023) to operate a car audio installation business at 1315 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ublester Gonzalez, is requesting a Special Use Permit for the purpose of operating a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11,

2023. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-044, for five (5) years, subject to:

1. Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
3. Compliance with the following Commercial Design Guidelines Standards:
 - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-of-Way Agreement from the Public Works Department.
 - b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.
 - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be

stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

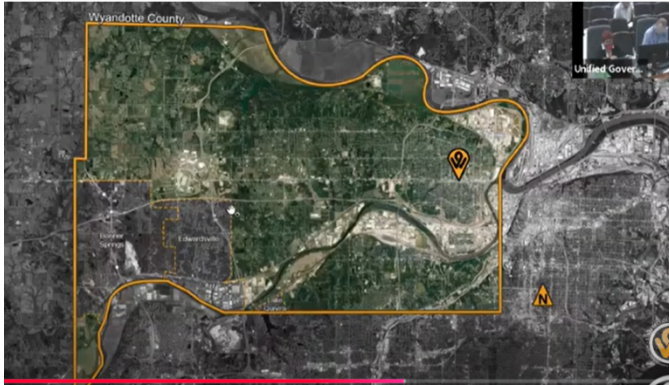
9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
11. The applicant has filed and maintained a current business occupation tax application;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions

(CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-044	
Petitioner	Address
Ublester Gonzalez	1315 State Avenue
Synopsis	
To renew a Special Use Permit to operate a car audio installation shop.	

Gunnar Hand, Director of Planning and Urban Design, said, again, this is a special use permit renewal for an audio installation business on State Avenue.



This is in the Downtown Area Plan.



Staff received no letters of support; no letters in opposition. There are multiple notices of violations and active cases on this property. When staff reviewed all of those violations, none of them were reflective of the many businesses on the parcel. So, this business has no established notices of violation. Staff recommends approval with conditions for five years.





Public Opposition	Public Support
None to date.	None to date.
	United Driver
Staff Recommendation	
Approval	

Mayor Garner said I'll ask the applicant or the representative of this item if you'd like to present. Clerk, is he online? **Ms. Sparks** said I don't find them online.

Mayor Garner said I will now open the public hearing. Clerk, have you received any direct notifications from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present here today who would like to speak in favor of this item? (No one appeared.) Is there anyone joining us virtually who would like to speak in favor of this item? It doesn't appear so.

Mayor Garner asked, Clerk, have you received any notification who would like to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition?

Jerry Vest said my shop is at 1313 State. I have a costume shop. I've been very active in our city for years. By the way, I'm the elf every year. Anyhow, I've done a lot of things for our city. I've had to call the police numerous times since he's opened up this so-called stereo shop. I have a gate on my property so they can't use my property. They have broken my locks so many times and these locks cost me like \$11 apiece. I have bought ten of them, at least, since they've moved in. Not only did they quit breaking them, cutting them, now they have busted the gate. They drove a car through it. They use my property because they don't have any parking and the variant of the alley, they park on the alley so they have to use my property.

There's numerous times I've tried to back out and they've had a car—I've almost hit one of their cars. I've actually tried to come onto my property and they're sitting there talking on the phone. If they've got a business, they need to have their own entrance and exit.

The Police Department has been there so many times over it. They've hit it—you wouldn't believe it. There, again, that's not fair to me.

Also, these trees that I was telling you about. There's going to be a serious accident one of these days. I hope it's not me. The police have even complained about it. Caiharr was there before. He complained about it and Evans has complained about it. Nothing can be done.

I don't have a problem if it's a legitimate car stereo shop, but I've seen activity there that I've got on my phone if you want to see it. I've showed it to the cops and they go, ah-ha. How much are we supposed to put up with?

It's cost me. I've had to replace so many times because the variance of the alley. Why did they make a variance of the alley? When Luke Kush put a fence on my property it cost me—I had to come here—it cost me \$30,000 in attorney bills. I won, but I had to pay \$30,000. Whatever. It's not fair.

Mayor Garner asked, is there anyone else who would like to speak in opposition of this item? (There were none.) Clerk, is there anyone joining us virtually who'd like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll now close the public hearing. Clerk, is the petitioner available for closing comments? **Ms. Sparks** said no.



Commissioner Bynum said I have a couple of questions. I'm looking at this online. I'm looking at the picture of the shop online, not the map, but the photograph of Google. The top photo. I'm seeing fencing but it appears to stop at the building. Is that yours?

Mr. Vest said I put up that fence because they kept—years ago, there was another shop. It was a car stereo shop. They would park there to buy drugs. They would go in there and I couldn't even get on my own property. There was so much drug activity from that car stereo shop that they literally parked in the street. I was getting tired of it because I'd tell them to move and they'd start threatening me. So, I'm the one that put up that fence.

The trees that they got, if you pull up that photograph, you cannot drive off my property without getting your cars out there and somebody's going to be hurt.

Commissioner Bynum said the trees are causing a site issue for exiting back out onto State Avenue. **Mr. Vest** said the police have talked about. If you go back to that, you'll see that property is mine. Well, you can't really see it. I've got a fence up there. You can't see it. **Commissioner Bynum** said I can see it better actually on what I'm looking at. **Mr. Vest** said they have cut my lock on my gate and now they've actually drove through it and broke my gate.

Commissioner Bynum said you referenced police calls to this address. **Mr. Vest** said I've called them so many times it's unreal. **Commissioner Bynum** asked, do you think others have called the police? **Mr. Vest** said it's not their property. It's not their fence. **Commissioner Bynum** said what I'm curious about that we may not know tonight is calls for service to the Police Department for 1315 State.

Mr. Hand said the staff report and staff was able to determine that there were police calls. We were actually, before this evening, unable to determine if it was for this business or other businesses. I would accept the gentleman's statement of fact.

Commissioner Davis said, Mr. Hand, just a quick question for you. Earlier in your statement about this application, I don't know if I caught it, your statement regarding criminal activity. You had kind of differentiated who the calls were for and then you said that they weren't serious or staff didn't believe that the applicant was responsible. Can you provide clarity on who the police calls were for and then why staff believed that those calls did not meet a standard of denying this application.

Mr. Hand said what I said earlier was that there were multiple notices of violation on the property. We have some active open notices of violation that we are still pursuing with the property owner, of which there are multiple businesses. The parcel is a commercial parcel and includes this whole building to the south, as well as this building to the north off State as well as this area. So there's been multiple cases on this property specific to vacation of the right-of-way as well as earlier a change of zone and all of the variants to vacate this alley a few years ago, which the constituent noted. All of them relate to kind of sort of the management of the business in the rear yard. None of that has been in compliant with any previous conditions of approval or the Code of Ordinances, so we have a lot of outstanding issues.

When we looked at the calls of service, they looked related to those car-oriented businesses, but not necessarily car audio installation. So, again, I think we accept the member of the public's statement as fact and would recognize that surely some of those police calls obviously now were for this building.

Mr. Vest said (inaudible). **Mayor Garner** said, Mr. Vest, the commissioner would have to call you for further questions.

Mr. Hand said if I may, just related to the landscaping. That landscaping is all on private property. Again, there was a vacation so it's just not reflecting in this map right now of that public right-of-way that pulls it up to Mr. Vest's property line. The previous conditions of approval ask this

business to follow the commercial design guidelines including the landscaping requirement, and that's what they did.

Commissioner Stites said, Gunnar, if you would. The building in question, 1315 is owned by the same person that we have all the issues with? **Mr. Hand** said correct. **Commissioner Stites** said so, he wants to continue to rent that out, I'm sure. **Mr. Hand** said correct. **Commissioner Stites** asked, so then why are we not holding him accountable? Hold this SUP up until he corrects all his other issues? I don't think we reward the guy with allowing him a SUP for five years and he continues to have issues that he's not addressing. That's where I'm at with it.

Secondly, as far as calls for service to the Police Department, I happen to know a little bit about that, but when you get a call for service, there's a record of it and it shows what address is in question or where the call for service is at. I think that it's going to say it's at the car shop or it's at the flower shop or it's at the doughnut shop. In my opinion, it shouldn't be hard to differentiate the calls for service for this particular business.

Now, they may just be given that general area on some calls, that's going to happen, but I'm sure, because Mr. Vest said that he was the complainant on many, many calls, according to him. I think that we deny it. Make the guy address all the other issues and find out the calls for service. I'll make that a motion.

Action: Commissioner Stites made a motion to deny Special Use Permit Application SP2023-044.

Mayor Garner said we've closed the public comments, Mr. Vest. I apologize.

Action: Commissioner Bynum seconded the motion to deny.

Commissioner Townsend said just clarify the motion is to what?

Commissioner Ramirez asked, for what reasons? When we have a denial, we have to have reasons for denial for the record. **Commissioner Stites** said for calls and violations.

Roll call was taken on the denial for reasons stated above and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley. (Prior to voting, Commissioner Johnson said I was going to send this back but I’m going to go forward with the denial.)

Item No. 4 – 212742...SPECIAL USE PERMIT APPLICATION SP2023-059 - JORGE RAMIREZ

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 4960 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jorge Ramirez, DBA Café Tikal is requesting a Special Use Permit for live entertainment at an existing restaurant at 4960 State Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-059, for two (2) years, subject to:

1. The applicant must work with Property Maintenance Compliance (Code Enforcement) and Building Inspections to address all active violations on the property;
2. The applicant shall plant six (6) new trees on the property along State Avenue;
3. The gas line/electrical box on the east side of the building is exposed. A bollard will need to be installed to prevent the gas line from being struck. The applicant will also need to provide screening, such as scrubs to conceal the gas line from sight;
4. The applicant shall install a walkway that leads from State Avenue to the restaurant, as well as crosswalk markings in the parking lot that connect the walkway to the front door;
5. All entertainment must cease by at least 1:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces; and,
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the

Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

11. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. If approved, the applicant must file and maintain a current business occupation tax application with this office;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-059 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 5 – 212743...SPECIAL USE PERMIT APPLICATION SP2023-060 - GUNNAR HAND, AICP - UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Special Use Permit for an event space at Legends Field at 1800 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-060, subject to:

1. Public rights-of-way may not be blocked by trash enclosures or receptacles;
2. Sidewalks shall remain clean and clear of trash and debris;
3. Alcohol can only be provided by licensed vendors;
4. The Unified Government will seek a Master Plan Amendment for the property on behalf of the Monarchs;

5. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
6. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
7. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of

approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-060 indefinitely, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212734...MASTER PLAN AMENDMENT APPLICATION MPL2023-011 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING

Synopsis: Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-022.

PLAN REVIEW APPLICATION

Item No. 1 – 212745...PLAN REVIEW APPLICATION PR2023-019 - ANDREA RAND WITH ISG

Synopsis: Preliminary and Final Plan Review for a self-storage facility at 5200 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Stuart M. Shoen with 22 SAC, LLC, is requesting a Preliminary and Final Plan Review for a self-storage building. The new development will be constructed on the site of an existing truck rental business; the new development will be constructed on a portion of the existing parking lot. A variance from the parking and landscaping requirements, BOZA2023-023, has been filed in conjunction with PR2023-019. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2023-019, subject to:

1. The following requirements of Commercial Development Guidelines Overlay District have not been met. The applicant is requesting a deviation:

- a. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
 - b. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch (6") vertical curb, trellis, special railing, bollards, special paving, low seat wall or other architectural features, pedestrian scale lighting, and traffic-calming devices.
 - c. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
 - d. Per Section 27-576(c)(1), Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
 - e. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines.
 - f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
 - g. Per Section 27-576(h)(1), for new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
 - h. Per Section 27-577(d)(3), landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
 - i. Per Section 27-577(e)(3), groups of parking of between 40 and 50 spaces must be separated by a ten-foot-wide landscaped median or berm, or pedestrian walkway within a landscaped median.
2. All signs in the public right-of-way must be removed before a building permit can be issued.
 3. If there is a change of use to the proposed building to where customers are regularly accessing the building, the applicant shall file for a revised Final Development Plan and make site adjustments to accommodate for pedestrian circulation to and from the building both on and off-site.
 4. Signage shall be installed on the proposed building to indicate that it is not a publicly accessible building for customers or any other pedestrians.
 5. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 327,408 square feet, requiring 47 trees be provided on the site plan. Applicant is requesting a variance from this requirement through BOZA2023-023, a simultaneous application.
 6. Per Section 27-699(a), the following landscaping requirements must be met:
 - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.

- b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.
 - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.
 - d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
7. Per Section 27-699(b), the following screening requirements must be met:
- a. Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.
 - b. Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.
 - c. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
 - d. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.
8. The applicant shall install additional landscaping to screen the loading and service area from State Avenue
9. The applicant shall add a crosswalk from the existing (western) building into the parking lot.
10. Per Sections 27-699(b)(3), -699(b)(4), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.
11. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground.
12. Per Section 27-467(g), a six (6)-foot high architectural screening is to be provided along the rear property line shared with the adjacent residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas. Per Section 27-577(c)(4), this screening must be 100% sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
13. Per Section 27-577(f)(1), plants that die must be replaced no longer than four (4) months from the date of its death.
14. All signs in the public right-of-way must be removed;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
19. This Board of Zoning Appeals case is being heard in conjunction with PR2023-019. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition PR2023-019 by the Unified PR2023-019 September 28, 2023 10 Government Board of Commissioners and upon any ordinance publications required by law;
20. This City Planning Commission case is being heard in conjunction with BOZA2023-023. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition BOZA2023-023 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
21. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
24. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

25. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
26. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
27. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
28. Section 27-467(g) requires that a six foot (6')-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
29. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
30. Plants that die must be replaced no longer than four (4) months from the date of its death;
31. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
32. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2023-019, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 – 212716...AN ORDINANCE rezoning property at 3000 South 74th Street (COZ2023-014) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-110-23, “An ordinance rezoning property hereinafter described located at approximately 3000 South 74th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 212717...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-020) at 2737 South 53rd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-111-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2737 South 53rd Terrace, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 212718...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-026) at 31 South Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-112-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 31 South Tremont, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 4 – 212719...AN ORDINANCE authorizing a Special Use Permit for a day care center (SP2023-043) at 2605 West 39th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-113-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an existing day care center at 2605 West 39th Avenue, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 5 – 212720...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-046) at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-114-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 4138 Lloyd Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.**

Item No. 6 – 212721...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-048) at 3925 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-115-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 3925 Springfield Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.**

Item No. 7 – 212722...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-049) at 4028 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-116-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 4028 Booth Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by**

Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 8 – 212723...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-050) at 4456 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-117-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for non-owner-occupied Short-Term Rental at 4456 Springfield Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 9 – 212724...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-052) at 2504 West 47th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-118-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2504 West 47th Avenue, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 10 – 212725...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-053) at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-119-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2822 West 43rd Avenue, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 11 – 212726...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-054) at 719 Lyon Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-120-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 719 Lyon Avenue, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 12 – 212727...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-056) at 4206 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-121-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 4206 Mission Road, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.**

Item No. 13 – 212728...AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2023-051) at 2924 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-122-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 2924 Eaton Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.**

Item No. 14 – 212729...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-033) at 4016 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-123-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 4016 Springfield Street, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there**

were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 15 – 212730...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-030) at 2602 Essex, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-124-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2602 Essex, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 16 – 212731...AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-031) at 2602 North 107th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: ORDINANCE NO. O-125-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2602 North 107th Terrace, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 17 – 212746...AN ORDINANCE authorizing a Special Use Permit (SP2023-034) to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-126-23, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep 20 chickens at 9350 Nelson Lane, Kansas City, Kansas.” Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.**

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212738...SPECIAL USE PERMIT APPLICATION SP2023-042 - MATT THOMAS WITH FIRM FOUNDATIONS MINISTRIES, INC.

Synopsis: Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-042, for two (2) years, subject to:

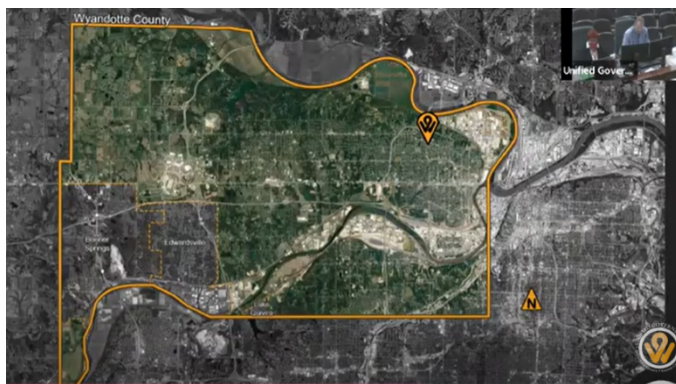
1. The property owner shall plant two (2) street trees along North 17th Street;
2. There shall be no more than seven (7) guests on site at a time;
3. There shall be one (1) staff member on-site at all times;
4. The following repairs identified in the inspection report shall be performed prior to operation:
 - a. Downspouts shall be installed to direct water away from the basement and foundation.
 - b. The basement egress door shall be unblocked, and the locked gate removed.
 - c. Handrails shall be installed where identified or repaired where identified.
 - d. Outdoor outlets shall be replaced with GFCI outlets.
 - e. Any loose or exposed wiring shall be repaired by a qualified electrician;

5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-042	
Petitioner	Address
Matthew Thomas	1723 Quindaro Boulevard
Synopsis	
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.	

Gunnar Hand, Director of Planning and Urban Design, said, again, it's a special use permit for a group home. This location was approved for a special use permit for a transitional housing or a group home and a parking variance in 2011. I say that to just note that this has been previously approved and has been established previously as a use at this location.



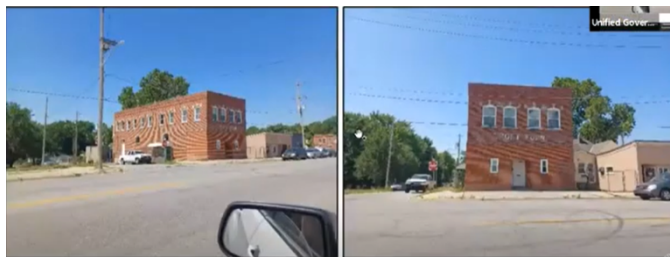
This is in the Northeast Area Plan.



Staff did receive support at the City Planning Commission. There was opposition at the neighborhood meeting that the applicant hosted regarding this use.



We found out after the City Planning Commission hearing that some members of the public in opposition had trouble getting into the Zoom meeting at the City Planning Commission, so we did receive some letters in opposition sort of after staff had received packets. Those were submitted to the City Clerk.



So there is opposition. There was support at the City Planning Commission. They are currently addressing, through this application, an existing notice of violation for operating without a special use permit.

This applicant also runs another group home in the Northeast area. Once we had a zoning case against that group home, they then realized that this use requires a special use permit. So, at

the time, we were looking at both and they are currently applying for both, the other group home. Just as a side note, hasn't made it through the Planning Commission quite yet.



Staff agrees with Planning Commission's recommendation for approval for two years with conditions.

Public Opposition	Public Support
The applicant provided statements from the neighborhood group (Organization for Community Preservations) expressing concerns.	The applicant provided statements from two property owners who expressed support. The Unified Gover... people attended the September 9, 2023 City Planning Commission hearing to speak in favor of the proposed project.
Staff Recommendation	
Approval	

Mayor Garner said I'll ask the applicant or representative to present the application.

Matt Thomas, Shawnee, KS, said I'm the Executive Director of Firm Foundations Ministries. I am one of the pastors of Freedom Initiative Church. We, at Firm Foundations, we empower men and women to move from being imprisoned to empowered and we do that through the transitional housing program that we have. We do leadership development both inside of incarceration and outside of incarceration. So we teach leadership actually down at 1723 Quindaro Blvd.

We have been in business for 10 years through the state. We have transitional housing in Wichita, Topeka, and Kansas City. I apologize for not getting a special use permit but as soon as we found out we had to get one, it was like okay. We need to do both.

Since we've started, we've served more than 550 men and women through our housing program and throughout Kansas. We've been able to help a lot of men reunite with their families, become dads, and become productive in the community, and be able to repair relationships with their family.

We run a 6 to 12-month faith-based program. We work very closely with the Department of Corrections and even the federal probation system, regular probation, and local entities to be able to help these men succeed in life. We had one women's house down in Wichita, but our overflow was so big with men that didn't have a place to live that we kind of turned it back into a men's house down in Wichita.

We help support guys as they get full-time employment. We help provide them with re-entry support by partnering with Brothers in Blue Re-entry and some other local entities to be able to help them be successful. We work with them on weekly planning; weekly classes about things like building healthy relationships, how to handle conflict, dealing with trauma, and being able to become emotionally healthy not only in regular everyday relationships, but at work and other places.

We have recovery support through random UAs, breathalyzers. We have accountability. We have clinical therapeutic group meetings for these men twice a month to be able to help them have an outlet to be able to talk about some of the things that got them in trouble in the first place. Really, our goal is to help these men become stable and secure and successful in life.

What's different about the Quindaro building is we have a leadership development path that goes from inside of incarceration to outside. So, we actually work with men inside Lansing Correctional Facility to help them be successful and be leaders. These are men that have wanted to either step into ministry or other leadership situations. We run these men through a two-year process to help them become successful.

We had the opportunity—I knew Pastor Bailey and Mrs. Bailey that actually ran Love Outreach and the church over there. It was an amazing opportunity where it came up for sale and we were able to buy it. Really, the beautiful thing is we rebuilt the whole and really redid the

whole inside of the building. Now we have leadership development that lives upstairs and we have a church that we planted downstairs. One of my pastors and his wife, Abraham, are here.

The goal is to help these men not only reintegrate back into the community, but to help them be able to be mentors to other kids who just honestly, like my story and like Abe's, have picked up pistols and drugs and are on the way to prison. We want to try to help them not go to prison by having other people speak into their lives. That's what's really special about the Quindaro building that we have. We're really seeking the permit because we believe that we can be a positive presence in the community and really have an opportunity to do something good.

Mayor Garner said I'll now open the public hearing and ask the Clerk if there are any notifications from the public who wish to express their comments in favor? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item?

Abraham said I'm actually the pastor of Safe Haven that's in question. When it comes to upstairs, the men in the ministry upstairs, as Matt expressed, it's a process for even men to even get up there even before they get out of prison, like a two-year process they actually go through whether it be Brothers in Blue inside the prison, just really have an external process.

The other side of that, when they do come out, we realize, I realize that men do have a calling upon their lives. They do have a purpose. They do have a meaning. They do want to make a difference. A lot of times men spend a lot of time taking from the community. Now they want to give back to the community. This is the platform that we use for our ministry, for my ministry, that I'm really active and really involved with.

The men that are upstairs, that live upstairs, just for the short amount of time they've been up there, we do a food pantry twice a month, the first and third Monday of each month at our location. I also drive for different locations probably about five, six times a week. Our location, we feed anywhere from 65 to 80 people out of our food bus. What happens is that men, women, and children come up on our bus, they get food for their household. They will take it home to their household. These men upstairs are a very part of that, especially when it comes to that. Not just that, but we also teamed up with Judge Courtney McKenzie. At one particular point in time, she

was doing a CARE Act when it comes to just getting information about...**Ms. Sparks** said one minute remaining.

Abraham said ...when it comes to affordable living, bills, all the things we discussed tonight. We need people out there to help to get this information out so these guys can come to that. This is way lot more than what's beyond. This is really needful for us, for our community, for our church, to keep it thriving, keep it going. I hope it gets your yays.

Crystal Orr said I'm co-pastor with Abraham at Safe Haven. The parts that were kind of left out or he didn't have time to say is that if we don't have this area for these men that have come out of the system and moved into the rooms upstairs, they would be homeless. They won't have anywhere to go. They won't have anywhere to live. I really believe that this is an opportunity to give them to be able to establish themselves within the community and then be successful after leaving this area and getting out more into the community and being able to help.

Several of the men that are upstairs, they not only help with the food pantry, they also have become really great leaders within our ministry, our ministerial team. We would be losing a lot of beneficial people to our church and to our community if we do not allow it to continue on. I just wanted to ask that you guys vote to keep it going.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in opposition of this item? **Ms. Sparks** said we had a hand raised.

Candie Leonard-Caldwell said I'm President of Organization for Community Preservation. First, I would like to correct the special use hearing meeting. It was scheduled for September 11th. When I went on to get information about the meeting, there was a notice posted saying the meeting had been cancelled. Members of the Neighborhood for Community Preservation, since September 5th, tried to turn in letters of opposition to the transitional living house.

As President of Neighborhood for Community Preservation, OCP, if I got a traffic ticket, I couldn't apologize for not paying that traffic ticket. As President of Organization for Community Preservation, I believe that the special use permit should have been followed upfront.

As President of Organization for Community Preservation and a resident of this community, letters of opposition clearly state safety issues. We don't know what type of offenders are going to be in the transitional living house and who governs the transitional living house. Are they members of the Kansas Homeless Coalition?

That's all I have to say at this time. But, again, we are clearly in opposition of the transitional house. Steps were not followed upfront for the transitional house. I believe in everyone having a second chance in life, but let's follow the correct steps to do that.

Again, even though it's on a boulevard...**Ms. Sparks** said one minute remaining.

Ms. Leonard-Caldwell said you're still in a residential area where children are there. You're not directly in 100 feet of proximity of schools, but yet, children walk that area. There are three schools within the community.

A developer, you think an amenity, we could say we have a transitional living house in our area, would that be an amenity? Would that attract developers? Could we sell our home if someone would Google and say we're in the proximity of a transitional living home?

Mayor Garner asked, Clerk, anyone else? **Ms. Sparks** said no other hands are raised.

Mayor Garner said I'll close the public hearing. Petitioner, would you like to make some closing comments?

Pastor Thomas said I totally respect the neighborhood that we have these houses, and we try our best to be as neighborly as possible and to not have police involved with anything. I think we've had two calls where we had one guy, and not at Quindaro, that we had to bring the police in because one of our no-go rules is violence of anything. Even getting into a shouting match is grounds for this is not the right place for you. Then the only other time we had police involvement was when somebody broke into a string of cars down the street and when there was an actual shootout over at the 5th Street house where two cars were shooting at each other.

Besides that, we work really closely not only with the Department of Corrections, but we have a structure and rules. We have a 12-page application that these men fill out. We have release of information to where we work with their parole officer even ahead of the time they are released from incarceration. We work with the re-entry team so it's not like willy-nilly. We just let whoever in that wants to come in. We are trying to help these men be successful. That's not only providing them a safe environment in the house, but that's putting them in an area and teaching them how to be successful. We are very cautious with what we do. I respect what she's trying to say and I understand where she's coming from, but we are very careful with how we do things.

Commissioner Townsend said, Mr. Thomas, if you don't mind, I'd like to ask you some questions. First of all, I applaud your intentions. I guess the concern I have was the method. Is this property at 1723 your first ever property to encourage men who are coming from...**Pastor Thomas** said no, ma'am. We've been doing this for 10 years. We have six houses through the state of Kansas. We have literally worked with over 550 individuals coming out of incarceration to help them be successful. This is not the first time doing it at all.

Commissioner Townsend said so that being said, I am concerned. How long were you operating there at 1723 with no special use permit? Having been doing this you said for 10 years, it seemed like you would know that you would need some or at least inquire...**Pastor Thomas** said we never had to file for a special use permit in any of the areas that we have houses in. This is literally the first time that we've had to do this. We've only been doing this for a year with 1723 Quindaro. **Commissioner Townsend** said that gives me concern that in 10 years of this, there was not even an inquiry made about it.

Commissioner Townsend said the other thing that you said that I would have to ask you about, did you do any investigation of services like yours that are already there in the area?

Pastor Thomas said yes. There's the Village Initiative, which is up the street on 27th & Quindaro. I'm very good friends with Elder George and Chanel. Chanel's a great friend of mine. We actually work really closely together with our housing program, our leadership development, and their food pantry. Even one of our employees that lives in 1723 Quindaro, goes and volunteers and does administrative work for them up there. So we partner very closely with different

organizations in the community, but yet we do it a little bit different because we are more on the faith-based side, the leadership development side, so we work well in conjunction.

Commissioner Townsend said that sounds very much like what Village Initiative does. For those of you who may not know, Village Initiative has been at the corner of near 27th & Quindaro for at least as long as I've been here, which has been 2013. They have come to this Commission before and the neighborhood. What I would say, the way that a project like this is supposed to, in terms of coming for the SUP—and recently, I would say within the last month, they've broken ground on two transitional homes. They have come to the neighborhood, to Economic Development the right way, so it gives me pause that you have not, and you have two homes in the Northeast end.

Commissioner Townsend said let me ask, what determination is made or are there any limitations made on who comes into that house at 1723 with regard to their past histories? Do you have persons who may have sexual predator or any type of sexual conviction?

Pastor Thomas said we do not house sexual predators. We do house men that have to register as a sexual offender whether it's a solicitation charge or whatever that may be. But that being said, these are not men that are just randomly; we just pick them up. We go through a process. They have completed SOP inside of prison. They work real closely with their parole officers outside. So these men are vetted. They've been through the process. Honestly, the majority of the men that we work with are coming to Wyandotte County. We provide them supervision and a good place to be to where they get a good chance of starting a real life.

Commissioner Townsend said let me go back, and thank you for using a broader term which is what I really want to get at. Do you have persons there—do you allow persons at 1723 who have a past criminal history of any type of sexual offense? **Pastor Thomas** said yes.

Commissioner Townsend asked, what about the 5th Street house? **Pastor Thomas** said yes. We do that with all of our programs. We try to help everybody involved to say that you guys—here's a good example. With Village Initiative, they do not house anybody that has an arson charge or any type of sexual offense. What that does is that leaves a gaping hole in Wyandotte County, and any other county, to give somebody a safe, supervised place to live to

where they're not just wandering in the streets or where they end up in a homeless shelter or they are unsupervised through the community.

We have literally found a way to build from the ground up a place for them to be successful to where even these men that have a sexual charge at some point in life have gotten married, have had children, and are doing wonderfully. The difference is, we're not talking—we don't work with men or women who are predatory in nature. They usually find their way to Larned Mental Health Correctional mental health facility because they have become civil committed. We work with men who have, hey, I had an underaged girlfriend. Hey, I shouldn't have done this. Hey, I caused an offense because I was abused as a child and now I've worked through counseling to help me get to a place to where I'm healthy. That's the men that we work with.

Commissioner Townsend said thank you for your honesty. I have a concern about that because your location is, according to Google, one mile from Quindaro Elementary School. Village Initiative was very receptive to EcoDevo requirements, the neighborhood's requirements that they not have anybody with a past history of any type of sexual offense. So, I have a real concern about who you may be allowing to inhabit 1723 no matter how good the intentions. With an elementary school that close and Village Initiative, literally within walking distance of it, I find this to be an oversaturation in that one area of what's going on.

Commissioner Townsend said it's also, 1723 is also in the heart of one of the districts that the Unified Government has identified for development with requests for qualifications. I'd hope we would hear something about that soon, and we may. I do not see 1723, by this operation, being a business that would likely promote or encourage development that OCP and the neighbors want there and the constituents want there so badly. I don't see that promotes that here, and I think we have an oversaturation here. It's unfortunate that the 5th Street house project was moved back, and I think that's part of the confusion that OCP had and not appearing at the Planning and Zoning Commission.

Pastor Thomas said with all due respect, September 11th, the lady in question was on our call and she was part of that conversation. **Commissioner Townsend** said no. I'm talking about the actual Planning and Zoning. **Pastor Thomas** said okay. **Commissioner Townsend** said I saw the notes. **Pastor Thomas** said I apologize for that.

Pastor Thomas said what I would say is, what do you consider an oversaturation? **Commissioner Townsend** said well. **Pastor Thomas** asked, do you know how many people are actually releasing to Wyandotte County like each month? **Commissioner Townsend** said that's not the issue.

Commissioner Townsend said we're looking at who's inhabiting 1723. This says there's seven people in there. **Pastor Thomas** said yes. **Commissioner Townsend** asked, how often are these people turned over? How long are they allowed to stay? What are they doing during the day?

Pastor Thomas said they go to work. Our program is 6 to 12 months long. Some stay for two years. Some stay for the six months. We help them get a job. We help them go to church and get involved in the community, which provides oversight. They are not only being supervised by us, but we also have a live-in manager who oversees everything. Not only do we have that, we have a city lead and then we have a regional director that provides oversight to him. They go to work. They go to church. They attend pro-social things like classes. We have Wednesday night curriculum. So, they are accounted for all week. We have a curfew that's 10:00 during the week. Friday and Saturday it's midnight so they can actually go do something. That's what we do.

Commissioner Townsend asked, this has been inhabited for how long? **Pastor Thomas** said one year.

Commissioner Townsend said for the reasons stated, I have a real concern with this because it's not what OCP and rest of the neighborhood looks like, I mean, is in favor of it. It is not conducive to economic development. Yes, there are people that come in that need places to start over, but I still maintain that Village Initiative, which is in walking distance from your facility, has done a great job of handling that, at least since 2013. I would not be in favor of this special use permit because of the oversaturation or to say that the services that you seek to provide are already there.

Pastor Thomas said but they're not. They are different. **Commissioner Townsend** said we'll disagree on that. We'll disagree on that. **Pastor Thomas** said I appreciate that.

Commissioner Townsend said you're bringing in or servicing people who are coming out of an incarceration situation. That is exactly what Village Initiative does.

Pastor Thomas said so with all due respect, Village Initiative will call us when they need beds because we have this relationship. Pastor Bernard and his wife Trina own a barber shop and

the house that is directly next, almost connected to the building. They are all about what we're trying to do. Mr. Wilson, that runs the pizza place a block down, is all about what we're doing and what we're trying to do. I hear you, I respect you, and I understand what you're saying, but I don't think that accounts for everybody that's around that area.

Commissioner Townsend said no, you're right. It wouldn't be everybody, but I do know Pastor Bernard, but he does not run Village Initiative. Mr. Wilson has some of the best pizza in the United States. That's not really the issue. **Pastor Thomas** said but he's part of the community. **Commissioner Townsend** said well, I don't doubt that either. I'm just sharing what my view is. Been in this business 10 years. It did not come to your organization to inquire if even a special use permit was needed. We have two operations within District One of this kind of thing.

I applaud the minister and his wife. Appreciate that, but I think it's just too much the same thing in one area. I move to deny the special use permit.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Kane, to deny Special Use Permit Application SP2023-042.**

Commissioner Johnson said first of all, I do understand the comments of my colleague with regard to the fact that this is something that if you all have been doing this for a while, that it was something that you say has never been required. I do pause with having said that. I also knew the predecessor that occupied that building, the Bailey's, very well. It seems to me that the type of operation that you're running is almost similar to what they were running. Can you let me know if there are—what are the differences between what you're doing and what Pastor Bailey and his organization was doing before they decided to retire?

Pastor Thomas said Pastor Bailey ran more of an emergency type shelter situation upstairs. They had people that were in horrible situations that needed a spot to sleep off the street. So they would pull them in. They would bunk them in these rooms and he just loved on them. He fed them and he made sure they were taken care of. It was more of a transient type of environment.

We run a long-term program where we work with these men to get them stable and then work with their parole officers to help them transition into life, to their own space, with their own car, their own everything to where they are actually in the community being productive.

The other part that's different is downstairs with the church. Our goal is for the leaders upstairs to focus in the church, to get trained, continue the training that they started incarcerated, and then we send them out into the communities to do the same thing. To plant more churches, to develop more ministry, and to provide hope. So, those are the differences.

Commissioner Johnson said a much more long-term process than the Bailey's. **Pastor Thomas** said yes. **Commissioner Johnson** said I know that there are more opportunities. I know that there are more persons that are in need of services than what our friends at Village Initiative can service so I can understand why my colleague, Commissioner Townsend, suggested that there's oversaturation. I think the need is there. That's going to be there regardless. With the increase of the unhoused in our community, this is something that is simply not going to go away.

There's been a motion and a second. I'll vote accordingly as it comes to my turn.

Commissioner Bynum said I just had some questions. The building, as it's currently zoned, without an SUP, what could be done there? You could answer if you want to, but I think maybe Mr. Hand might need to tell us like what could happen there without an SUP because you already own the building.

Pastor Thomas said yes. We own the building. It's zoned residential upstairs and commercial for the church. **Commissioner Bynum** said so you could continue your church. **Pastor Thomas** said but it kind of cuts off part of the reason why we do it.

Mr. Hand said the zoning for this property is C-3. Mixed use is allowed. C-3 districts, as noted by the applicant. Other C-3 uses are everything that's allowed in C-2, C-1, which is basically retail and a little bit more intensive uses. For instance, in C-3, you could have a contractor's yard.

Commissioner Bynum said if you don't have the SUP, the upstairs can still be residential but just not in this fashion. It could be rented as an apartment, for example. Would that be true? **Mr. Hand** said correct, yes.

Mayor Garner said we're going to just take a quick recess (11:22 PM). Give us about five.

Mayor Garner said we are now going to proceed back into discussion (11:45 PM).

(Commissioner Markley left the meeting.)

Commissioner Townsend said we had to take a little break and our thoughts and prayers go out to Commissioner Markley. She served this Commission and the city for a long time very admirably, so our thoughts and prayers go out to the family.

Commissioner Townsend said the comment I wanted to make was spurred on by what Commissioner Johnson said. I knew Reverend Bailey. I supported his mission there, but there's a big difference between services and who's coming there now compared to when Reverend Bailey was there. They were not coming from correctional institutions, specifically, they were on a hard time. But this is a different situation here, so I don't want that to befall on anyone.

Mr. Hand said just a point of clarification. In our Code of Ordinances, a group home is any six or more unrelated people living in a building. So, five or less could happen. We've used those initiatives quite a bit so I felt compelled to just say this. Either Village Initiative has five or fewer people in their facilities, or they do not operate with an SUP either.

Commissioner Stites said so, a little bit discombobulated here a little from what happened, but over your 10 years that you've operated at other locations, I guess you were saying that no need for a special use permit at your other locations, right? **Pastor Thomas** said yes. **Commissioner Stites** said so you came in here thinking you didn't need one, right? **Pastor Thomas** said no, and that was the deal. We came in and we were like, hey, here's a house. We can fix it up. This is a good spot. It's on the bus line. Like everything was fine.

What had happened was somebody made a code violation complaint that we had weights in the backyard. This is literally how it started and I was like okay. We'll take care of the weights. We moved the weights and then somebody said hey, you've got a couch on your front porch. You're not supposed to have that. So I was like okay. We'll take care of that too. Then we got a sticker on the window that says hey, you're running an apartment complex and not paying renters tax, or something like that. I was like, but we're not doing any of that. We run a faith-based transitional program.

Commissioner Stites asked, how come—and this is probably for Gunnar, but you can hold out if you'd like to—how come both SUPs aren't being ran at the same time so we can address 5th Street and Quindaro?

Mr. Hand said SUP follows the property and the owner, so they needed a separate SUP for the two different locations. They needed an SUP for each location, sorry.

Commissioner Stites asked, any calls for service as far as police? **Pastor Thomas** said we've had zero at Quindaro. There's never been anything, like no problems, no nothing at all.

Commissioner Stites said I would say with the continuing increase with homelessness and the burden that the homeless population puts on our services: police, fire, ambulance that you know, getting these folks that you've said are going to ultimately be back out on the street and looking for something to eat and looking for a place to sleep and rest and you're offering services for people to not just be turned out and good luck, but here's how we help you get better.

Pastor Thomas said to be brutally honest, like that's my story. I went to prison in 2006. I got out in 2009 in Arizona. I literally had to go through a transitional house. Then I moved to Wichita from Arizona. Then I got married. I have some beautiful kids and I raised my daughters that actually got removed out of my custody when I was incarcerated. For me, I just want to see that. We've really seen that. I have people that are doing this rather than just like here, let me give you some food. I wish you the best. I'm probably going to see you again in 90 days.

Commissioner Stites asked, what's the process on somebody that is not willing to either participate or they're not abiding by the rules or get out of hand? What do you do?

Pastor Thomas said when it comes to drugs, we have a two-step process. If we UA somebody and they're dirty, we say hey, here's the deal. You have to hit—you're on restriction. You have to hit two NAA meetings a week. You also have to do some extra service around the house. If it happens a second time—and mind you, we talk to the parole officer through this so it's not just like here you go—if it happens a second time, then it's a hey, we need to find you another place to go because this is not the right environment for you. So, we have a really wonderful relationship with Shelter KC. We have relationships with other places to where we don't just like, you're out on the street. You're on your own. We help them go different places.

Now, here's the deal. Some of them, you know what I mean, some of them don't take that help and they go their own way. For our side, for the most part, we want them to be successful even if that's taking a 30-day break or a 60-day break so they can get their head right and then give them a shot again.

Commissioner Johnson said I still stick by my comments that considering the unhoused population that is increasing, there's going to be more need than capacity. Through my church I've ministered for over 30 years at Lansing Correctional Facility, so I'm quite familiar with that environment. I have a few testimonies of those persons that were successful in terms of their re-entry that I have personal attachment to. It's a hard, long, tedious process. The losses are sometimes greater than the gain sometimes, but I think it's the kind of work that we, as a community, are going to be faced with.

I like the story of what I'm hearing. I'm glad to see that building is being reused for similar purposes. Maybe not the same in terms of length of time of stay. I certainly can appreciate the comments of the neighborhood association as well, but it just strikes me as a problem that we are going to have to continue to deal with, as a community, particularly as an urban community.

With that, again, I'll wait till the time for the vote, and I'll give my vote according to how I feel.

Commissioner Townsend said last comments. This is not, in my opinion, a way to deal with the homeless population, per se. We have a very specific set of facts here. In my time on Commission, this is at least the second time that people see it fit to in District One want to do something like this. One time it was in Fairfax. As I said, while I appreciate what you're trying to do, the character of the neighborhood does not support this. We already have this type of service. Village Initiative is building transitional houses in that neighborhood. I, again, have a very serious concern with having sexual people who have had any kind of sexual offense within one mile or less of an elementary school.

I thank you for what you're trying to do, but in this situation, I am not supportive of that.

Commissioner Bynum asked, Mayor, have we had a motion and a second on the item? **Mayor Garner** said yes. **Commissioner Bynum** said okay.

Commissioner Bynum said just following up on some of what we were talking about before we had to stop. We were talking about uses for the building and that the church was in compliance and that the upstairs could potentially be rented for some other use other than what you're doing.

Commissioner Bynum said prior to COVID, I had been working with the neighborhood association that's present tonight; along with Groundworks; the Neighborhood Business Revitalization Group, Project Rally, which is a non-profit; as well as the YouthBuild Program. All of those groups had come together to try to accomplish something in this exact area that was quite different, moving definitely in a much different direction than what's being proposed tonight.

COVID, when we talk about the ways that COVID impacted our neighborhoods, communities, and the world, this is one of those components because COVID forever altered that plan, it seems to me. It was really something that Organization for Community Preservation had really bought into because we were talking about a model block program and it was coming off the heels of, if you will, an excitement for the Northeast Area Master Plan that had been adopted in the year prior to bringing those groups together. Something much different was being envisioned for this area. It's part of what gives me pause for the work, the project that you're doing. At the same time, it's really difficult because I really appreciate what you are trying to do and what you are doing in other areas. It is noble, and it is needed.

I understand, I think, that you're indicating that the folks coming out of incarceration and potentially into this place are our Wyandotte County. **Pastor Thomas** said yeah, they're Wyandotte County. **Commissioner Bynum** said they're our people. **Pastor Thomas** said yes. **Commissioner Bynum** said that makes it really hard to decide. But, again, prior to COVID, we were definitely moving with—

Mayor Garner said I hate to interrupt. We are hitting that 12:00 midnight. We have to have a motion to suspend the rules to take us out of this part of our meeting and allow for us to go past 12:00 to continue.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to suspend the rules and to continue past 12:00.** Roll call was taken and there

were eight “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane. (Prior to Commission Johnson’s vote, he said reluctantly, aye.) (Commissioner McKiernan was no longer online.)

Commissioner Bynum said I will wrap up my comments. It is difficult to ponder this use when, again, before COVID we had four groups coming together to envision a future for this area, this exact area along Quindaro Blvd., that was an outgrowth of the community’s enthusiasm for the Northeast Area Master Plan process. They had just wholeheartedly participated in. So that is really all I wanted to say with much gratitude for the work you are doing.

Mayor Garner said there’s a motion and a second. Is there any further discussion? (There was none.) Clerk, can you repeat that motion for us.

Ms. Sparks said the motion is to deny the application.

Commissioner Townsend said one last thing pertinent to what Commissioner Bynum said. Before COVID, that was the thought. It still continues to be the thought. As I just said or earlier, this section, including that address, is one of three that this administration had identified and requested requests for qualifications to develop that area. So the hope remains alive. I appreciate what you’re trying to do, but this is not something that I would see compatible with that or something that would really make developers want to come into that area.

Mr. Hand said, sorry. Commissioner Townsend, just a point of clarification. The RFQ did not pre-qualify any lead developers for the 18th & Quindaro site, so we’re currently not pursuing.

Commissioner Stites said Commissioner McKiernan needs to be let back in. He just text me.

Angela Lawson, Interim Chief Counsel, said I am going to jump in and remind everyone it does take eight votes to override the veto.

Roll call was taken on the motion for denial and there were five “Ayes,” Davis, Bynum, Townsend, McKiernan, Kane; and four “Nos,” Stites, Burroughs, Ramirez, Johnson. (Motion failed.)

Mayor Garner said in the interest of time, I'm going to suspend the majority of the Commission's request to suspend the rest of the Planning and Zoning materials. Clerk, when is the next meeting for Planning and Zoning? **Ms. Sparks** said October 26th. **Mayor Garner** said for those watching—okay, you've been there patiently. What's your item? (inaudible)

Commissioner Bynum said I understand that the motion to deny the last item has failed. Does that mean that the item, as presented in the packet, passes, or is there some other vote needed? I do not understand the next step.

Mr. Hand said it's my understanding that you need to make another motion. **Commissioner Bynum** said in order to uphold the Planning Commission's work, right? **Mr. Hand** said or hold over or send it back to Planning Commission. **Ms. Lawson** said you can also vote to send it back.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Burroughs to send Special Use Permit Application SP2023-043 back to the Planning Commission.**

Mayor Garner said I've lost track. Just give me a quick second. **Commissioner Bynum** said I was asking. The last item, the motion to deny failed which means we have to have some other action now to finalize the work of the Planning and Zoning Commission. One suggestion was that it could go back to Planning, so a motion and second to that effect was made. **Ms. Sparks** said we do have a motion from Commissioner Johnson to send the matter back.

Commissioner Townsend asked, what would be the purpose of sending it back? **Commissioner Bynum** said if I were going to agree to that, my purpose would be such that we continue a dialogue with not only the neighborhood group but any and all other interested parties in the area to see if we can come to some mutual understanding about being able to have the SUP in place for the work they're trying to do. If it were me, that's what I would do.

Commissioner Burroughs said in light of what's happened here this evening, sending it back is doing respect to the individuals here this evening; but if I understood Gunnar correctly, they could go ahead and operate as long as they didn't exceed the limit of five. At this time, I would assume—I don't know what the population is at the residence now, but if it's five, there's really no action necessary. They could go back and appear before the Planning and Zoning to see if they could get the special use permit to expand the realm of the business. Is that what I'm to understand, Gunnar?

Mr. Hand said the special use permit for group homes is for non-related individuals in a single dwelling for six or more people.

Commissioner Burroughs said for six or more. Thank you for that clarification. So I think by sending it back, if there's a special use permit to exceed the number of six, it would allow time for you to, again, appear before the Planning and Zoning and have the meetings with the neighborhood group; but if you have six or less, I believe you could still, under the guidelines, operate. I don't think it's doing the harm that we might think it is by sending it back.

Commissioner Johnson said my reason for sending it back also was the fact that I was, at first, having pause because of the same reasons that Commissioner Townsend had. After we had further discussion, they were unaware that they had broken any code or anything at that particular time is the reason why I'd like to send it back and get some of those things addressed properly. That's my reason for it as well. There's two or three reasons right there.

Roll call was taken on the motion to refer the item back to the Planning Commission for reasons stated above and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Mayor Garner said we're going to allow one more. I know it's out of order, but I'm going to do this. We've had a lady waiting here all night, and it is past 12 midnight. That is Item A3, SP2023-057, Betsy Maxfield, for a special use permit to operate a short-term rental at 4436 Cambridge St.

What I will do is I'm going to suspend everything else on Planning and Zoning, as I noted. Clerk, what was that date that we were going to come back, for those that may be watching? **Ms. Sparks** said October 26th. **Mayor Garner** said so plan on the rest of what we did not cover tonight on Planning and Zoning to come back on October 26th. We will allow this last item.

Item No. 2 – 212740...SPECIAL USE PERMIT APPLICATION SP2023-047 - LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design

Action: Item suspended and rescheduled to the next Planning & Zoning and Full Commission meeting on October 26th, per Mayor Garner.

Item No. 3 – 212741...SPECIAL USE PERMIT APPLICATION SP2023-057 - BETSY MAXFIELD

Synopsis: Special Use Permit to operate a Short-Term Rental at 4436 Cambridge Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Betsy and Ryan Maxfield, DBA as Hermosa 711 LLC, are requesting a Special Use Permit to operate a short-term rental at 4436 Cambridge Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other unpermitted short-term rental on the block. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2023-057, for one (1) year, subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-057	
Petitioner	Address
Betsy & Ryan Maxfield	4436 Cambridge Street
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. It is non-owner occupied. There is one non-permitted short-term rental also on this block. If this special use permit was to be approved this evening, staff would follow up with enforcement actions accordingly.



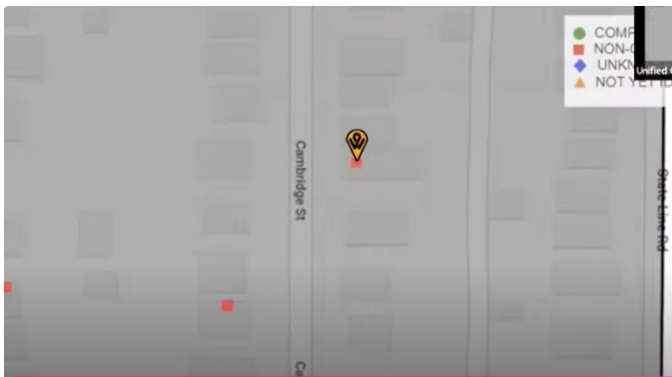
This is in the Rosedale Area Plan.



Staff received both support and opposition for this case.



There are no notices of violation related to the property.



Staff agrees with Planning Commission and recommends approval for one year with conditions maximum six people on site and two cars off street.



Public Opposition	Public Support
None to date. Three (3) members of the public attended the 9/11/2023 City Planning Commission hearing to express opposition to short-term rental and this proposed project.	A letter of support from a member of the public received by Staff for this proposed project.
Staff Recommendation Approval	

Mayor Garner said I'll ask the petitioner to come forward and present your application.

Betsy Maxfield, 10001 West 70th St., KCMO, said this house is owned. This is our only short-term rental. It's owned, and operated, and managed by my husband and I, so our family. We live about 7 to 10 minutes away, right down the road. We do all the managing, like I said, ourselves. We get along with our neighbors quite well. They all have our phone numbers. We haven't had any complaints. I'm just here to follow the proper rules and get the short-term permit.

Mayor Garner said I'll now open the public hearing. Clerk, are there any notifications that you received from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is anyone present who'd like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said we do have a hand raised from Jake Hodson.

Jacob Hodson, 4448 Francis St., said I am the President of the Spring Valley Neighborhood Association. I notified the Planning Commission that the applicant for Special Use Permit 2023-057 at 4436 Cambridge St. failed to meet the obligation to notify the neighborhood association during their neighborhood meeting. That's in violation of...

Mayor Garner said I'm gonna have to stop you just for a second. It sounds like, so correct me if I'm wrong, that you're in opposition, correct? **Mr. Hodson** said I am. **Mayor Garner** said all right. We'll get you in a minute.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have any notifications been received from the public who wish to express opposition to this item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present that would like to speak in opposition to this item? (No one appeared.) Clerk, you can resume with the gentleman in opposition.

Jake Hodson, 4448 Francis St., said I am the President of the Spring Valley Neighborhood Association. I apologize for not being there tonight to you and my constituents. The meeting was running very long and I have family matters.

I did notify the Planning Commission that the applicant is in violation of Section 27-199 of the Development Code as they did not notify the neighborhood association during their neighborhood meeting. I request that you remand this case back to Planning Commission so the applicant may have a meeting with the neighborhood that includes the neighborhood association. I will work with Director Hand and his staff to ensure that this meeting happens very quickly. Please remand Special Use Permit 2023-057 back to Planning Commission as they did not follow the code as laid out in the Development Code statutes.

Mayor Garner asked, Clerk, is there anyone else? **Ms. Sparks** said no other hands are raised.

Mayor Garner said I'll now close the public hearing. You can make some closing comments, petitioner.

Ms. Hodson said I worked with Janet Parker to set up the meeting. I sent her my letter I sent out to every address that was given to me. I also sent the minutes of the meeting to the council and to Janet as well, and it was notarized. I did hold the meeting, and I sent it to every address that was given to me by Janet. I followed every piece of the rules.

Commissioner Stites asked, can we confirm that? **Mr. Hand** said the code requires, as the member in opposition noted, does require to reach out to neighborhoods. We did send it to the Rosedale Development Association, but it looks like we did not send it to this specific neighborhood group. That is correct. That would be staff's error, not the applicant's fault.

Commissioner Stites said it puts the applicant in an awkward spot, for sure, thinking that they carried out everything properly, doing what they were supposed to do, and now to be penalized. I don't think it's fair, but I do think that the neighborhood group should have a voice in this, so I'm kind of torn here. I don't know. I'm not sure.

Ms. Hodson said I have talked to the Rosedale community. I believe that's what I was saying.

Mr. Hand said Mr. Hodson was present at the City Planning Commission, but he is correct. If you did want to remand it back to City Planning Commission, it's a 10-day notice to resend a neighborhood meeting and we could not get that accomplished, I don't think, by October 9th. I would recommend that we send it to the November agenda.

Ms. Hodson said then that other person can come in and get (inaudible).

Commissioner Stites said this question is for the applicant. What does that do to you by putting this off now? It would be two months. When you've clearly done it, met everything that you were told that you were supposed to do.

Ms. Hodson said right. Well, the rule is there can only be one short-term rental per block. **Commissioner Stites** said okay. That's good enough for me. I appreciate it.

Action: **Commissioner Stites made a motion to approve Special Use Permit Application SP2023-057, as submitted.**

Commissioner McKiernan said, Mr. Hand, you know the questions I'm going to ask you, and I'll just ask them so we can just get it out on the record. This was operating as an unpermitted short-term rental. Is that correct? **Mr. Hand** said yes.

Commissioner McKiernan asked, during the time that it was operating as an unpermitted rental, were there any neighborhood complaints related to this? **Mr. Hand** said no.

Commissioner McKiernan asked, were there any police calls for service at this address? **Mr. Hand** said no.

Commissioner McKiernan asked, were there any code violations at this address? **Mr. Hand** said no.

Commissioner McKiernan asked, other than the one person who has spoken in opposition tonight, at City Planning Commission, were there any other people speaking in opposition? **Mr. Hand** said yes. **Commissioner McKiernan** asked, how many? **Mr. Hand** said we had three members in attendance at the September 11th City Planning Commission in opposition, including Mr. Hodson.

Commissioner McKiernan asked, was there anyone who attended the City Planning Commission in favor? **Mr. Hand** said we did receive a letter of support from a member of the public, but not at the City Planning Commission hearing.

Commissioner McKiernan said thank you, Mr. Hand. That's all I need.

Commissioner Ramirez said this is my district. There is another non-compliant STR on the block, correct? **Mr. Hand** said correct. **Commissioner Ramirez** said it's kind of races who gets there first. **Mr. Hand** said as Ms. Maxfield has the application in currently, even if you were to remand it, she would still be front in line. **Commissioner Ramirez** said she'd still be front in line.

Commissioner Ramirez asked, what happens to the other STR that's on the block? **Mr. Hand** said we're a bit in new territory on the ordinance, but we would probably wait until a decision was made on this case to follow up with any other enforcement. **Commissioner Ramirez** asked, what would...

Mr. Hand said notice of violation for operating. The other property has a notice of violation for operating without a short-term rental. We were basically holding on moving forward with the administrative citation process till we heard what was going on here. Depending on what

happens tonight or in the future, as soon as, hypothetically, this were to get approved, we would go back to that notice of violation, ask them to stop. If they don't stop, then we would pursue the administrative citation process.

Commissioner Ramirez said that's all we can do. By statute and ordinance, that's all we can do. I was curious on what our enforcement actions were. I didn't know if we were allowed to tell them to closeup shop, but it seems that the only way we have is citation side.

Mr. Hand said most people, during the blitz, have voluntarily just pulled off of whatever platform they were on and stopped in good faith. We have a couple that we're following up on, of course, but I would say the majority have been understood and stopped service.

Commissioner Bynum said I apologize for not understanding this. Within this process, we have applicants send the letter out to the certain number of parcels around them, by law; but we've added, or in addition to that, we also have a requirement that if there's a registered neighborhood group within the environs, that that's also a meeting required? I'm confused.

Mr. Hand said it's not a meeting required. They're just part of the notice list. So it's everyone within 200 feet, and then some, including neighborhood groups. Staff just left out one of the neighborhood groups because, again, there's...

Commissioner Bynum said it's not required to go to a neighborhood group meeting, but the neighborhood group leader, I'm assuming, is also informed by letter like the folks within the 200 foot perimeter.

Mr. Hand said that is correct. They are one of the additional notices for the neighborhood meeting that the applicant is required to host.

Commissioner Bynum said and she had the meeting. **Mr. Hand** said she did. **Commissioner Bynum** said so there is no violation of that particular part of this process. **Mr. Hand** said I suppose it depends on how you interpret it, but I think Mr. Hodson's not incorrect. We should have noticed him and we did not. He was aware of the application, however. He showed up at Planning Commission.

Commissioner Bynum said not to belabor it, what you're saying is, that neighborhood group should have been on that list we provided and wasn't. **Mr. Hand** said correct. **Commissioner Bynum** said okay. Got it. **Mr. Hand** said sorry for the confusion. I apologize for the error.

Action: Commissioner McKiernan seconded Commissioner Stites motion to approve as submitted.

Commissioner Kane said we're going to switch gears here a second. Got a text message from Angela. She's doing fine. Sitting here in the waiting room for the doctor to do an EKG. Thank God for that.

Roll call was taken on the motion to approve and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Mayor Garner said as I stated earlier, I'm going to end this portion of the Planning and Zoning agenda. Any items that remain, they will be put on at a later date.

Item No. 4 – 212744...SPECIAL USE PERMIT APPLICATION SP2023-061 - TATUM PHILLIP

Synopsis: Special Use Permit to operate a Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item suspended and rescheduled to the next Planning & Zoning and Full Commission meeting on October 26th, per Mayor Garner.

PLAN REVIEW APPLICATION

Item No. 1 – 212666...PLAN REVIEW APPLICATION PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER

Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item suspended and rescheduled to the next Planning & Zoning and Full Commission meeting on October 26th, per Mayor Garner.

MISCELLANEOUS

Item No. 1 – 212753...PRESENTATION: PLAN KCK STRATEGIES

Synopsis: Update regarding Plan KCK strategies provided by Gunner H. Hand, AICP, Director of Planning and Urban Design.

Action: **Item suspended and rescheduled to the next Planning & Zoning and Full Commission meeting on October 26th, per Mayor Garner.**

REGULAR CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 1 – 212747...PLAT: LOZANO ADDITION

Synopsis: Plat of Lozano Addition, located at 8505 Kansas Avenue, and being developed by Yakeline A. Delgado-Lozano, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 212748...PLAT: HOLLINGSWORTH AND HUTTON ESTATE

Synopsis: Plat of Hollingsworth and Hutton Estate, located at 10551 Hollingsworth Road, and being developed by Matthew Francis, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 3 – 212749...PLAT: 57/70 DEVELOPMENT

Synopsis: Plat of 57/70 Development, located at 11 South 59th Lane, and being developed by Reclaimed Materials Yard LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 4 – MINUTES

Synopsis: Minutes from the Regular Session meeting on December 1, 2022, and the Special Session meetings on August 17 and 24, 2023.

Action: Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated August 31, September 7 and 14, 2023.

Action: Commissioner Davis made a motion, seconded by Commissioner Ramirez, to receive and file. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 – 212708...ORDINANCE: BPU PILOT RELIEF

Synopsis: Approving adoption of ordinances and Charter ordinances to allow for PILOT relief for older adults and individuals with disabilities and allowing different percentages for residential and commercial rates, submitted by Jeff Conway, Assistant Counsel. On September 25, 2023, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Commissioner Bynum said we do have Jeff Conway here with Legal. This ordinance changes the culmination of the work that the committee and I worked on. I want to thank BPU Board Member Rose Mulvany-Henry and I want to thank Thomas Gordon. I want to thank Dr. Evelyn Hill and all of the staff that spent so much time helping us understand what our options are and bring us to this conclusion. It was the result of the Mayor requesting if I would take on this specific task of trying to find BPU PILOT relief, amazingly, and we do consider our work to not be done.

We did bring a presentation to you all and the public on May 18th. That did also include some provisions for beginning to step down the PILOT rate percentage. It also included this which is a combination of changes to the charter to allow for a different rate to be set for commercial and residential. Then, also, this program that allows for those who are 65 or over, making \$37,750 or under, or disabled, to apply for and receive relief from paying the PILOT on their BPU bill.

Action: **Commissioner Davis made a motion to approve the ordinance.**

Mayor Garner said I'd just like to thank you, our commissioners, our staff, and the folks at BPU that helped. This was one of those items that I can say that I had made a request early on when I became mayor, separating the BPU rates as well as looking at PILOT relief. As a result of this collaborative effort, something has been realized. So, I just want to say thank you for taking on that, and thank you to everybody that was involved.

Commissioner Stites said I'll be quick. How does this apply to Bonner Springs and Edwardsville? I'm sure I've been told.

Commissioner Bynum said I can take a stab, but we do have Legal. If someone who lives in Bonner or Edwardsville is a BPU ratepayer and qualifies per the parameters that we've laid out, then they certainly could make application for the relief.

Commissioner Stites said so it's countywide. They meet the same criteria as anyone else. **Commissioner Bynum** said yes, because it goes to the PILOT.

Jeff Conway, Assistant Counsel, said I'd point out the language. It says, any bonified residents of the city and nonresidents of the city who are Board of Public Utilities account holders and who occupy the residence.

Commissioner Stites asked, wouldn't the language have been easier to just have said, any Wyandotte County resident? **Mr. Conway** said I think it is possible to be a resident and not be a ratepayer. We wanted to pick up the people that you had identified as being not KCK residents but BPU ratepayers, so that phrase picks up those folks. **Commissioner Stites** said sounds good. Thank you.

Commissioner Burroughs asked, Jeff, following that, does BPU provide service outside of Wyandotte County on a contracted basis? Those residents could also apply as long as they're a BPU customer, if they're an account holder?

Angela Lawson, Interim Chief Counsel, said most of those are borderline customers so they would be billed through their sort of home service. It's where the service has requested that BPU serve them because they may be in a one off location that's closer to BPU facilities.

Commissioner Burroughs said I live in one of those areas.

Ms. Lawson asked, were you asking about Wyandotte County or the city? **Commissioner Burroughs** said if I understood correctly, this is Wyandotte County/KCK residents only because I thought I heard nonresident. If it's nonresident and you're an account holder with the BPU and you meet one of the criteria for qualification, would you be able to qualify? That's my question. (**Ms. Lawson** shook her head in an affirmative manner.) Okay.

Mayor Garner asked, is there any way that can be further clarified? There was a motion made to further clarify to distinctly make that difference that was about the concern that the two commissioners had.

Mr. Conway asked, is the request to be residents of the county as opposed to residents of the city? **Commissioner Stites** said any BPU account holder or ratepayer that resides in the boundaries of Wyandotte County.

Mr. Conway said the reason we wrote that that way is because the general rule is if it's a KCK resident, then that automatically is a BPU person; but then there are some folks that are outside the city that would be BPU ratepayers so we want to pick them up too. That's why we use the phrase nonresidents of the city who are ratepayers.

Commissioner Stites asked, but when you say outside of the city, are you saying outside of the city and outside of the county?

Mr. Conway said I think the intent was just outside of KCK.

Commissioner Stites said right, and I think that's where it's getting lost here. If we just say Wyandotte County, a BPU ratepayer that resides in the boundaries of Wyandotte County, that cleans it up.

Mr. Conway said I'm not even sure if there are a few of those, a handful of people that were outside of the county.

Ms. Lawson said with that clarification, we may want to take it back and bring it back to you since we're doing this on the fly and it's late, and we need to reconcile that with the other rebate program. That would be a suggestion. Obviously, you can pass it tonight with the amendment if you'd like.

Commissioner Stites said I'm just not sure why we would open this program to somebody that's not a Wyandotte County resident.

Commissioner Bynum said I don't think I ever knew that there was someone who potentially lived in Leavenworth or Johnson County that had BPU electric or water. But you are saying it is a fact.

Ms. Lawson said there's a very small amount. Most of those, but not all, I believe, are borderline customers that are served through a borderline agreement with their utility; however, there may be several outside of the county that take service directly.

Commissioner Bynum asked, as in they get a bill from the BPU and it contains all of the fees that are levied on our ratepaying customers? **Ms. Lawson** said if it was outside of the county, it would not include stormwater. If it were outside of the city, it would not include stormwater, trash, wastewater, those items, city items.

Commissioner Bynum said I don't want to delay this because staff needs time to put in place the processes and procedures they are going to need to do in order to implement this. Because of that, I would be willing to accept the language change to what Commissioner Stites is saying, a resident of Wyandotte County that is a BPU ratepayer. That would be okay with me. Administrator, I feel like you had some thought as to why we had that language that way.

Administrator Johnston said to answer Commissioner Bynum's question, we are under the assumption that anybody that—and this is my question to our legal counsel who also serves BPU is. Do non-Wyandotte County residents that have BPU service pay the BPU PILOT? **Ms. Lawson** said if they are billed directly, they would, yes.

Administrator Johnston said in the same vein, as it's written, if they pay the PILOT and they're a BPU customer, they would, in my interpretation, would be eligible to participate in our county program. That's the crux of the question on the table.

Mr. Conway said the other intent was to try to tie this eligibility, going forward, tie it back to the rebate program over here so that the typical citizen wouldn't be confused. They'd say, well, I was able to get eligibility here so I should get it over here. Then also tie it so it's more aligned with the Homestead exemption program on the state side. So we've got some definitions that we're trying to mesh together better.

Commissioner Bynum said if we could bring it back by the 12th, then that's just a couple of weeks. But, again, I just reiterate that staff really is going to be under the gun to put something together that's workable. Monica, would you say that's true? **Ms. Sparks** said yes, Commissioner. I would agree.

Action: Commissioner Davis withdrew his previous motion to approve.

Action: Commissioner Davis made a motion, seconded by Commissioner Ramirez, to set the item over to the October 12, 2023 full commission meeting. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

ADMINISTRATOR’S AGENDA

Item No. 1 – 212751...NOMINATIONS: DELEGATES LEAGUE OF KANSAS MUNICIPALITIES

Synopsis: Approval of delegates to the League of Kansas Municipalities conference, submitted by Alan Howze, Assistant County Administrator.

Mayor Garner said the proposed delegates are Administrator Johnston, Alan Howze, and an Assistant County Administrator to be determined.

Administrator Johnston said for the annual meeting of the League of Kansas Municipalities, they require from member communities, approval from the elected body to have folks serve as the official voting delegates on any policy matters coming out of the Board of Directors before all its membership. So, they’re just asking for formal approval for the delegates to this conference.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Davis, to approve.

Mayor Garner said as a note, I’m also, I believe, a permanent member. **Administrator Johnston** said you’re permanent. **Mayor Garner** said with the League as well.

Roll call was taken on the motion and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 212750...RESOLUTION: WYANDOTTE COUNTY LIBRARY

Synopsis: A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2024 annual budget for the Wyandotte County Library, and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2024.

Administrator Johnston said the final taxing district within the county completed their public hearing requirements and voted on an annual budget. I believe that they passed a budget for revenue neutral. As required, because this goes into our portfolio of information to be submitted to the state, we will include that information in our documents along with all the other taxing districts and ours. Reggie is here for any questions if any of you have them.

Commissioner Bynum said I see the resolution and I see the vote. The question I have is, Reggie, the vote to be revenue neutral for the Piper, Edwardsville, Turner library mill levy rate takes it from what to what?

Reginald Lindsey, Budget Director, said it takes it from 6.129 to 5.449. **Commissioner Bynum** said thank you. That's all I wanted to know.

Commissioner Townsend said another question I had is, this Commission doesn't have, or do they have, any real choice in the matter in terms of what that Board has already done.

Angela Lawson, Interim Chief Counsel, said there is an Attorney General opinion that says that you do not.

Administrator Johnston said you can't make any changes to it, but they force you to, as part of the whole county package of taxing districts.

Action: **RESOLUTION NO. R-61-23**, "A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2024 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2024."

Commissioner Townsend made a motion, seconded by Commissioner Stites, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.; and one “No,” Kane.

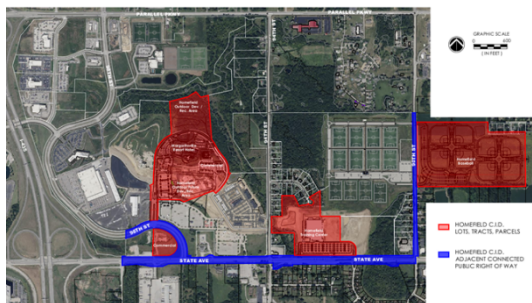
Item No. 3 – 212752...ORDINANCE: HOMEFIELD CID ASSESSMENTS

Synopsis: An ordinance levying the maximum CID assessments for the Homefield Project, submitted by Jeff Conway, Legal Department.

Mayor Garner said this is approval for levying the maximum CID assessment for Homefield projects.

Kevin Wempe, Gilmore & Bell, said we represent the Unified Government as bond council. I do have a couple of slides, hopefully, queued up on this item.

Map of Homefield CID



To summarize real quickly, and I’ll be brief, this really finalizes the community improvement district procedure that’s been in place or contemplated for several months now going back to the amended development agreement with the Homefield developer and several of the proceedings you’ve seen in the last month or two, and provides the opportunity to seek a bond deal that’s secured by the revenues you’re putting in place via the CID.

Here on the first slide, just to orient ourselves, again, very familiar map by now, I’m sure. This highlights the areas that comprise the CID. Again, the CID was formed officially two weeks ago by ordinance, passed by this group. It also levied the 2% CID sales tax on these parcels.

Again, just really brief history. The amended development agreement came before you earlier this year. That contemplated this in exchange—lots of matters taken care of in that amendment. The key thing is introducing new project components you see highlighted here including Atlas 9, and Live Nation, and several other items there.

Going back to a couple of months ago, the CID petition was submitted by the developer. A public hearing was called by resolution and held two weeks ago. Again, that ordinance was passed two weeks ago. Just by means of the CID statute requiring this procedure, now that the CID has been formed, you can proceed with levying special assessments that were contemplated by the petition. That's the reason for the two-step approach on that matter.

CID	Year**	Collection Period	Assessment #1*	Assessment #2*	Arena D*
			Resort Fee	Ticket Fee	Ticket Fee
Special Assessments	1	2025 July 1, 2024 - June 30, 2025	\$30.00	\$2.00	\$2.00
	2	2026 July 1, 2025 - June 30, 2026	30.60	2.04	2.04
	3	2027 July 1, 2026 - June 30, 2027	31.21	2.08	2.08
	4	2028 July 1, 2027 - June 30, 2028	31.84	2.12	2.12
	5	2029 July 1, 2028 - June 30, 2029	32.47	2.16	2.16
	6	2030 July 1, 2029 - June 30, 2030	33.12	2.21	2.21
	7	2031 July 1, 2030 - June 30, 2031	33.78	2.25	2.25
	8	2032 July 1, 2031 - June 30, 2032	34.46	2.30	2.30
	9	2033 July 1, 2032 - June 30, 2033	35.15	2.34	2.34
	10	2034 July 1, 2033 - June 30, 2034	35.85	2.39	2.39
	11	2035 July 1, 2034 - June 30, 2035	36.57	2.44	2.44
	12	2036 July 1, 2035 - June 30, 2036	37.30	2.49	2.49
	13	2037 July 1, 2036 - June 30, 2037	38.05	2.54	2.54
	14	2038 July 1, 2037 - June 30, 2038	38.81	2.59	2.59
	15	2039 July 1, 2038 - June 30, 2039	39.58	2.64	2.64
	16	2040 July 1, 2039 - June 30, 2040	40.38	2.69	2.69
	17	2041 July 1, 2040 - June 30, 2041	41.18	2.75	2.75
	18	2042 July 1, 2041 - June 30, 2042	42.01	2.80	2.80
	19	2043 July 1, 2042 - June 30, 2043	42.85	2.86	2.86
	20	2044 July 1, 2043 - June 30, 2044	43.70	2.91	2.91
			MDV	LN	AS
*Per hotel room night during collection period					
*Per museum and arena admission ticket issued during collection period					
Annual escalation: 2.0%					
** "Year" refers to tax year. E.g., Special Assessments for "2025" will be on the tax bill received by the property owner(s) in November 2025.					

The last slide here for me, I know it's small print, but I figured we would post the special assessments here because it is a unique approach with the special assessments. Again, the special assessments are based on room nights at the Margaritaville Hotel of \$30 a night, and \$2 per ticket sold at the arena and also at the Atlas 9 Museum. You see in the top row those figures are there. There's an inflator of 2% annually for the 20-year term expected for the special assessments. Again, this is just reprinting what's been in the petition and CID proceedings to this point.

To wrap up this, again, just finalizes the CID procedure, provides the opportunity to seek a bond deal; and with your approval tonight, we continue working with the underwriter, municipal advisor, and the whole finance team to proceed down that path. Of course, no bonds would be issued. We would have to come back to this Commission to seek approval to actually issue bonds.

Action: **ORDINANCE NO. O-127-23**, "An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to levy special

assessments on certain property to pay the costs of community improvement district improvements and providing for the collection of such special assessments for the Homefield Community Improvement District lying north of State Avenue, south of Parallel Parkway, west of N 86th Street, and east of Interstate 435 in Kansas City, Wyandotte County, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Mayor Garner said let’s just keep Commissioner Markley and her family in our prayers.

COMMISSIONERS’ AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Ramirez, to adjourn.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

MAYOR GARNER

ADJOURNED THE MEETING AT 12:53 A.M.

September 29, 2023

Monica L. Sparks
Deputy Unified Government Clerk

cg

September 28, 2023