ECONOMIC DEVELOPMENT AND FINANCE STANDING COMMITTEE MINUTES
Monday, November 13, 2023

The meeting of the Economic Development and Finance Standing Committee was held on Monday, November 13, 2023, at 5:02 p.m. The following members were present: Commissioner Burroughs, Chairman; Commissioners Davis, Stites, McKiernan, BPU Board Member Haley, and Commissioner Bynum was present on behalf of Commissioner Townsend. Commissioner Townsend was absent. The following officials were also in attendance: Bridgette Cobbins, Assistant County Administrator; Wendy Green, Deputy Chief Counsel; and Monica Sparks, Deputy UG Clerk.

Chairman Burroughs said before I call the meeting to order, I want to announce that some committee members, staff, and the public are attending remotely via Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. When speaking, please speak directly into the microphone to ensure everyone listening is able to hear your comments and to ensure a clear record is made. 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 who is speaking. This is critical given the number of remote participants and is the current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comments by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5th Floor Conference Room of the Municipal Office building.

Chairman Burroughs said I do have one clarification. We do have six members here this evening instead of our five. There was a little bit of confusion. Commissioner Bynum will be sitting in for Commissioner Townsend this evening. Mr. Johnson has joined us to talk about the ordinance we will here, so Commissioner Johnson, welcome to the committee.

Chairman Burroughs called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman Burroughs asked if there were any revisions to tonight's agenda. **Monica L. Sparks, Deputy UG Clerk,** said we have one revision to the agenda. We have added Item No. 4, under the Committee Agenda for the Community Benefits Fund.

Chairman Burroughs said we do have another item that was added. We do have the first item up this evening. Normally, the approval of minutes, but there are no minutes for us to approve this month.

COMMITTEE AGENDA

Item No. 1 – 212841…RESOLUTION: ISSUANCE OF INDUSTRIAL REVENUE BONDS AND TO ADOPT PERFORMANCE AGREEMENT (CARNATION PARTNERS, LLC)

Synopsis: Adopt a resolution of intent to issue industrial revenue bonds in the amount not to exceed $11,500.000 to finance costs of acquiring, constructing, improving, and equipping a manufacturing facility for the benefit of Carnation Partners LLC, and to adopt a performance agreement submitted by Jeff Conway, Assistant Counsel.

Kevin Wempe, Gilmore & Bell, representing Bond Counsel for the UG, said tonight we also have a developer/representatives here who can provide some more detail about the projects. Before that, I'll give you the usual minute or two intro about the request and then turn it over to them for the exciting details they have about their proposal. This item is in response to an application submitted by the applicant for the issuance of Industrial Revenue Bonds to finance an approximately 57,000 sq. ft. manufacturing facility at 4500 Dover. Like a lot of the applications you receive for IRBs, the request is for both sales tax exemption on construction materials and property tax abatement for a maximum term of 10 years at 55% abatement and there is a PILOT schedule included in your materials that's intended to represent that 55% abatement. This is a buy your own Bond deal meaning the developer here would purchase its own bond meaning there's no UG liability for repayment of those bonds and there's no credit exposure to the UG. So, like you're used to seeing, it's simply a vehicle for granting the requested incentives.

In the performance agreement that's approved under these items, there's the typical clawbacks and requirements including LMW performance penalty for that would be doubling the annual escalator of the PILOT payments from 2% to 4%. There's also performance measures about commencing construction before July of next year and completing construction before the end of 2025. With your approval tonight, this would be forwarded on to the November 30th commission meeting for public hearing and consideration of the resolution and performance agreement. With that, I'll pause for any questions you might have or otherwise pitch it over to Mr. Peterson and his team.

Chairman Burroughs said any questions from the Commission. Any comments or concerns? Seeing none. These bonds are not dependent on the Unified Government's statement of financial being. This is a practice that we normally do—they're not General Obligation Bonds. Questions from the Commission.

Commissioner Stites said when you said the escalator was going to be doubled from 2% to 4%, are we going to talk a little bit more about that, what that exactly means for the general public to be aware of what, why, and what that means? **Mr. Wempe** said the Payment in Lieu of Tax and tax schedule that's included in your materials is, again, representative of a 55% abatement and so there's been comparable properties used to generate that schedule and arrive at a year one tax payment. From there we apply a 2% escalator to that year one payment, years 2 through 10 to increase that Payment in Lieu of Tax during that tax abatement term. Should they fail on the LMW requirements, instead of 2% their Payment in Lieu of Tax schedule would increase 4% annually. Does that cover it, Commissioner? **Commissioner Stites** said it would increase 4% if they don't meet the goals, and that would be on top of the 4% built-in escalator already for the PILOT. **Mr. Wempe** said should they meet those goals, it'd be 2% each year compounding, correct. If they'd fail, it'd be 4%. **Commissioner Stites** said got it.

BPU Board Member Haley said, Chairman, just to be clear I'm looking at the schematic. That ground is currently vacant where you're developing. Is that correct? Is that what I'm seeing on the map? There's no improvements or structure there now. **Mr. Wempe** said that's correct. It's vacant ground that the developer proposes to redevelop. **BPU Board Member Haley** said it's generating the minimums taxes already then. I guess probably the line item for what it's generating in taxes. **Mr. Wempe** said that's correct and in fact Mr. Kindle and WYEDC did the background on this and showed that the current base taxes for the vacant land is a little over $7,000 a year and that's compared to the first year PILOT at 55% of abatement is proposed to be in excess—close to $72,000 a year.

Chairman Burroughs said I think part of the confusion is this word PILOT. The Commission has had numerous discussions. It's not the same as the PILOT for the BPU, although, it is a Payment in Lieu of Tax and I do believe there's going to be some discussion about it later on this evening, but I'm glad you talked about the escalation from the zero tax base to the $72,000. I think some of the concern might be where we start, where that base starts, and where it's ending in ten years. I know that'll be a discussion for another point. I'm pleased to see that commissioners are interested in that. Are there any other questions or comments from the commission, members of the committee? Seeing none, I'll ask the Clerk if there are any comments received from the public. **Monica L. Sparks, Deputy UG Clerk,** said no comments were received. **Chairman Burroughs** asked is there anybody in the audience that would care to speak to this issue. You have three minutes and please make your comments and introduce yourself.

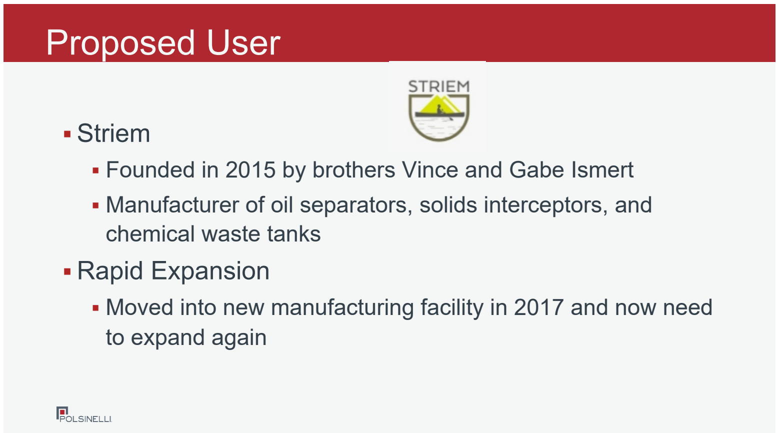
Greg Kindle, President of the Wyandotte Economic Development Council, said I don't plan to take a ton of time other than to say that we support this project wholeheartedly. The Ismert family isn't just a family that's just sort of fly by night. If you know the Ismert's, you know that they have been in Wyandotte County for many years. They used to be at Schier Products in Edwardsville until they grew out of their space and more recently expanded into Fairfax Industrial Park leasing space since 2017. Now we're seeing them transition from an existing company doing business here in Wyandotte County to actually building a new facility. This location that they selected at 4500 Dover is a space that, frankly, has been more recently sort of found. If you're familiar with the area at Metropolitan and I-635, you know this space was sort of carved out of what we always referred to as the Ridge Business Park, the Melrose Business Park to some, and that area had largely not been developed for some time. We've recently seen this land come into play. It was zoned appropriately. These folks, the Ismert's have come along with their company. They're just doing a phenomenal job and they were specifically looking for locations in Wyandotte

County that had a lot of green space, had a lot of trees, still good access to the highway. We were excited when we were able to help them identify this location and put this proposal in front of you. Just to denote it, as Kevin noted, the taxes on that site today it's about 15, 16 acres, generates about $7,200 a year. If you did that over 10 years, if nothing ever happened, we'd make about $72,000 in taxes over that 10 years as it stands today.

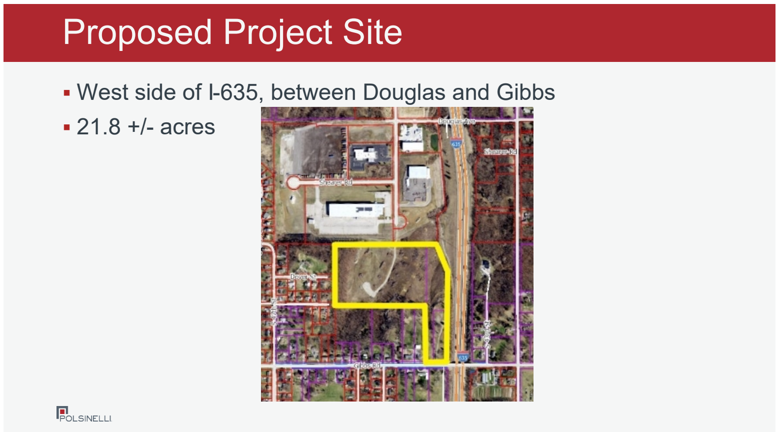
As you see from the PILOT schedule, they're going to generate $786,000 over that same 10-year period under this proposal during abatement and then, of course, when it burns off, they're there for hopefully the next 30 or 40 years and that's what we're really after here, but this is an expansion project, a company that we're trying to retain and grow here in the county. I think this is the kind of story that we're excited about where they're hiring new employees, they pay well, and frankly, they're just good people and so we encourage you all to support this, we appreciate them and what they're trying to do here in Wyandotte County and hope for many more projects from the Ismert family.

Craig Gaffney, 15457 Lake Point Dr., Bonner Springs, KS, said so many of you commissioners know I've been in banking for a long time. The three seats of creditor, character, capacity and collateral. The Ismert family has great character and that's an important thing to me as far as it is a family company like this. I work for a family-own bank and if they want to do something special for the community and this I appreciate your opportunity to come before you this evening.

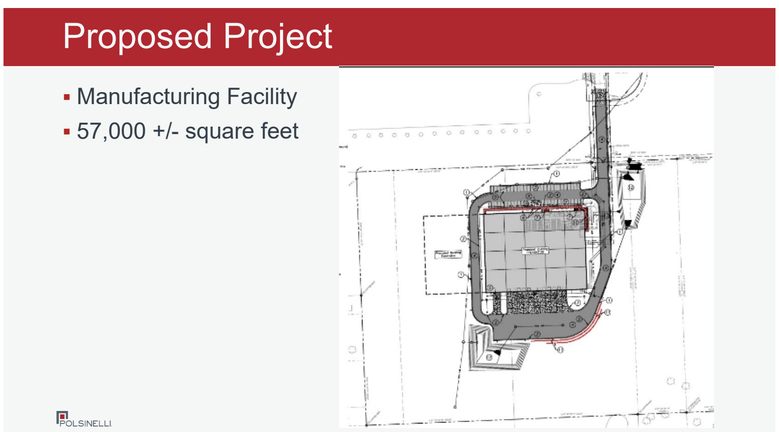
Commissioner Stites said I didn't know if we were going to have others from the presentation speak prior to questioning. **Chairman Burroughs** said I think we were waiting on questions from us and you two wanted. **Curt Petersen, Polsinelli,** said, Chair, we do really short because we've been working on this for months if you don't mind just a couple of minutes if that's okay with the Chair.



I will admit that I'm a WYDEC Chair Member and not of any other EDC, but I get asked to be involved with looking at sites all over Kansas and Missouri. I do, and these folks which we didn't do proper productions we're kind of out of order, but it's fine. We can get there. You have two brothers that have done this amazing business called Stream based in Kansas City, Kansas. You have Vince Ismert right next to me and you have his brother Dave Ismert back in the second row right there. You just heard the three C's and everything is great and it's all true so I'm thrilled to be with them. This was not a foregone conclusion that these brothers were going to take this expanding thriving KCK company that needed more space, needed another facility, needed new equipment ready to grow that they're going to stay here. I know that because I was hired to look at a lot of different places for him, but you know who stepped in and they have to get credit here. Greg Kindle, and he would tell you his team, stepped in and the state of Kansas. We have some of the state programs that are all about creating quality jobs, good paying jobs like the Ismert's offer their employees. This is a big deal. This is a victory for Wyandotte County. It may seem like kind of small, it's just an IRB coming through. This is a collaborative effort that's taken months to find a site, to find the economics that works. There's a tough, boring, but there's a tough sight sort of situation that Greg sort of went as a go-between with Public Works. It's subject to this process and going to full commission at the end of the month. They all made it happen, and this body and this government is making a KCK growing company stay here. I get excited about it. I won't go into the details that Kevin did already with the PILOT schedule and the sales tax exemption. I will put on the screen for anybody that's watching on TV.



This is the site. Kevin showed it a minute ago. When you're going on I-635 north towards I-70 it's on your left as you're going down the hill just south of that Casey brick sort of building and sign you can see there.



Lastly, I don't think we had a good image, but this gives you a sense of the site plan and yeah, it's undeveloped as the dialogue described. It's dirt, it's not producing much, and this right here after a large multi-million dollar investment is going to keep a lot of jobs here and grow a lot of more jobs. Chairman, thanks for just a few minutes of letting us describe that. I know I speak for the brothers here. It's a big deal. We're really excited about the project.

Chairman Burroughs said other comments, questions committee?

Commissioner Stites said will this create any new jobs from you leaving Edwardsville and expanding. Can anybody answer that? **Mr. Petersen** said we could talk about our state application because we had to really line that out over a five-year period.

Vince Ismert said the plan is to create a minimum of 10 jobs over the next two years, but one of the reasons we're looking at a new facility is because of space constraints in our existing facilities. We're actually getting to a point where it's getting challenging to accommodate existing employees at our existing facility. That's why we're excited to build a building. **Commissioner Stites** asked how many employees do you currently have. **Mr. Ismert** said we have 36. **Commissioner Stites** said so from 36 to 47. **Mr. Ismert** said over the next couple of years. **Commissioner Stites** said not only are we talking about the creation of new jobs, but job retention here in Wyandotte County. One of the things that I'm glad to hear is that we're also talking about the LMW goals, Local Minority and Women contractors. We talk about that pretty regular, and I want to make sure that we, and I'm sure that you will and there are penalties if you don't, but I want to make sure that we are staying true to those and using those.

Commissioner Davis said 55% tax abatement so that puts, if my math serves me correctly, 45% of market rate property taxes that are paid, is that correct? **Mr. Petersen** said right. **Commissioner Davis** asked do you have an estimate of what those numbers will be after 10 years, not after 10 years, but on a year-to-year basis and I know the housing market and real estate's very unpredictable, but just wanted to give the public an idea of what we're looking at in addition to the PILOT payments that have been mentioned. **Mr. Petersen** said the one number, and Mr. Wempe can help me, but going from this are some materials that WYDEC, Mr. Kendall's office, put together, but over 10 years we can work back from here. Over 10 years with the $8M. All that would be paid would be the $856,000 so we could, if you do it roughly even though there's inflation built into that divided by 10, you'd be talking about $85-$86,000 a year, we could get more granular. **Commissioner Davis** said but in addition to the PILOT payments, correct? **Mr. Petersen** said that's actually the whole amount that would be paid out as compared to just for the baseline, again, what was $7,000? We start with $7,000 taxes today, a little crude measurement there like I said, the total divided by 10 would be about $85,000 per year for 10 years, and then after that anybody that's really good at math could say in year 11, if that payment is 45% of that x. This is like my eighth grader right now, Algebra at home every night, 45% of x equals the $85,000 so then you solve for x and it's going to be a nice tax number after.

Mr. Wempe said, Commissioner, again I'm referring to the WYDEC materials that were presented and estimated annual taxes after that Payment in Lieu of Tax schedule. So, year 11 we always talk about is a little over $183,000.

Again, we're projecting 11 years into the future subject to appraisals and market and that type of thing, but that's today's number. **Commissioner Davis** said I'm glad to see a couple of things. I know the Mayor has been pushing this. Our County Administrator has been pushing this. How are we responsible when we divvy out incentives and that percentage is lowering where we are seeing projects that aren't 100% abatement, per se, and even for those that are abated we still are seeing these PILOT payments that go into the General Fund. I'm happy to see that.

Chairman Burroughs asked for any other questions or comments. This is an actionable item. I'll entertain a motion.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to approve as submitted.** Roll call was taken and there were six "Ayes," Haley, Davis, Bynum, Stites, McKiernan, Burroughs

Item No. 2 – 212842…RESOLUTION: APPROVING AND AUTHORIZING THE MAYOR/CEO TO EXECUTE A SECOND AMENDMENT TO THE PERFORMANCE AGREEMENT (CRITERION DEVELOPMENT PARTNERS)

Synopsis: Adopt a resolution approving and authorizing the Mayor/CEO to execute a second amendment to the performance agreement with CPC Land Acquisition Company, LLC, submitted by Jeff Conway, Assistant Counsel.

Kevin Wempe, Gilmore & Bell representing Bond Counsel for the UG, said this is for as you stated a Second Amendment of the performance agreement. I'm sure this group recalls this past summer we were here or the First Amendment that provided an extension of performance matrix to get under construction on this facility and I'll back up and get to that, but to the end of this year and the applicant is now back for you asking for extension out to the end of next year. So, to work backwards from there this is, again, for CPC land acquisition and their multi-family rental project in the vicinity of the Speedway. It is an IRB transaction. Again, I'll give you the quick overview, but again this is a buy your own bond deal for the purposes of sales tax exemption on construction materials and property tax abatement approved by the Commission last year.

Again, now at the Second Amendment after extending out that construction commencement date—at this point I'll probably flip it to Curt to describe the challenges they're seeing and the reasons for the request.

Curt Petersen, Polsinelli Law Firm, said this committee did spend a lot of time on this in the full commission, a lot of time on it. It was and is still a new product for Wyandotte County and frankly, the state of Kansas. We still haven't seen this single-family rental concept from the East and West Coast proliferate yet here, but it's coming. There are a lot of pending projects in the pipeline around the community. This is, again, 232 cottage-style single-family homes and duplexes. They are just north of the Speedway, west of 110th. I think what I want to emphasize, this isn't the first time or the last time in the current climate that you're going to see someone like Criterion telling you what's going on in the market because you already know it. By the way, I'd be remiss, this is important enough criterion that Kelsey Riddick, one of the project leads, flew in from Dallas just for this meeting and has been sitting behind me. I wanted you to recognize that this is really important to them and so she's here with us. So, speaking of important and kind of all in, every once in a while you find a developer—hopefully, I've never had to represent, but you find a developer that's all talk and says I promise I want to do this and shows you pretty pictures and doesn't do anything.

I want to briefly tell you what's happened with this group, Criterion. They have gone through the entire entitlement process which is zoning, preliminary plan, and final plan. A lot of guys stop after the preliminary plan, I don't know if this is going to work. All their final plan, but then I'm going to double down, oh sorry, the IRBs which are absolutely critical which is what we're here to talk about, but here's the big one. You all have seen when you do a project like you know 70 plus million-dollar project, you have seen the role of construction drawings. They work on them usually for roughly six months straight and cost hundreds and hundreds and hundreds of thousands of dollars and they're about that thick when you get to call 100% drawings. They went through all of that and have submitted that for permitting to the UG. Why, they're doing this project. Never would you spend that kind of money if you didn't think you're building this project, you're going to do this. Now, they had to get an extension from Mr. Allison, who many of you know who owns—the Allison family owns this property until the end of this coming year to closing that land. Wow, that's a long time, well the reality of the market right now, pretty severe. Our banking clients—I don't want to be—I'm a big-time optimist, but I'm going to tell you our banking clients are laying off agents and things like that. We're going to have a probably a pretty tough year. Construction loans for 70-plus million-dollar projects for a product that's never been built in the Kansas City area are not happening, but the reason I went through that isn't to waste your time, it's because when we say, folks, we would really like your support to the full commission for up to a one-year extension on our requirement to start construction. You have to—your construction not supposed to be starting construction at the end of this year.

We'd like you to go ahead and give us the opportunity to push that out one year and then corresponding there's a completion just the same thing, one year on that. I promise you—I'm just being real, these folks that have spent all this money and time that are committed that we will start construction by the end of next year. I'm saying it right now, I'm not positive, I don't want to ask for any more than that because the moment—they're out money, they're losing money by having spent money and doing nothing they want to start. I hope I will never see you in this context again. I could and it'll be up to you in a year from now, but I hope we get this. I hope that market's not going to be as bad as people are prognosticating. I hope we're under construction next year, but for now, Chairman, members of the committee, you have a committed group, a very committed group that wants to do this project, we just need a little more time. We'd like to ask for your help with that.

Mr. Wempe said just to cap off, Chairman, commissioners, again, in case it wasn't clear this is just preserving the existing deal and providing more runway, no other substantive changes to the deal, but instead preserving the deal to provide the developer the extended amount of time to get underway.

Chairman Burroughs said questions from the committee. Mr. Petersen, there is a development kind of like this in Kansas out in Lawrence just 7 Highway and Clinton Blvd. They're all brick one and two and three-bedroom homes. They're not attached, they're individual and then they go into duplexes and then they go into four and eight plexes. The community is all brick, and it has its own clubhouse and its own pool. So, there is one out in Lawrence that I went and visited. It's really a nice concept. You wouldn't know that it's all rental units. That's exactly what they are, all rental units, but I appreciate any other comments committee. Seeing none, I would ask the Clerk if there are any comments received from the public. **Monica L. Spaks, Deputy UG Clerk**, said no comments were received. **Chairman Burroughs** said I'll recognize any members of the public who wish to address the committee.

Shirley Carter Ikerd, 804 S. 89th St., KCK, 66112, said I am not happy in here tonight. I have been here at many of these meetings and these same people. I keep saying how can you come to us and not have any Blacks on your big company, and you have not hired any yet in your big company? You cannot tell me that you're so interested in Wyandotte County, and you see what happens in Wyandotte County to jobs all the time that Black people do not get. You're going to sit here and talk about all this big money and make it sound good, but you have nobody working for you in color. I don't like it and nobody cares that I don't like it and that's okay. I'm satisfied with that, but we need to start looking at who we say, it's okay to do this. I've been to that complex a couple of times in Lawrence because I have some relatives that live close to there and it's wonderful. It is, but we may not even get this one finished in Wyandotte County. Look at all the stuff that's tore up out at the Legends from 91st Street going west and we have a whole lot of stuff out there that's not finished. We need to look at the companies that come in here to offer us all just be a little more scrutinized. I would like that. My commissioner is not here tonight, but thank you.

Chairman Burroughs asked anyone who care to speak to the project. No one else stepped forward.

Chairman Burroughs asked is there anybody online. **Ms. Sparks** said no hands are raised.

Chairman Burroughs said no other questions or comments, this is an actionable item.

Commissioner Stites said I supported this project when it was presented originally and I still support it. I do like the project out in Lawrence and I think that this is a component of housing that we don't currently have in Wyandotte County. I think it's very much needed. I'll be glad to vote in favor of this extension. I don't know if it's appropriate to add, but when I mentioned the LMW goals in the previous resolution, that was Local Minority and Women, and I would think that we need to—I would like to know if we could get an update on projects. I don't know that we've ever got one in the past that says where they're at on those goals. We sat in here and we vote and we approve them, but I don't know that we ever hear back. Maybe there's a penalty, maybe there's a fine, maybe they meet them, and we never hear that. I would like to know because then we could track back and we can identify those people that are coming in and promising the world and that they're going to meet these goals or not. I would like to see how we can move forward with getting an update on certain projects. I don't want to make it so labor intense, but I think we could do this at least once a quarter on major projects that have these goals. Ms. Ikerd, I believe I'm your commissioner.

Chairman Burroughs said, Commissioner Stites, I think we had discussed that at the last meeting that we were going to put some claws into the requirement to follow up to make sure that those numbers are being met that will be the clawback. I believe we're going to have some of that discussion later on as we move forward to ensure 1) they're meeting that criteria and 2) that we even maybe demand a listing of those businesses so when developers come in we can have the list readily available. They don't have to go out and look for them. They are already presented in our community and have a certificate and/or license to do business within Wyandotte County. I think that would expedite the process tremendously.

BPU Board Member Haley said I don't want to go too far with this because we certainly want to move with the actions here, but I thought there already was some accountability. It's probably for staff—I mean for the County Administrator's Office. Don't you already maintain that log of goals that have been set for different projects? Don't you already have that? Isn't that already being done? Well, maybe I mean that's probably a better question we proceed to that when we already have that accountability for…**Chairman Burroughs** said that'd be up to counsel. I don't do it on a daily basis. I don't direct the workforce. **BPU Board Member Haley** said no. I'm sorry as I suggest and I didn't want to spend too much time on this query, Chairman, but I imagine that someone probably within is maintaining a log of what goals have been met, not just in terms of MBW, but other provisions that are contracted. **Chairman Burroughs** said I can speak on the state side. I know they have ways—we just seen one settled with Cerner. Counsel, do you care to respond to Mr. Haley's question? **Wendy Green, Deputy Chief Counsel,** said I think between both the Purchasing Department Contract Compliance and Finance it is definitely kept up and maintained with so if that's something that you would want brought back before the standing committee, just let me know and I can get with those departments and we can see if we can have—maybe see if Debbie Jonscher or somebody can bring a report back.

Commissioner Davis said I would just say I've had this—I think we've all been having this conversation kind of for the past like three months now about getting this final report. It is my understanding, and staff please correct me, because our current local law pertaining to mandating minority business—minority women in locally owned enterprises for incentives since that has expired, we're currently in the process of doing a study to see if the percentages are correct. Because right now, if I'm not mistaken, it's 12% local, 6% minority, and 4% women. Those numbers, I would hope, would go up given the increase of diversity of businesses in the metro area. So, yes I do believe we need a report on performance right after you have signed the development agreement have you done what you've said that you are going to do, but for future developments, we do need to have that study done before we can do more.

Chairman Burroughs said any other questions.

Commissioner Stites said I totally agree on that, and I still would like to see a report. I agree with Commissioner Davis. I would like to see those numbers actually increase that we support our local, we support the minority, and we support women-owned businesses more. The list that a developer could come in and sit down and look at and go these meet that criteria, that should be readily available that they have it in their hands when they sign up to get their permit that way they know who they can call on to meet those goals.

Chairman Burroughs said as I stated this is an actionable item.

Action: **Commissioner Stites made a motion, seconded by Commissioner Davis, to approve as submitted.** Roll call was taken and there were six "Ayes," Hayley, Davis, Bynum, Stites, McKiernan, Burroughs.

Item No. 3 - 212843…ORDINANCE: AUTHORIZING THE REMOVAL OF PROPERTY FROM PROJECT AREA A IN THE KANSAS SPEEDWAY REDEVELOPMENT DISTRICT

Synopsis: Adopt an ordinance authorizing the removal of property from Project Area A in the Kanas Speedway Redevelopment District for the purpose of other development, submitted by Jeff Conway, Assistant Counsel.

Kevin Wempe, Gilmore & Bell, Bond Counsel representing the UG, said this item relates to the Speedway. I apologize that the slides illustrating the site didn't make it, but the broad map you have in front of you depicts everything you need. The request is to remove that highlighted lot south of the Speedway from the existing STAR Bond District at the Speedway. Mr. Warren is here to discuss. There's a target interested in developing about 22 acres, if I remember right, and they've requested to be removed from the STAR Bond District.

Procedurally, this might look familiar because we ran this play about three years ago for the Urban Outfitters site to remove them from the STAR Bond District to provide them their stand-alone incentives separate from the STAR Bonds.

If you'll spare me about one minute to give the history lesson. It won't be a surprise to any of you, but in 1999 you'll recall there were two series of STAR Bonds issued to support the initial construction of the Speedway and I'll broadly refer to them as that. There was a taxable series of bonds meaning they were federally taxable, the interest income was. Those are supported by payments made by Speedway to support debt service, as well as a mortgage on the property including the subject site. There's also a bond insurer who backstops principal and interest payments on that series.

There's also a tax-exempt series that is probably more traditionally aligned with what you think of as STAR Bonds and supported by revenues generated within the district. Additionally, there was a 2014 issue that refinanced or refunded for interest cost savings on those tax-exempt bonds. There are the two tranches of bonds I'll refer to, taxable and tax-exempt.

There's really two components to considering this and one is under state law you have the power to remove this property from the district. In fact, you do and also any effects on outstanding bondholders. Those 99 and 2014 bondholders have several more years before they expire or mature in 2027. On top of that state law and bondholder aspects there's also the mortgage I mentioned that secures repayment of the taxable series of bonds. Again, that covers this subject area and that's part of the request is releasing this property from the mortgage that secures those bonds.

Going back to the two series of bonds I mentioned, the taxable bonds of a bond insurer who speaks on behalf of the bondholder pursuant to those Bond documents. We understand conversations are long underway and the bond insurer is considering and will, in fact, agree to release the site from the mortgage that secures those taxable bonds and that's one approval that we need. To be clear any approval by the UG would be contingent on the bond insurer providing that release. That's again an aspect to this and then a second consideration of those tax-exempt bonds that are secured by revenues produced within the district.

The site that's being requested to be removed is of course vacant ground, it doesn't produce any revenues currently. The difference to the UG would be if it remains in the STAR Bond District, any activity on the site would be collected to repay those tax-exempt STAR Bonds versus if it was released. The activity on the site sales tax would be collected in the ordinary course and go to UG's General Fund. To sort of summarize the interested parties here. **Chairman Burroughs** said could we turn up the volume just a little bit. It is very difficult to hear over here. **Mr. Wempe** turned his volume up. **Chairman Burroughs** said we have a vent right here that runs all the time. Thanks for speaking up.

Mr. Wempe said I'll sort of summarize the interested parties and sort of the aspects of the request here, but again, Speedway, as a property owner, is requesting to be released because along with the STAR Bonds come the duty to report and provide those reports to the state and bond trustee, that sort of encumbers the site if it would remain in the STAR Bond District. I mentioned there's a bond insurer who speaks on behalf of the taxable series of bonds that are outstanding, and my understanding have agreed to release the property from the mortgage and to project their position they believe they over-securitized because those private payments made by Speedway make bondholders whole and pay the principal and interest.

Part of the going to the tax-exempt series of bonds that I said are secured by activities within the district, is one of the parts of the due diligence to evaluate the request and present to you all. We checked with the Bond Trustee who administers the accounts and the revenues and debt service payments made to those bondholders and actually found out at the end of last week there's enough cash on hand to make bondholders whole through the term of the bonds. So, just to show the performance, the interest those bondholders might have here and so given all that from the UG's perspective, given that the bond insurer is going to release the mortgage and agree to this release and given that those funds are on hand for those tax-exempt bondholders. Again, the difference to the UG would be if we choose to release the site, those sales tax revenues would accrue to the UG rather than be collected or trapped by the STAR Bond District. I know that was a lot. I will stop there and be happy to turn it over to Mr. Warren for a moment or if you'd prefer to handle questions at the end or now, up to you Mr. Chair.

Pat Warren, President of Kansas Speedway, said I don't really have a formal presentation. You've got a map that I prepared. I apologize we don't have it as an overhead, but we're looking to sell it's 22.5 or 23 acres that's due east of our offices adjacent to I-70 and that's what this request is pertaining to.

Chairman Burroughs said questions, committee?

Chairman Burroughs said, Mr. Warren, was this property any of the property that was taken in eminent domain? **Mr. Warren** said that was before my time, but I don't believe so. I can tell you my sister's property wasn't taken by eminent domain, but was bought by my predecessor Jeff Berger. She was in one of the subdivisions, the only subdivision that sat on the property. **Chairman Burroughs** said I had family too that was displaced in reference to that, but I do know that there's been a tremendous amount of discussion. I think it was Kilo vs. Etiquette that talked about eminent domain property going into the private developer's hands and then not being developed for a common good. If this project hasn't been developed and this is eminent domain property, I just want to make sure that we are clear and not being held liable and find ourselves having to defend action that we are a party to. That's my only concern and Mr. Wempe maybe you're aware of that or not, I don't know, but I know that there is a tremendous amount of property around here in spots that was taken by eminent domain and to put it back on the private market for developers is concerning to some.

I just want to ensure that whatever we choose to do that we don't find ourselves in the press for the wrong reasons. It's not that I'm opposed to the project that we've taken public ground and put it in the hands of a developer as a project and now that ground is set producing nothing. It does have value so I'm surprised it's not paying property tax. Did I hear you say it wasn't paying property tax? **Mr. Wempe** said my reference was to sales tax collected on the site because that's what actually secures repayment of the bond so there's no sales tax collected because it's vacant ground. **Chairman Burroughs** said but it is considered part of the 30-year tax abatement that the Speedway received. **Mr. Wempe** said correct, it's part of the overall site.

Chairman Burroughs said we didn't get a hotel from the casino, but we did get a commitment that there would be revenue paid in light of the casino which has brought up a lot of sore subjects in the Legislature. I have no other comments or concerns. I've wanted to be transparent and let the public know that this site is or isn't—I don't have the formal layout from when it was initially established, but I do know that if we're going to be selling off-ground, the ground has more value now than what we paid for those that got eminent domain because the property value is succeeded what the market rate was back then tremendously. I'm not opposed to businesses making money, but I am opposed to—I do raise the question that we would take property from the public and eminent domain and turn it over to a private developer and then that land be sold at an egregious amount of money later and turned into another project when it wasn't slated to be such. I have a tendency to believe that this isn't the only project we're going to see having seen Urban Outfitters and now we see some more parcels being pulled off of the ground. That's just my comments, Mr. Warren. I just wanted to be transparent with you in reference to that having been the person that carried the STAR Bonds Legislation for the Kansas Motor Speedway. I'm very familiar with this and I just want to ensure that our community is not in any way shape or form held liable or part to a party that if something should come forward in question to this property.

BPU Board Member Haley said I kind of want to reiterate that you, as a member, as I was of the Legislature at the time, that was such a great debate. We don't have a map of where those areas were because—Commissioner Burroughs and I were both party. I can still hear the plaintive concerns from those who were losing their property through eminent domain and even though its been 25 or so years ago and to have an unjust enrichment by flipping the property even now to the benefit because I think we wanted to have a clause in there at some point that whatever the future value would be. I remember there was some discussion as to how we would do that. **Chairman Burroughs** said Mr. Haley would you pull your microphone a little closer, please. **BPU Board Member Haley** said there's a clear map that's available. Again, I don't know where that is. I mean that's in terms of what properties were seated and which ways they were. I don't know where that is today, but there was one that was made. We clearly had it drawn as to where that was, but I tend to agree with the comments that you made Chairman Burroughs. There is a map somewhere that shows where the properties that were seated through eminent domain. I don't know where that is at this point, but it's out here somewhere. Thank you.

Commissioner Bynum said I just have general questions. The first one is and we may not know the answer tonight, but I would like the answer. My recall is that the Speedway began racing in about the year 2000. I would like to know from staff or Mr. Warren what year will the Kansas Speedway go fully on the tax rolls. You may not know that tonight, but I'd like to know. I feel like we're creeping very close to the end of the 30-year abatement. This map with the red boundary this is the map of the Speedway Redevelopment Area, is that right? **Mr. Warren** said that's correct. I apologize because I gave away my last copy, but I don't know how it's drawn around Urban Outfitters. It shows the casino parcel that was withdrawn as well as the Urban parcel that was withdrawn.

Commissioner Bynum said the casino and Urban are out of the district. Is this the remaining with the red line around it entirely encompassed in the city of Kansas City, Kansas? **Mr. Warren** said I believe so. I think we're cut up with school districts but not with the city. We border Bonner on the far western edge of our property, but we're not in Bonner. The Bonner Crossing Project was going to go across from Urban. We received all the zoning notices and those kind of things, but none of our property sits in Bonner Springs. I've never been aware of any of our property being in Bonner Springs. **Commissioner Bynum** said that's what I was curious about because up here at State and 118th that corner is Bonner. **Mr. Warren** said the west side, correct? **Commissioner Bynum** said southwest corner is Bonner Springs, but as we come down that road south and it starts to curve back to the east, this red line highlights apparently the Bonner

Springs/KCK boundary is somewhere between the red line and 118th and State which just made me curious. **Mr. Warren** said I think it's to the west of our property line. There's that small group of homes just to the west of our property. I don't know if those are in Bonner, but I think that anything on the other side of the street would be. **Commissioner Bynum** said okay. I would like to know whenever we can find that answer of when will the Speedway roll onto the tax rolls.

Bridgette Cobbins, Assistant County Administrator, said I can answer that for you. I can send an email to you. **Commissioner Bynum** said thank you very much. **Chairman Burroughs** said if I remember correctly, it's 2030. **Mr. Warren** said I don't know. **Chairman Burroughs** said we want to get that verified just to be sure.

Chairman Burroughs asked any other questions or comments. Do we have an idea what the project is. I mean are you under? **Mr. Wempe** said we're under non-disclosure agreement right now so I can't say what it is. **Chairman Burroughs** said okay. **Mr. Wempe** said but, yes, we do know and I would say that it's going to be a very exciting project that I would be stunned if people are not very excited about.

Commissioner Stites said I would think that close to 2030, 2031 in that ballpark Commissioner Bynum would be that payout or the expiration of tax-exempt because our first year of racing was in '01 and 30-year tax abatement. I would think that given the presentation that gives us the idea that collection of sales tax dollars would give us some indication that it's a project that produces sales tax dollars. I would think that would be something that would be beneficial to us. Not knowing what the project is—I mean that was the one reason that was given, I picked up on that. I would think that would be a way that helps move this forward. I am concerned also about the eminent domain map. Wendy's got a comment on that. That's all I really have to say. I'm in support of a project at this location. It has great visibility. It's at the intersection of 110th & I-70. It's my district. I think whatever would go in there that could be a sales tax generator would probably be successful.

Chairman Burroughs said one question. The IRBs that you will be coming forward on the sales tax, that's not the sales tax we're going to be giving up on the IRBs, is it? Do we know? I'm assuming there will be IRBs presented to this committee. I want to make sure that we're talking about sales tax of goods and not sales tax generated unless there's been an IRB issued then no sales taxes are gone. **Mr. Wempe** said, Mr. Chairman, I'm not aware of any request for incentives from the target entity including sales tax exemption. As of today, I don't know of one.

Commissioner McKiernan said even if there were, that would be sales tax on the purchase of construction materials, not sales tax on the delivery and the sale of goods. **Mr. Wempe** said exactly, and good distinction, even if there was an exemption of construction material sales tax. The sales tax I was referring to in the brief intro was ongoing sales taxes that would accrue to the UG's General Fund due to activity on the site rather than going into the STAR Bond fund.

Chairman Burroughs said I appreciate that clarification. If I remember correctly though, just recently we did pass an IRB that paid for furnishings and pictures and stuff like that in a development. I think those are products that will be normally sold that we collect sales tax on, but they were included in an IRB. I remember making those questions as to why we were extending the entire cost of the project including furnishings. I just wanted to ensure that we have everything on the table.

Wendy Green, Deputy Chief Counsel, said I was going to discuss the eminent domain issue. It was a strategic eminent domain in this instance from lessons learned when the dog track and the horse track came in from The Woodlands. The ground was taken over and speculators came in and purchased all of the real estate around the track so that no development could be made around the track so that when the eminent domain occurred and when the lands were purchased for the Speedway to go in, we specifically took way more land than was needed for just the Speedway so that we weren't going to have to run into the same problem with speculators taking the land so that we could not have further development take place. There were specifically no restrictions put on any of the land that was taken. We don't have to worry about anything that would happen with the land after the Speedway went in which is why we could do further developments such as the Legends and such as Urban Outfitters and any of the other developments that have gone into that whole area, the Casino.

Also, that's been such a long time ago now that any action that would take place against real estate, the statute of limitations is already passed. If anybody brought an action, that would be—our first and foremost defense against it would be the statute of limitations issues.

Chairman Burroughs said I appreciate your comments. I just have a little bit different take on having been in that debate and discussion extensively as it was stated by my colleague down at the end of the table. I'm not a lawyer. I just know what we went through as a community, as community leaders, trying to assist in getting the Speedway here and the impact it had on our local community and the families that were displaced. There were two areas in Kansas I think that were brought up. One of them was in Merriam in reference to the development that occurred down there and then the one in the Speedway eminent domain. Then we had a legislative post audit that was conducted in reference to property owners that came out and bought the property and then sold pieces off and so it has to be for public good, as you know, for governmental services for eminent domain and there was some questions if that was being done. What I hope to be able to do here this evening, and, Mr. Warren, please know it's not that I'm opposed to the project. This is a very transparent thing with me in reference to how we move forward here as a community because I do know what we were labeled as and the attacks this community took by the actions that were taken to allow the Speedway to come in as leaders of this community and what we had to put up with and comments and concerns. I think it was Kelo vs. Connecticut. I think that was the main one and then we were the second one mentioned through the Supreme Court actions.

With that any other comments or concerns or questions, seeing none this is an actionable item.

Mr. Wempe said Mr. Chairman, I think I might have stated this, but the request is to fast-track to this week's commission meeting, and I wanted that to be clear and make sure that was part of the item tonight. **Chairman Burroughs** asked why. **Mr. Wempe** said my understanding is the real estate transaction and getting this release, it is obviously a step precedent to them, Speedway closing on their real estate transaction. I do believe the request is to fast-track to Thursday. **Chairman Burroughs** said whoever wants to make the motion can do so. I think there's questions that were asked and we were hoping to get the answers back before the actions were taken. I guess if we have some concerns, we can always pull it off the calendar. If that's part of the motion, somebody will have to make that part of the motion.

Commissioner Stites said, Commissioner Bynum, do questions still need to be answered regarding that running off to satisfy you I guess because I didn't have any additional questions, but I just want to make sure that we're not doing anything that you would like to still see answered. **Commissioner Bynum** said I appreciate that. My question about when the Speedway will fully go on the tax rolls can be answered aside from this action. They don't have to be paired together. **Commissioner Stites** said then also I believe that question regarding the eminent domain question that has been, in my opinion, answered and I'm satisfied with that answer. With that being said, I'll go ahead and make the motion to approve and fast-tack to our meeting which would be this coming Thursday's full commission meeting on November 16th.

Action: **Commissioner Stites made a motion, seconded by Commissioner McKiernan, to approve and to fast-track to this Thursday's full commission meeting on 11/16/23.**

BPU Board Member Haley said I'm not going to support the motion. This is my only bite at the apple. I'm pretty sure that it'll go through without my support. I would like to have a very clear showing prior to the full commission taking action which will now be the day after tomorrow or next couple of days. I haven't seen it. I'd like to see it. I will be getting with Counsel or with whomever still maintains that map. I remember it was the south side of where the Speedway was going to be, but this guy who built a fireplace with his son who died in the war and that was all he had, he had his house taken and that was where it was going to stop. I'm not trying to be overly nostalgic or sentimental on that, but it's the only bite at the apple I have and I'm sure the Commission will give you what you want on this vote and probably again on Thursday because that's how the Unified Government moves.

Chairman Burroughs said I have a question of Legal if I may. Mr. Haley is a BPU Board Member. If he is not in support of the project and everyone else is, it's not unanimous out of committee, correct? Does his vote carry the same as a commissioner? **Ms. Green** said it does. He's still a member of the standing committee. **Chairman Burroughs** said okay, I just wanted for the committee's knowledge. Thank you. **Ms. Green** said it still takes four affirmative votes. As long as there's still four affirmative votes, it still goes out of the standing committee, it just would not go on the consent agenda. It would just go on the regular agenda. **Chairman Burroughs** said thank you. We have a motion and a second.

Roll call was taken and there were four "Ayes," Davis, Bynum, Stites, McKiernan' and two "nos," Haley and Burroughs.

Item No. 4 – 212855… ORDINANCE/RESOLUTION: COMMUNITY BENEFITS FUND
Synopsis: An Ordinance/Resolution creating a new Community Benefits Fund from moneys received as fees paid by developers who are receiving economic development incentives, submitted by Jeff Conway, Assistant Counsel.

Chairman Burroughs said we'll wait as Commissioner Johnson approaches to help guide us through this. Mr. Conway was I believe going to present. **Wendy Green, Deputy Chief Counsel,** said Commissioners Johnson and Davis can probably do a better job than I can.

Commissioner Johnson said I'll ask, Mr. Chair, if Mayor staff Irene Cadillo is here. Also Greg Kendle and JD Rios are here. Okay, either one or both. Mr. Kendle probably has something to say about that as well. He can come at your pleasure.

Chairman Burroughs said just as long as we have someone that's going to present the material and questions. **Commissioner Johnson** said I'm going to present and then I'm going to hand it off to Commissioner Davis, but all of these persons have played an integral part in what you see tonight. **Chairman Burroughs** said for public information, this is an ordinance and resolution creating a new Community Benefits Fund from monies received as fees paid by developers who are receiving economic development incentives.

Commissioner Johnson said this piece of legislation comes from the Business and Economic Development Task Force that the Mayor had established. We first heard of these types of pieces of legislation in Detroit. The Mayor and I had attended a conference there and they used it as a tool or at least a tool that was presented that helped to revitalize the urban core, particularly the downtown portion of Detroit, Michigan. Simultaneously, Commissioner Davis had been working on his own, as well, to talk about this kind of legislation as well. When we found out about that we decided to blend forces so that we could work more efficiently. Since that time the Mayor, the Mayor's staff, County Administrator has looked at this, our Legal team and through the Business and Economic Development Task Force the community has weighed in on it as well. We know, and I will just kind of admit this, we know this may not be the perfect piece of legislation, but it is the very best considering all the various forces that were at the table that we could bring to this. Our hope is that this particular legislation will leverage larger development projects in Wyandotte County to provide some economic benefit to areas of town in which have been historically disenfranchised and disinvested. We've been keeping in contact with the Mayor. The Mayor has made some final changes here tonight, but as far as I know may be the first task force to bring forth some type of legislation that was required or asked of us at that time. So, only because my days on the Commission are limited, our goal is to, if approved tonight, would be to fast-track this to Thursday's full commission meeting. With that, I'm going to turn it over to Commissioner Davis to kind of walk us through the mechanics of it.

Commissioner Davis said, Commissioner Johnson, colleagues, thank you all for this time. I know we still have quite a bit before us. Before I get started with kind of summarizing what you have, I understand there was a blue-sheeted item that has an ordinance and then there was one without the blue sheet. The one without the blue sheet is the most updated version. The one with the blue sheet is not the most updated version. You can go ahead and ignore that. The reason being is because, again, as Commissioner Johnson has stated, the Mayor wanted to add some last-minute items on just the process of how we go ahead and get this done.

I'm going to give just a little bit of history and then kind of talk about what we have before us. We have heard for a very long time, and quite frankly the conversation prior to this hinted at this, we have been very successful as a community in attracting economic development projects predominantly on the west side of town. That is great. We are the tourism capital of the state. We have accomplished that. However, one of the things that I think we all have realized is that pie of private investment is not distributed throughout our community. We have certain districts, certain areas of our community that haven't really seen any new economic development projects in their neighborhood or in their area for a very long time or it's few and far between when they have those opportunities.

What this language does is it basically offers an opportunity for revenue that is generated by new economic development projects to be set in a fund. That fund will then kind of add up as we are continuing to get economic development projects. That fund comes from issuance fees of economic development and I'm sure at some point I'll hand it over to Mr. Kindle, but one of the things that we have found out in researching this was that when developers come and when they get an IRB or when they get a STAR Bond or what have you, they're paying what's called issuance fees. It's usually a percentage of some sort of that incentive ask. If the project is $70M, you're paying a percentage. It comes out to close to about 1%. What we have done is we've said instead of throwing all of that future money in the General Fund put half of it, just half of it in the Community Benefit Fund. That Community Benefit Fund will then be collected and a new board will be created. That board will be appointed appointees of ours, 10 commissioners and the Mayor. That boards responsibility is to make a recommendation to us on where that funding will go. If you will see in Section C and then D, you'll see a list of categories that we have given as suggestions by which this fund can be used for contributions made pursuant to an already existent development project. If we see a project that needs more help, particularly in areas that are in need, that funding can go there. Neighborhood traffic common projects. We've heard a lot about this where neighbors have said I'm concerned about what said project will do to that said area. I would like something there.

The Senior Minor Home Repair Program. This program is ran by our staff and so it could be an additional allocation. I'm not going to read through the rest of them, but childcare is here, Workforce, a climate resiliency, and then it was a very important and I agree with seniors over the age of 70 that are delinquent on their residential property taxes as well. This list is merely recommendations. The board would just say to the community here's the charge that we've been given by the Commission, we want to hear back from you, where should we focus on? Where should the focus be? From there these recommendations go to the Economic Development and Finance Standing Committee. We will hear them and then it will follow the rest of the process for full approval or amendment for full commission. I understand that's quite a bit of information. We try not to make this language too much and too aggressive, but I do think this would truly be a step forward.

The last thing I'll offer is we've also said that this board is responsible for providing a report on how the ordinance is doing and so that report will come out every two years and the hope is that we continue to learn, evolve, and change and we're able to provide some economic development opportunities.

With that, if Mr. Kindle or Ms. Cadillo or Mr. Rios, if you all want to add anything else, please go for it, but Chairman that's just about the gist of what we have before us.

Greg Kindle, Wyandotte Economic Development Council, said I don't normally get to sit on this side so I'm still trying to get over the fact that I don't normally get to sit at the big people's table. I'm usually back there so I'm a little out of my comfort zone. When I was asked to participate in this as part of the Economic Development Task Force there were some opportunities and then also some constraints that we saw. Some of the concerns that we had initially was that one, we didn't want to impact the economic development process because as you all just saw there are non-disclosures involved with a number of these projects. You often have to go a little bit on faith that you know that these projects are coming forward and will be disclosed, but if they don't move forward, then we know the projects will die. In order for this process to work well, we also couldn't then have the Community Benefits Fund, that task force looking at projects before you all did because, frankly, they don't become public until you all start to interact with them and so that was one of the process pieces that we had to work through quite extensively and there are several folks here tonight, Erin Stryka, and others who had a lot of input in that and probably would say they're not particularly 100% behind what we're presenting to you and that's okay, that's understandable because we had a lot of robust conversations, but we also we're looking at the fact that we didn't want to increase the cost to doing economic development.

This is going to be the revenue stream that we're going to utilize to create this fund, then there were some sort of constraints that we sort of built in. We didn't want to break confidentially programs. We didn't want to change the process that you all already have. We weren't asking another set of appointees to do your all's job, and then we were asked not to increase the cost to development. There were some ideas that were thrown out there that would have generated far more money, but they were essentially tax increases and that would have been more difficult and then you would have been asked to incentivize that. That didn't seem like a good option either and so that's where we began to kind of develop what you have before you that very much keeps this in the ED&F structure. You all are still very much involved in this as our elected representatives and then ultimately the full commission, but what you have before you is sort of a coming to the middle to try to figure out how do we work within the constraints that we gave ourselves? How do we make sure we don't slow down projects? How do we not increase taxes or cost to development, but also drive money into the Community Benefit Fund and this is what you have before you. Basically, taking your origination fees from incentives that we're already getting that we don't have a 100% confidence in terms of that it's funding any particular projects and by only taking half as recommended by the commissioner's, then we're not taking all of that money out of the fund, we're taking a portion of it still for economic development related activities no matter how you look at it. It's driving the benefit to the community, so I think we meet all of those requirements and it's a program that continues to be funded because we're continuing to do projects and we're fortunate in that respect.

The pipeline is full and we believe the projects that you all will see will continue to drive more and more revenue into this fund, but it also does exempt NRA, so our small business projects that utilize the neighborhood revitalization program are exempt from this because, again, we didn't want to hurt the small guy. We're really looking for those bigger development projects that could really drive funds and so looking at projects that currently are $3 million or less did not seem to be the place to go and try to extrapolate a few dollars from them. That's what you had before us. We had a lot of robust conversations. I do appreciate the fact that commissioners led this. I appreciate the Mayor's team as well as being involved. We had some good Counsel, and I think from my perspective I have probably was not that guy that was super excited about this to begin with in full disclosure, but I think that if we're going to have a policy this is a policy that I can support, that the EDC can support, because it still keeps the process moving forward. It allows this other group to look at the revenues once you all have decided that this is a project you want to do and there are fees derived, then you all have now a process to work with those funds.

Irene Caudillo, Mayor's Office, said I think one of the things I want to convey and what's important is that what came out of the task force led by the two commissioners, more important, were the community voices that will continue this process before it gets to you. Equitable distribution knowing a lot has happened in the west gives us an opportunity for ample dollars, I guess, that the community could use to support projects within the entire county. Equity was important here, and the community voice that will continue is also important coming from the Mayor and the Mayor's Office in this as well.

J.D. Rios, Mayor's Office, said one thing that I would like to emphasize is that there were a series of meetings and in these meetings involved community, Commission, the Mayor's Office and we've produced something. If nothing else, we should celebrate that we were able—this is actually the eighth draft of this. This was not anything we just, okay, you know here this is. We went through it. We discussed it. It was research that went into this. I would expect the Commission for a group that presents to you to go through and to understand the ramifications of this and after all things considered, what I feel is important is actually that last provision policy review that it is actually incorporated in the ordinance. Past practice has been we've kind of assumed—you in an earlier discussion today you were saying well, what's happened? You're going to know with this piece of legislation what is happening and then make adjustments if needed. I think that is an important part of this. It also does not add cost, but you actually know what the fee that you are receiving at least you know where half of it's going because that's often a question too well, where's the money and say the General Fund and that's kind of it. This would be very specific.

It's transparent not only for the Commission, but for the community that want to understand what's the benefit. We hear that about the Legends a lot. Well, you said, but where—we'll we have now before us a piece of legislation that tries to address and I do choose that word. It tries to address—we have to experience it in order to understand whether it in fact meets the objective. We have to have something to start with. I'm encouraging this committee to be supportive to get us the start and then we will commit to exercising this to its fullest potential so that it in fact meets the objective that we're wanting which is equitable economic development throughout this community from the west to the east, north and south.

Again, I just want to thank the commissioners for listening to the Mayor's Office and you know there some things in here that we did, in fact, add. I hope they felt listened to because that was certainly what the Mayor's Office was attempting very strongly to do, was to pay attention to what we were being asked by the community, by the Commission, to come together with this piece of legislation before you and I believe that it is a good work that is being provided to you.

I did provide a couple of handouts to you, those were just additional information. If you were wondering when we talk about the fund where those percentages are. What give you an idea of the dollars that we might be talking about and that I am certainly not an expert on that. I would defer to Mr. Kindle if there's something that you have in regards to questions on that or perhaps the commissioners. I don't pretend to go into those numbers that heavy.

Commissioner Johnson said I didn't know we had eight different iterations up to this point with the understanding colleagues that once we got it to you, the real work would begin in terms of getting it approved. Again, this is something that we have worked diligently and I know I've been given two years of my time to just get it to the table for your consideration. Commissioner, unless you have anything else, we'll open it up for questions.

Commissioner Davis said the last thing I will say is the sheet that you all received most recently with the IRBs and kind of explaining the fees and everything, the examples below are just that. They are examples of issuance fees. You'll see some of them have 2023, some have 2018, some of those 2022. We just wanted to give you an idea of what we are talking about for this particular ordinance.

Chairman Burroughs said questions from the committee.

BPU Board Member Haley said first a comment and then a few questions. I'm certainly glad to see this emerge and I wanted to thank Commissioners Johnson, Davis, the Mayor, for bringing this novel approach together for hopefully enhancing some of the projects, existing projects and to expand. I'm sincerely grateful. It's a long time coming if you ask me. I can already say that even though we haven't worked out all of the clear definitions as to where the allocations will be, I'll just tell you right now I'm going to vote "Aye" I'll tell you right now. It's not going to be any unanswered, we will work that out, I'm sure.

I guess the only question that I do have after that comment is browsing support and appreciation, to say the different iteration that Commissioner Davis referenced between the one that was blue sheeted and this, did I miss the distinction or is there any negligible or distinction between the two anything to be pointed out. **Commissioner Davis** said the one with the blue sheet is not the most updated one, ignore that. The one without the blue sheet, that is the right one. That is the correct one. **BPU Board Member Haley** said you don't want to tell me what the one with blue sheet is. **Commissioner Davis** said the one with the blue sheet scrap it. It's not the correct one. The one without the blue sheet that is correct.

BPU Board Member Haley said the other is, of course, Commissioner Davis said a couple of times and Commissioner Johnson said, that this Category D is not exhaustive in terms of everything great you know. I think it's great what's been, and I know Mr. Rios said that you've gone over it eight times and to get this particular list and frankly, I can't think of anything else that might be there. I'm glad that it's a part of the resolution to have it ongoing, the discussion, but I guess Mr. Chair that's all for the purpose of brevity and just to express support, appreciate coming. I don't know if this is a novel approach or if it's ever been done in some other community that you may have studied. Commissioner Davis, I know you mentioned that you may have studied it if there had been some models in some other municipalities that have been implemented along that. I know that I've been concerned recently when they've talked about a project that did not perform well and some of the funding that will be coming back. That kind of caught my attention as (inaudible) or so or at significant millions that would be coming back into projects. I don't know if that dovetails or would dovetail with this entity because it was kind of nebulous as to where that was coming. I don't know how that's going to be administered.

Commissioner Johnson said we heard that there had been some success stories and some failures and so before we brought anything to you we tried to look at the ones that were successful and try to manage this into something utilizing those things that we knew that were not successful how can we make sure its equitable that we hear the voices from as many pots as possible so that the community has an opportunity to be a part of it and yet that it doesn't become too restrictive as well, that's a lot. What we're saying is this is the best that we could do here as an approach, as like the word you used, novel approach, to begin this process. We think we have some measures in here that allow us to make adjustments as need be whether that be by the Mayor's Office, but the Commission will always be a part of that process, ED&F will always be a part of that process.

Again, we think we put some measures in here that allow us to make adjustments as necessary to make sure that it is accomplished. I'll give you in full transparency everybody's not satisfied with everything that's in here, we know that, but we have to get something to you all as a starting point. This is where we are tonight and we hope that we can have more sessions about that as well as to how we can make this work so with that, thank you. **BPU Board Member Haley** said thank you for that clarity, Commissioner. I will say I've been fishing trying to figure out what in the top 10 are these 10 and what else I would add, and I would love to throw something out.

Commissioner Johnson said some has said don't put as many options there. Others said, you know we need to have certain options there, so we just put language in there to say because these are options, but these are not limited to. There may be other things to be considered just based on the location, based on a lot of different factors, but it gives us the flexibility to make those adjustments and also to redirect those funds as well and then again, to bring it to the standing committee, to bring it to the full commission as a whole for final approval. **BPU Board Member Haley** said thank you Mr. Chair, Mr. Rios.

Chairman Burroughs said any other questions or comments.

Commissioner Bynum said I have a variety of questions, so I hope you'll just bear with me and walk through it with me starting with the list of fees. I know that you are showing us the administrative fees and, for example, bond issuance fees that are collected on the various development projects. At any time in your work did you work with our staff to get an actual answer? I assume that what you're telling us is all of these fees added together total some number and half of that is now going to be dedicated to the Community Benefits Agreement, whatever these categories are that are decided, is that right? **Commissioner Davis** said I'll add just a slight correction. We are not retroactively, or it is not our position to retroactively get the funds. What this would say is once this is adopted by the full commission, anything after that adoption that's the directive. **Commissioner Bynum** said that's fine, but the question is, did you work with staff to get an answer. For example, what did these fees total in, for example, 2022 or 2021 so that we know what we might be dealing with numbers-wise? I'm just curious. Did you have a sense of what the total might be, that's kind of Question A and Question B and that same category is did you have discussions, let's say that total is $22M in fees that were collected, it's probably high. $11M is now going to the Community Benefits Agreement. Did you have a discussion among yourselves about how we would fill that revenue gap because prior that was funding our General Fund. Am I right? I'm just kind of asking the questions.

Commissioner Davis said to answer kind of your first question, the examples that you have for the issuance fees are just examples. We never asked for a list in 2022 of how much in IRB fees or in 2020. We never got that information. We just wanted to get an idea of what would be out there, but to your point, we did consider what the impact of this would be on the General Fund. One of the things that we brought up is that oftentimes the things that the community is wanting us to fund or pay attention to, some of that stuff is on the wish list projects of staff and so in some ways it's a canceling out. Let's say if it's a park, for example, Angel may have had that particular project already in the queue. Now the community is just saying that particular park is high priority. Maybe Angel was going to ask for it in the General Fund, but now the Community Benefit Fund is taking care of it. That was the idea of it, however, we do realize that for future revenue this does mean less, but we're also getting larger and larger projects so there's a world where again, we don't know what we don't know. We could get larger projects which would then not put us at as much of a deficit. I don't know if anybody else would like to add on to that, but yeah. **Commissioner Bynum** said thank you very much.

Kind of a technical question, in the Section B Definitions, then as you turn the page it says Community Benefits Advisory Board means certain residents of Wyandotte County and my question is a technicality because it's my understanding that these fees that you've identified they actually get paid to the city of Kansas City, Kansas. In other words, this governing body does not govern any development projects that are undertaken by the city of Edwardsville or Bonner Springs. I'm just curious, what was the discussion among your committee. Again, it's another city/county conversation, but what was the discussion among the committee as to the makeup of an Advisory Board when we're talking about fees that are only coming from projects within the city of Kansas City, Kansas unless I'm mistaken, if I'm mistaken tell me.

Commissioner Davis said I wanted to ask Mr. Kindle a question just to kind of get at that. Are there any, and it's okay if you don't know the answer, but are there any EcoDevo projects that are countywide and that are putting money in the county coffers? **Mr. Kindle** said well not probably the way in which you're asking, but every project that lands in Bonner Springs and Edwardsville it pays county taxes. In that sense, yes, they are all contributing to the county. They're not contributing to city coffers. **Commissioner Davis** asked are there economic development incentives that are just awarded at the county level for EcoDevo projects. **Mr. Kindle** said no, they're by city. **Commissioner Davis** said okay. That would get at your point. I think to solve that we could say KCK residents can only serve on this board as opposed to Wyandotte County residents to get at kind of what you're saying, but the reason why we left it Wyandotte County is because we do have commissioners that represent outside of KCK. **Commissioner Bynum** said I'm just curious what the thought was in the conversation. I don't know that I have a strong feeling one way or the other, other then it just occurred to me that the fees that you are talking about tend to go into the City General Fund and like I said if I'm wrong, I'm okay with being wrong, but I think it's worth noting. You know, again, it's that separation of funds and these funds go in on the city side of the ledger.

Commissioner Johnson said that's very true I think, at least in my mind I'm thinking about my colleague to the right who always wants to make sure that certain areas that he represents are addressed as well and there might be an opportunity for that within conversations of this. I think that's the reason why we left it wider open than just specific to Kansas City, Kansas. Again, whatever the will of this body is here, we'll make the adjustments as you all indicate.

Commissioner Bynum said the only other question I have right now, I really appreciate the work and all the time and energy that you put into it. I appreciate the suggestions that have been made as to the expenditures from the Community Benefits Fund shall include, but not be limited to. I mean those are really good suggestions. My curiosity is, have you thought about, for example, are we going to accumulate a year's worth of funds and then call the board into session and then tell this Community Advisory Board here's how much money we have and then you see them like making a recommendation back to the Unified Government Commission as to where to place those funds. Am I tracking that right? So, kind of an annual occurrence possibly.

Commissioner Davis said no, we've had this discussion, that's why I'm shaking my head so much because the conversation was how often should the board meet? The language that we currently have right now, and it is Section C and then 4 as necessary or when requested by the Mayor/CEO or the Board of Commissioners and that's kind of where the public comment period starts of no less than 60 days. Then, if you look at C2, it says the Community Benefits Advisory Board shall meet upon the call of the Chair. We're really going to be relying on—I mean like the other boards they rely on the Chair to really go ahead and do that work. We've seen that with our task forces and with other boards and so this would have a very similar structure, but the expectation is at least once a year given these funds be accumulated. **Commissioner Bynum** said once a year? **Commissioner Davis** said it could be.

Commissioner Johnson said this task force will most likely evolve into some kind of entity that will guide this going forward, but we knew we needed to get it to the table before we could ever get to that place. **Commissioner Bynum** said I would also really appreciate some notion of what these fees bought in in 2022.

Chairman Burroughs asked any other questions. There were none. **Chairman Burroughs** said the Chair is going to take liberty and ask some questions. These are some of the questions that have come forward and I do appreciate the work of my fellow colleagues. I know that when we listen to a very diverse broad community, we have a lot of initiatives that people would like to see funded. Although, it may be a small group or a large group they still deserve to be heard. I want to go to the third page, Section D, the categories of Permitted Expenditures. I'd like some clarification of what the Hollywood Casino Grant Fund. How does that play into what you're wanting to do. **Commissioner Davis** said that's a really good question. If I'm not mistaken and do not quote me on who it was, but there was another development project that as a community benefit portion of it, that allocated additional money to the Hollywood Casino Grant. That's kind of the idea. If this board said, you know what, we want to make sure every district can benefit, go ahead and throw a chunk of money in that process. It would just be a check to that process and then go (inaudible).

Chairman Burroughs said I want a little bit more clarification here. We all have monies that we give from the casino grant money. It was established by policy here, way before us, and those monies were distributed across the community by organizations that are cleared by a clearing house to be held accountable for those dollars. I don't see a clearing house in here for licenses or certified projects or individuals, but I want to get back to the Hollywood Casino Grant. If XYZ organization wanted some additional funding, they could go to—the developer could say I want to put money into the Casino Grant Fund or are you talking about using the betterment money put it in with the casino grant funding to fund XYZ? **Commissioner Davis** said we are saying that all of the issuance fees that come from the listed economic development projects for the IRBs, for example, are going to be put into a fund. That fund and it's allocations will be based upon the recommendations of a Community Benefit Advisory Board. That Community Benefit Advisory Board will be hearing from the community and then looking at a variety of categories by which they can consider for recommendations. The Hollywood Casino Grant is one of them in which they can just add an additional amount, however, they can choose any of these other categories or other ideas that the community comes up with. **Chairman Burroughs** said I have a little concern and issue about the Casino Grant Fund money, that one does raise a little concern.

The next question that I have would be the one underneath the Childcare Project Programs. Some of these businesses come in and they get an abatement and they want to contribute to this fund then they turn around and open a daycare. Are they going to be able to draw down those monies from the fund to support that daycare? **Commissioner Davis** said that's a good question. The way that this program is designed is not to be a direct developer relationship. The developer is paying the issuance fees, beyond that there's nothing else. If that developer wanted to basically not pay those particular fees, they can, again, take that up at the time of the development agreement. This is a post-development agreement conversation. **Commissioner Burroughs** said in the scenario I see XYZ Company coming in getting funds or putting funds into the program, then comes back and requests additional funds for the expansion of daycare and those funds then be given back to the company and/or XYZ Organization for that project. I think there's potential there for misuse, abuse. I mean I'm all about daycare and I don't want to send a message, but nowhere in here does it say licensed projects or not to go back to the developer, and if I gave $100 into the fund and my project's going to cost $100, well it's not your $100 we're giving you back. I'm giving you his $100, no you're giving still giving $100 out of the fund. I would hope that we would put something in place that would ensure that the developer that gives the money doesn't come back and gets funded through the same project requesting additional services and that's just a point of concern.

Mr. Kindle said I might be able to at least weigh in on that. There are at least two levels of discernment in that. One, you'd have to convince the entire task force appointed by a variety of all of the commissioners to get that approval to issue that $100 back and then it comes back to ED&F for approval as well. You all would have already seen the project come through if they were doing a development and you would also have to approve that. There are at least two levels of requests that have to be made and passed through. I don't see that ever happening, but I mean you make a valid point, but it has to go through a lot of discussion, and you have to be one heck of a persuasive speaker I think to make that happen across that many different folks. **Chairman Burroughs** said and I appreciate that comment. I just see somebody gaming the system on this one. I just have concerns about it. Nowhere is it mentioned that a childcare, the owner of the business or anything would be licensed here. That's just one issue. If we're going to do this, it's going to be transparent and we all have an opportunity to have some input. I just don't want the developer to say, okay, I'm giving you this money and then I'm going to come back on the back side and ask for an incentive out of this fund to fund the project that I had to pay for in order to get my project to advance forward. There are steps, I understand, but trust me when it comes to incentives, if they know they can get them, they will. **Mr. Kindle** said this isn't an incentive tool. **Chairman Burroughs** said well, it's additional dollars coming out of a benefit fund that they're paying into. **Mr. Kindle** said yes, but this is not an incentive, this is a Community Benefit Fund. It can't be used for a development project. It has to be used for something in the community. This was a lot of conversations. The only reason I'm weighing in because we played out some of these scenarios as well and that's partly why we wanted to make sure that the task force is made up of folks who are appointed by you all so that you have insight into that and then after that group makes a recommendation it has to still come back to you all here because I don't think anybody's afraid of the transparency or the debate or why is this what you selected. We tried to play that same thing out because we were trying to take out what developer would want to go through that many processes and that much engagement over which probably right now if you had all these dollars and there'd be a half million dollars at most. We try to play this out is all I'm trying to say is that we were trying to figure out ways to keep it from being gained to your point.

Chairman Burroughs said number 10, the one for the seniors on the property tax delinquency. That's a good cause knowing that we continue to raise taxes on everybody and run them out of their homes. Are we going to put a cap on how much money we will give out in that fund or we just going to leave it open-ended and people will stop paying their taxes and then we'll make it up out of this fund? You know every story is going to be a very endearing story to us that we will have to fund. I don't see any caps that may be the first year, you know $50,000 cap. I don't see any cap on any of these projects or anything like that. I see no accountability of a failed project if these funds are given to an organization. I see no fallback, no punitive way in which to hold people accountable. Trust me, I'm not trying to pick this apart. I really want to see this work because I think it's a great benefit. What I don't want to do is see us pass something and then we have no checks or balances in place and we've taken revenue and we've spent it on causes that we have no way to follow-up and hold them accountable for. I'm going to look at the climate resiliency projects and programs. I don't know what they could be, but are they licensed by the state, certified by the federal government or is it somebody just comes in and says I want to put a smoke screen. I think every smoker in town ought to—woods chip smoker ought to have a screen on it and I've got an invention that'll do that. I mean that may be a little ridiculous to talk about that, but at the same time we have a lot of concerns with the environment here, water projects, you know contaminated properties. We have a couple of waste facilities that we're trying to deal with.

Commissioner Johnson said to your point 10, that was just added in today. I think the Mayor wanted to see this language added to that so that was part of the language that was not in it initially. The Mayor says this is what I want to be in there.

The other piece of it is the policy review, you have had it here for two years. The question comes down to what would be the will of this standing committee if you all want to see it sooner or earlier, we can modify that to your pleasure.

Again, we have these processes in here, but if they need to be modified and the language needs to be sharpened a little bit, then by all means. If you have, for instance, when you look at the Hollywood Fund or any of these things, if you want to put a cap in there, we haven't talked about a cap. Give us the language that would be pleased with because this is the first step. Then it comes to the full commission you know, so please give us the language that you would prefer to see as far as that's concerned or at least a recommendation.

Commissioner Davis said I'll also add again, at least 22 people including staff will look at this. I say that because there's 11 commissioners and then all of us have an—I don't—some of these concerns I think are very valid in that we did not want to really flush out every single category. Would we, as a Unified Government, agree to giving money to an unlicensed childcare, no, we wouldn't do that. In part, because we have childcare licensing that's housed within the Unified Government. I hear everything that you're saying.

The cap perspective can be thrown in. I don't know if we want to put it at percentages or not, but do keep in mind these are just ideas for the fund. There's a world where this board can come in and say we think the money should go somewhere completely different than what we're talking about right now. We tried to be both clear, but not so restrictive that we kill imagination on solving community problems. **Chairman Burroughs** said I appreciate that. I'm just looking back at the audit that was conducted about the mismanagement of funds that came through the Unified Government and here we are putting a program in place, and we have no clawback. Colleagues, I like the concept, I truly expect to be supportive as much as I can, but you know we do have a right to raise questions. **Commissioner Davis** said absolutely. **Chairman Burroughs** said you know my concern is the Hollywood Casino Grant is already a program in place. I'd hate to comingle it with something else and get it caught up. They have a background that they walk through, they certify, they have a hold accountable if a person—if that organization doesn't meet the criteria set forth in their grant request, it comes to us, and they are discontinued. They are taken out. That's the kind of objectivity I think we should do. That's the prudent way to handle monies that go to the program.

The other one, the percentage of all monies, this goes back to the Bonner Springs and Edwardsville question. The majority of the Commission represents Kansas City, Kansas. There's only two commissioners that have Wyandotte County, Bonner Springs, and Edwardsville in their district, one At-Large and one lone commissioner. Now, there may be a corner or two or a block or two in other commissioners' districts, but those of us who represent Bonner Springs and Edwardsville learned a lot through ARPA funding about the disenfranchisement of Bonner Springs and Edwardsville. We would be remiss not including them in this subject and how they will be treated fair and equitably moving forward because they are part of the Unified Government, not county/city when it's convenient, but a unified program and I think the more we can get to that the less we'll have this discussion moving forward, but that's all the comments I have. I'll have a few other questions when it comes forward. I do know the hour is getting late.

I want to say thank you because I know it couldn't have been easy listening to all the concerns that come forward and no piece of policy is perfect. I know that things can be changed and the only question I would have of Legal, maybe, is the STAR Bonds question/comment in here on page 2, number 3, that Sales Tax and Revenue STAR Bonds, revenue from STAR Bonds because if I remember, there's certain criteria associated to STAR Bonds that all revenue has to go to STAR Bonds. If there's any way to take money out, I'm just cautioning us move very judiciously with STAR Bonds or we could see that program yanked. I would like to get some clarification on this program dealing with STAR Bonds. **Ms. Green** said, yeah, we'll definitely have to look into that. I don't know any of that answer off the top of my head. **Chairman Burroughs** said well, I do know there are strict criteria in the utilization of STAR Bonds including having to put up all of our own revenue and forego our revenue until those bonds are paid off. If we're going to be charging more and it's going to be paid back through the revenue, I'm just concerned and that's where the fiduciaries come in play.

Mr. Kindle said I think it only has to do with the application fees, Commissioner. It has nothing to do with the revenue stream from STAR Bonds. It was thrown in there from the original writing of this proposal that incentives that included Industrial Revenue Bonds and STAR Bonds are in there. If we find that there is no application fee, then I guess it won't be applicable, but if there is an application fee then half of it would go to the Community Benefits Fund. It has nothing to do with the revenues from it, just the application fees. **Chairman Burroughs** said I would still like clarification from the state STAR Bonds is being utilized in manners that were never perceived to be used and I can tell you this much, this commissioner here, as a legislator, fought judiciously to keep STAR Bonds as an economic development tool because developers want to use it to meet their projects, don't want their projects to meet the criteria within STAR Bonds. I am going to be vocal on that point that I would like clarification from the state in reference to the STAR Bonds issue

Debbie Jonscher, Deputy Chief Financial Officer, said I apologize for not being at the meeting tonight, but I have been listening in. I just wanted to respond to Commissioner Bynum's question regarding how much of the revenue we collected in 2022. I will admit I haven't had a chance to go back and look at everything, but I did go back and look at the issuance fees because when someone applies for an IRB there's an application fee as well as some of the bond issues, we do get a percentage of those issuance fees, and I did go back. It looks like we received, just from my quick check, was about a little over $300,000 for that, but then we also collect revenue when we do tracking on some of the other incentives such as the CIDs and the TIFs. If we're to have to track to distribute back to a developer, we also hold a percentage of that back which I think may be about another 150.

I'm not sure if those are the only revenue streams that we are looking at or if we're looking at something else regarding when we enter into these agreements where the company makes—as we refer to it the PILOT payment back to us. I haven't looked into any of that, but this was strictly just on the issuance fees that we'd received, but we can do some more checking on that when I'm back in the office tomorrow. **Commissioner Bynum** said I appreciate that.

Chairman Burroughs said that was pretty expedient. I appreciate that very much. I have no more questions this evening. I know for the sake of time, but again, much appreciated having a chance to re view that. I do have concerns about fast-tracking it with the questions that come forward. I'd like to see a program like this advance. I just think we need to look at some caps, we need to find out what kind of criteria is going to be used for those programs and projects that will be requesting those dollars so that we have accountability of those dollars back. If we, as commissioners, are going to be held accountable by these organizations and by especially those organizations that don't get funding and those that do and fail, that money could have been used somewhere else. It's just a matter of just being able to maybe tighten it up a little bit.

Commissioner Johnson asked if those requirements can be made as part of the approval, say for instance on Thursday, if it were to get to Thursday, could the approval have those requirements in terms of the language that's requested by the Commission before it actually be modified, it's my question. **Chairman Burroughs** said, Commissioner Johnson, I want to be supportive of the program. I do have a few more questions and you know is a town hall meeting or a zoom considered a meeting of the community. I think we have a lot of trouble as a body getting information out on Planning and Zoning issues, let alone a community service program that's going to fund money. **Commissioner Johnson** said we talked about having Planning and Zoning be the committee that would look at it. After we talked about it we said that's just adding too much more on. The P&Z agenda is already full so let's not put that on them, but then the point that you're making who all does the committee or the community involve and that's one of the reasons why we know that we all have an opportunity to nominate someone to be on this particular committee that does in fact represent the community so that's part of it, then there will be opportunities for larger pieces of dialogue. Can it happen outside of a zoom call, no problem with me on that. It's just been a challenge of getting everybody to the table. **Chairman Burroughs** said understood and I appreciate it. I said I want to be a good partner because I think there's some very good pieces in here that we could utilize, but I also see a little bit of concern here and there. This is the first time I've had a chance to review the document and so I would just appreciate the professional courtesy of having a chance to review it and get some answers to some of the questions I have.

Commissioner Bynum said I was just curious based on your concerns, and I still have questions. Turning to Legal, would there be a way to bring forward a resolution or an ordinance establishing the Community Benefits Fund and just have it be way more generic so that details could be identified later. As you say you have some questions, and I have some questions, but we could maybe there's something we could adopt that's more generic. The reason why I ask that is because we have it more generic so that details could be identified later as you say, you have some questions, I have some questions, but we could—maybe there's something we could adopt that's more generic and the reason why I ask that is because we have some commissioner's that are sort of putting a bow on their time here and it's I think of value to recognize that with some action. **Chairman Burroughs** said, Commissioner, I do not disagree with that and I'm sitting here thinking about all the effort that my good friends have put into this, but I also want it to be something that you can be proud of and look back and say see what we were able to accomplish, but I have no problem looking at a resolution establishing the Community Benefit Fund and then working a little bit more in getting some of the questions answered, looking at the caps and looking at how we might follow-up. If we gave XYZ Company $300,000 for a program two years down the road we come back and check and they've spent the money and we see no progress, what do we do? I don't want to be held accountable for that. I think those are at least through the Casino Grant Program they have an outside entity that doublechecks to make sure those reports have come in and if they haven't met that criteria, we're notified and they no longer are eligible to receive grants until they meet that criteria and we know some of them that have failed that. We want to be judicious in providing the benefit that these programs—I mean it's for the public. That's why we're setting this up, its benefit the public.

Commissioner Davis said I was just going to add about to make a motion, but I'll just add us having this conversation and adopting this doesn't have to be the end. We can continue to have conversations and make amendments as needed and have this come back in December.

However; again, with the changeover of new folks that are coming in, it kind of doesn't allow there to really be an end of what our colleagues who are not going to be here next month have done. So, trying to find that happy medium to ensure that those concerns are addressed, Commissioner Burroughs, but also wanting to respect the effort that has been done. That's kind of the goal here and let's keep this in mind, is this perfect, no, but currently we have nothing. Let's just be real about it. This money is going into the General Fund and for many of us we cannot explain to the average citizen where that money is going. Is this perfect? No. Is it better than the current process that we have where we have some sort of participatory budgeting process or residents have a direct voice, yes, and I do think there is language in here that does make it easier for us to get to that more perfect ordinance that you are looking for Commissioner Burroughs.

Commissioner Burroughs said I appreciate it. You know what we don't have, we don't have a start date in the policy, and we didn't have an amount of money that we would establish before we started the program. If we get $50,000 one program, one organization may reach out and want the entire $50,000 and we're not having a chance to build that equity in the program yet for others to participate. These are just a few things that I believe would give us an opportunity to strengthen this policy. I do like the fact that the Mayor and staff have worked on this because they do have some of the knowledge associated to it, but as I stated this is my first blush looking at it and I want to do, I myself, I'm very prudent about how me move forward and especially when it comes to spending taxpayer money and believe me the developers this will be a pass-through fund to the public anyway. It's kind of like when we cut taxes, we don't see the price of goods go down. We don't see the price of other things go down. What we see is they either stay the same or they increase a little bit more because they have to make that money somewhere. It's a pass-through not much different than some of the other things, the PILOT. I'm finished if any of the other—Commissioner's I appreciate your patience.

Commissioner Stites said one of the problems I have and I'm generally supportive of creating this. I like the idea of creating the Community Benefit Program, but I think there are way too many unanswered questions at this point to adopt it as submitted. When we talk about the Community Benefit Advisory Board and the first line says that certain residents of Wyandotte County, it sure seems like now we're excluding people from not all of Wyandotte County, and I'm definitely not in favor of that. We want to talk about certain residents, it should be all residents. I don't know that it says that all commissioners will have an appointment like the Planning and Zoning. I don't like that we're talking about this coming into the City General Fund, but it can be used for County Parks and we happen to have a County Park and we happen to have a city golf course that's in Bonner Springs and you're asking to not have representation from Bonner Springs on the Advisory Board.

Again, there are too many unanswered questions for me, I'm not sure as far as getting the fast-track. Is there another ED&F prior to—Wendy is saying, yes. There is another ED&F prior to the swearing-in. **Ms. Green** said I'm sorry, there's not another ED&F, there is another commission meeting prior to the swearing-in. **Commissioner Stites** asked when is that? Are you sure there is not an ED&F? **Ms. Sparks** said we have an ED&F meeting on December 4. **Commissioner Stites** said so we have time for this group and others that aren't leaving to revisit this, get questions answered and go to that and then fast-track it to that next commission meeting if we had ED&F on the 4th, correct? **Ms. Green** said correct. That would be my motion that that's the route that we go that we postpone it back to the ED&F again on December 4th. Is that the 4th? Then we can discuss fast-tracking at that night to the December 7th meeting. That would be my recommendation and then those folks that have put in the time and I appreciate the work that has been done, but I think there's some questions in here that still need to be answered and that this body and the people that, as Commissioner Bynum said, put a bow on their time, they'll still be present and accounted for. **Chairman Burroughs** said would you restate your motion? **Commissioner Stites** said I wish I could. **Chairman Burroughs** said I'm trying to help staff out. **Commissioner Stites** said I make a motion that we send this back or this is not being sent back. We rehear this. What's the proper… **Ms. Green** said continued to the December 4th meeting.

Action: **Commissioner Stites made a motion, seconded by Commissioner Bynum, said to be heard with and get answers that we have all—hopefully we can have those prior to the December 4th meeting and then we can discuss the fast-tracking to the December 7th meeting.**

Chairman Burroughs said but I can go into comments. **Commissioner Davis** said I was just going to say this. We're willing to work with you all. Obviously we wanted to respect so all of you could not necessarily be aware right or else we would have been violating state law. If you all can send us your concerns, please do not leave tonight not expressing what your concerns are about the language because that does nothing, that does not help us. We want to get this past; we want to respect the various perspectives. We want to be able to explain this now that the cats out of the bag, but please do it either in an email or before we leave. Do get one of us and just tell us these are the things that I would like for that December 4th meeting. **Ms. Green** said actually if I could make a suggestion. If you would please email those to myself and Jeff Conway individually, then we can get those to where they need to go. **Commissioner Davis** said yes, thank you. **Chairman Burroughs** said thank you staff. I think that protects all of us from the Kansas Open meeting.

Mr. Rios said I just want to express Mayor's Office's commitment to continuing to work through every single issue to get it where the Commission as a whole is comfortable with what is presented as the Community Benefit Fund, absolutely no reservations on what has been expressed. We've taken notes, but again in case our notes, you know forwarding those specifics to Legal. Legal has to write up the final product, so Legal has in fact has been involved with this the whole time. Draft nine is going to be the lucky number and we'll have this done. On some of these I truly a sentence here and there is going to ratify. It isn't in the same meaning as I'm thinking you're taking that, Commissioner, but I'm sure Legal ease isn't a necessary thing and we'll probably be able to take care of that very simply.

In regard to the other concerns, if you were wanting them to be more specified under Section D. When we had the dialogue and the dialogue simply well, let's keep it general so that the board and the commission can deal with the details later, but loud and clear later is now and so we can have that furtherance discussion. I believe the Mayor's Office is quite comfortable in having that dialogue. **Chairman Burroughs** said that is very respectful to the colleagues that have committed the work and I do want to acknowledge that everyone that's participated in this. I think the motion is a fair motion. I mean we're not, Commissioner Johnson's not gone yet. We do have a chance to address those, and I do like the fact that we're sending the questions to Wendy and Jeff to get our answers. I think it's good to have those questions. I don't see anything in here with ethics that the people on the committee can't advocate for their own programs if they're appointed to that committee. If they sit on a board that is asking for money, they have to disclose and/or recuse themselves from the request quid pro quo that they can't trade votes you know. It's the perception that something can go wrong that we want to put to rest as much as possible.

Commissioner Bynum said just one final comment. I just want to clarify for Commissioner Stites, I did not suggest that residents of Bonner Springs and Edwardsville should not sit on the board. I did ask what dialogue you all had about that, and I stated that I did not have a strong feeling one way or the other, but I did not suggest that Bonner or Edwardsville folks should not be on this board. It's just a clarification.

Commissioner Stites said that no, I didn't say that. If you took it that way, that's not what I meant. I wasn't saying that. **Chairman Burroughs** said I didn't perceive it as such, but that's between the two of you.

Commissioner Davis said I will also add in that language where it says Community Benefit Advisory Board means certain residents of Wyandotte County appointed by the Mayor and Commissioners to serve for a two-year term on the board, the certain residents is just referencing the people that are appointed. It's not necessarily saying you have to have certain qualifications or whatever. Not everybody is going to be able to be appointed on the board, not every resident, that's where the certain comes in. It's not saying Kansas City, Kansas or Bonner or anything like that, it's just pointing out the 11 members, not the 170,000 residents.

Commissioner Stites said I guess as long as it says that each commissioner will appoint one and they must be within their district like Planning and Zoning, then I'm okay with that.

Chairman Burroughs said I appreciate that clarification within their districts. So, At-Large I would assume that Commissioner Bynum and I could select from anybody countywide. I don't know if we have to go by the primary position or the general position that we would have an appointment. Can we get some clarification on that? If she wanted to appoint someone from the south side, she could do that. If I wanted to appoint somebody from the north side. We're all one county, but in the primary, we run by district and then in general we run countywide. I don't know what the At-Large opportunities are. **Ms. Green** said I'm actually not sure about that either. I'll make sure we find that out for you though.

Chairman Burroughs said we do have a motion.

BPU Board Member Haley said I appreciate the discussion that's here. I look forward to the meeting on the 4th and what has been submitted, not only from those that are here, but I would assume that the other commissioners who aren't a part who might be privy or be made. It may be made that you want to improve on this product that's here before us, they'll be giving notice or have a chance to see the draft and to add their discussion. From my standpoint you probably should pass it out, you do have time. I don't know if I would make this the last for those commissioners that won't be returning. You're setting up the time for it to be at the last meeting in December when whatever final action of whatever the final resolution looks like. If we kick it to it would b—you would fast-track it to the first meeting in December after the 4th. I hope the other UG Commissioners will have an opportunity to bring their input before the meeting on the 4th. **Chairman Burroughs** said great, thank you.

Chairman Burroughs said any other questions or comments. I know we beat this around pretty well. I'll ask the Clerk to please call roll.

Roll call was taken and there were Haley, Davis…

Chairman Burrough said excuse me, Madam Clerk. This is an actionable item. Do we need to include the public comment on this evening? Then I would ask if there's anybody in attendance that would care to speak to this issue. If you are, please come forward, you have three minutes. Anybody online?

Shirley Carter Ikerd, 804 S. 89th St., KCK, said it does look like they put a lot of work into this, but it also reminds me of the group that I just spoke with before. I see no Black person sitting at the table. I don't understand what is wrong. I mean who is the Chair of this committee? Is there a chair of this committee? **Commissioner Johnson** said Ma'am, I'm the Chair. **Ms. Ikerd** said, okay, but you didn't sit at the table, so I did not know. It's just really difficult. It looks like for Wyandotte County and specifically Kansas City, Kansas to get it together. Just because I live out west people say to me all the time why are you always downtown arguing. It's because I live in Kansas City, Kansas and I want the same thing that everybody else gets and we are not getting the same thing out there that everybody else gets. I hope the program works because we need all the good programs that we can get. There needs to be some more work done on it, but most people in here are used to working. I just give them a grace. I hope you do good with it, but it's just that we have to integrate all people in Wyandotte County and we need to start doing that.

Chairman Burroughs asked is there anybody else who wants to speak to this. Clerk, anybody online, any letters. **Ms. Sparks** said no hands are raised, no comments were received. **Chairman Burroughs** said let the record show nobody else is stepping forward. Now, Madam Clerk, please call roll. I apologize. **Ms. Sparks** said let me clarify the motion. The motion is to set this matter over to December 4th with a possible fast-track to December 7th.

Roll call was taken and there were six “Ayes,” Haley, Davis, Bynum, Stites, McKiernan, Burroughs.

Adjourn

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to adjourn.** Roll call was taken and there were six “Ayes, Haley, Davis, Bynum, Stites, McKiernan, Burroughs

The meeting was adjourned at 7:30 p.m.
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