



Economic Development and Finance
Committee
Standing Committee Meeting Agenda
Update
Monday, October 10, 2016
5:15 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Brian McKiernan, Chair

☐

Commissioner Hal Walker

☐

Commissioner Gayle E. Townsend

☐

Commissioner Ann Brandau-Murguia

☐

Commissioner James Walters

☐

David Alvey, BPU Member

☐

I. Call to Order/Roll Call

II. Revisions to October 10, 2016 Agenda

III. Measurable Goals

Item No. 1 - DISCUSSION: REVIEW OF DEPARTMENT GOALS

Synopsis: List of Measurable Goals

Tracking #: 16790

IV. Committee Agenda

Item No. 1 - RESOLUTION: SET PUBLIC HEARING DATE FOR UNIVERSITY-ROSEDALE URBAN RENEWAL PLAN AMENDMENTS

Synopsis: A resolution setting October 27, 2016, as a public hearing date to consider amendments to the University-Rosedale Urban Renewal Plan in consideration of the Rainbow Village hotel development at the NW corner of 34th & Rainbow Blvd., submitted by Marlon Goff, Economic Development.

It is requested that this item be fast tracked to the October 13, 2016 full commission meeting.

Tracking #: 16810

Item No. 2 - PUBLIC HEARING & RESOLUTION: KCK BOYER MEDICAL

OFFICE BUILDING PROJECT IRBS

Synopsis: Conduct a public hearing on October 27, 2016, to consider a resolution of intent to issue \$11M in Industrial Revenue Bonds for the KCK Boyer Medical Office Building project consisting of 40,000 sq. ft., located at 1601 N. 98th Street, submitted by Angela Harshbarger, Economic Development. The project will create 50 new jobs. The 10-year fixed PILOT schedule will incorporate a 60% tax abatement.

Tracking #: 16791

Item No. 3 - RESOLUTION: SECOND AMENDMENT TO THE LEGENDS AUTO PLAZA DEVELOPMENT AGREEMENT (HONDA)

Synopsis: A resolution approving the Second Amendment to the Legends Auto Plaza Development Agreement (Honda) between the UG and KCK Development II, Inc. The Developer has proposed two other developments, which have received preliminary Planning approval, and therefore would like to remove lots 2, 3 and 4 from the Development Agreement, submitted by George Brajkovic, Economic Development Director.

Tracking #: 16813

V. Public Agenda

VI. Adjourn



Staff Request for Commission Action

Tracking No. 16815

Full Commission Meeting Date: 10/13/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/16

(If none, please explain):

Publication Required: Yes 10/20/2016

<u>Date:</u> 10/04/2016	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> A resolution and an ordinance authorizing the issuance of Utility System Revenue Bonds, Series 2016-B & C.				
<u>Action Requested:</u> Fast track to 10/13/16 to approve resolutions, adopt ordinance				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Blue Sheet, Res & Notice, Ord				

**AGENDA UPDATE
ECONOMIC DEVELOPMENT & FINANCE
STANDING COMMITTEE MEETING
MONDAY, OCTOBER 10, 2016**

IV. COMMITTEE AGENDA

NEW ITEM

**ITEM NO. 4 – 16815...RESOLUTION/ORDINANCE: BOARD OF PUBLIC
UTILITIES' BONDS**

Synopsis: Request approval of the following Board of Public Utilities bond issuances, submitted by Kathleen VonAchen, Chief Financial Officer.

- Resolution authorizing the issuance of \$62M of utility system revenue bonds to finance improvements to the utility system.
- Ordinance authorizing the issuance of \$53M of Utility System Refunding Revenue Bonds, Series 2016-B, and \$62.5M of Utility System Improvement Revenue Bonds, Series 2016C.

RESOLUTION NO. R-__-16

**A RESOLUTION AUTHORIZING THE ISSUANCE OF UTILITY
SYSTEM REVENUE BONDS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR
THE PURPOSE OF PROVIDING FUNDS TO FINANCE
IMPROVEMENTS TO THE UTILITY SYSTEM.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), successor to the City of Kansas City, Kansas, is a duly organized and existing municipal corporation under the laws of the State of Kansas, is a consolidated city-county having all the powers, functions and duties of a county and of a city of the first class and is acting as a city of the first class herein.

WHEREAS, the Unified Government now owns and operates a municipal water works plant and a municipal electric-light plant (herein collectively called the “Utility System”), which is managed, operated, maintained and controlled on a day-to-day basis by an administrative agency of the Unified Government known as the Board of Public Utilities (the “BPU”); and

WHEREAS, for the purpose of meeting water, electric power and energy needs of the Unified Government, the Unified Government has periodically issued revenue bonds when requested by the BPU for the acquisition, construction, reconstruction, alteration, repair, improvement, extension and enlargement of the Utility System; and

WHEREAS, the Unified Government has received from the BPU a resolution determining to proceed with the following improvements of the Utility System:

1. Nearman 1 Boiler Tube Improvements – replace boiler tubes at Nearman Unit 1;
2. Rosedale Substation – replace existing substation;
3. Fiberglass Substation Addition – add a third distribution transformer and switchgear to serve load in the Fairfax and downtown areas;
4. Muncie II Substation – new 161kV substation to replace the existing Muncie Substation;
5. Kaw West Substation Addition – add a second 15kV switchgear to the Kaw West Substation;
6. Downtown Underground 15kV Rebuild – modernize the 15kV underground electric system in the downtown area;
7. Electric Distribution Feeders – replace aging 15kV distribution infrastructure as well as improve switching capabilities between stations;
8. Electric Transformers – purchase overhead and underground distribution transformers to support system restoration and improve service reliability;
9. Electric Infrastructure for City street projects; and

all other necessary and related improvements to the System (collectively, the “Improvements”) and requesting the Unified Government to issue and sell one or more series of long-term utility system revenue bonds to provide financing for the Improvements; and

WHEREAS, pursuant to the provisions of Charter Ordinance No. CO-5-01, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.* (collectively, the “Act”), the governing body of the Unified Government has determined that it is advisable to publish in the official newspaper of the Unified Government a notice of the Improvements to the Utility System at an estimated cost of \$62,000,000 and

that utility system revenue bonds of the Unified Government will be issued in an estimated amount of \$62,000,000 plus the cost of any required reserves, costs of issuance and related expenses; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of the Improvements. The governing body of the Unified Government hereby approves the Improvements at a total estimated cost of \$62,000,000.

Section 2. Issuance of Bonds. The Unified Government hereby authorizes the issuance of its utility system revenue bonds in the principal amount not to exceed \$62,000,000 plus the cost of any required reserves, costs of issuance and related expenses (the "Bonds") to provide funding for the Improvements. The Bonds shall be issued under the provisions of the Act and shall be payable solely from the revenues derived by the Unified Government from the operation of its Utility System.

Section 3. Necessary Action. The governing body of the Unified Government hereby directs that notice of the Improvements and the issuance of the Bonds be given as provided by the Act, in substantially the form attached hereto as **Exhibit A**, and that all such action be taken as may be necessary in order to effect the issuance, sale and delivery of the Bonds in accordance with the provisions of the Act.

Section 4. Further Authority. The Mayor, BPU General Manager, Unified Government Clerk, County Administrator, Unified Government Chief Financial Officer, Unified Government Chief Counsel, Unified Government's financial advisor and bond counsel and other appropriate officers and agents of the Unified Government and the BPU are hereby authorized and directed to take such action, expend such funds and execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to provide for the sale of the Bonds, such sale to occur on such date as the BPU General Manager and Unified Government Chief Financial Office determine upon receipt of advice and a recommendation from the Unified Government's financial advisor.

Section 5. Effective Date. This Resolution shall be in full force and effect following its adoption by the governing body of the Unified Government.

ADOPTED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, this October 13, 2016.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
Mayor/Chief Executive Officer

(SEAL)

ATTEST:

Unified Government Clerk

Exhibit A

(Published in *The Wyandotte County Echo* on October 20, 2016)

NOTICE

Notice is hereby given that pursuant to a resolution of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), adopted October 13, 2016, the governing body of the Unified Government has approved making the following improvements to the Unified Government’s electric and water utility system:

1. Nearman 1 Boiler Tube Improvements – replace boiler tubes at Nearman Unit 1;
2. Rosedale Substation – replace existing substation;
3. Fiberglass Substation Addition – add a third distribution transformer and switchgear to serve load in the Fairfax and downtown areas;
4. Muncie II Substation – new 161kV substation to replace the existing Muncie Substation;
5. Kaw West Substation Addition – add a second 15kV switchgear to the Kaw West Substation;
6. Downtown Underground 15kV Rebuild – modernize the 15kV underground electric system in the downtown area;
7. Electric Distribution Feeders – replace aging 15kV distribution infrastructure as well as improve switching capabilities between stations;
8. Electric Transformers – purchase overhead and underground distribution transformers to support system restoration and improve service reliability;
9. Electric Infrastructure for City street projects; and

all other necessary and related improvements to the System (the “Improvements”) at a total estimated cost of not to exceed \$62,000,000 and issuing utility system revenue bonds under the authority of Charter Ordinance No. CO-5-01 of the Unified Government, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.* (the “Act”), in a principal amount not exceeding \$62,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

Notice is further given that it is the intention of the governing body of the Unified Government to issue its utility system revenue bonds (the “Bonds”) pursuant to the Act in an aggregate principal amount not exceeding \$62,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the cost of the Improvements. The Bonds will be payable solely from the net revenues derived by the Unified Government from the operation of its utility system.

If within fifteen (15) days after the date of publication of this notice, written protest against the Improvements and/or issuance of the Bonds for the payment of the Improvements is filed with the Unified Government Clerk and signed by not less than twenty percent (20%) of the qualified electors of the City of Kansas City, Kansas, the governing body shall submit the question of the proposed Improvements and the proposed issuance of the Bonds for the payment of the Improvements to the electors of the City of Kansas City, Kansas at an election for such purpose as provided by law. If sufficient protest is not filed, then the governing body of the Unified Government will proceed in accordance with the intentions hereinbefore declared and make the Improvements and issue the Bonds in an aggregate principal amount not in excess of \$62,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

DATED: October 13, 2016.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: /s/ Bridgette Cobbins
Unified Government Clerk

(Published in *The Wyandotte Echo* on October 20, 2016)

ORDINANCE NO. O-____-16

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2016-B AND UTILITY SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2016-C, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN IMPROVEMENTS, REFUNDING CERTAIN OUTSTANDING UTILITY SYSTEM REVENUE BONDS IN ORDER TO ACHIEVE INTEREST COST SAVINGS AND PAYING THE COST OF ISSUING SAID BONDS; AUTHORIZING THE EXECUTION AND APPROVAL OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), now owns and operates a municipal waterworks plant and a municipal electric-light plant (herein collectively called the “Utility System”), which Utility System is managed, operated, maintained and controlled on a day-to-day basis by an administrative agency of the Unified Government known as the Board of Public Utilities (the “BPU”) consisting of six (6) elected members; and

WHEREAS, the Unified Government is the successor to the City of Kansas City, Kansas (the “City”), as a result of the consolidation of the City and Wyandotte County, Kansas, effective December 1, 1997, and is acting as a city of the first class herein; and

WHEREAS, in order to refund certain indebtedness of the BPU, the City has previously issued its Utility System Revenue Refunding Bonds, Series 1985 (the “Series 1985 Bonds”), dated June 15, 1985; and

WHEREAS, the Series 1985 Bonds were authorized pursuant to the provisions of an Indenture of Trust dated as of June 15, 1985, by and between the City and Security Bank of Kansas City, as trustee (the “Trustee”), as heretofore amended, including without limitation, by the First Amendment to Indenture of Trust dated as of December 1, 1998, and by the Eighth Supplemental Indenture of Trust dated as of December 1, 1998 (as so amended, the “Series 1985 Indenture”); and

WHEREAS, in order to simplify administration of the Trust Estate created by the Series 1985 Indenture and make certain clarifications to provisions of the Series 1985 Indenture, the Unified Government previously executed and delivered the First Amended and Restated Indenture dated as of June 1, 2014, by and between the Unified Government and the Trustee (the “First Amended and Restated Indenture”); and

WHEREAS, in order to modernize and further simplify the administration of the Trust Estate the Unified Government executed and delivered the Second Amended and Restated Indenture dated as of June 1, 2014, by and between the Unified Government and the Trustee (the “Second Amended and Restated Indenture”), which Second Amended and Restated Indenture will become effective on the first date upon which a majority of the outstanding bonds issued under the Series 1985 Indenture and the First Amended and Restated Indenture are bonds that were issued on or after the issue date of the Series 2014-A Bonds; and

WHEREAS, Article II of the Series 1985 Indenture authorizes the issuance of Additional Bonds (as defined in the Series 1985 Indenture) upon certain requirements set forth therein having been met; and

WHEREAS, pursuant to the provisions of Charter Ordinance No. CO-5-01 as amended by Charter Ordinance CO-3-02 of the Unified Government, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 et seq. and pursuant to certain ordinances and resolutions adopted by the governing body of the Unified Government (including particularly Resolution R-128-13 and Resolution R-__-16), the Unified Government has approved certain improvements to the Utility System (the “Improvements”) including:

1. The installation of air quality control systems (AQCS) on the Nearman Creek Power Station Unit 1 along with the addition of associated material/reagent handling equipment, which shall include the installation of selective catalytic reduction (SCR) to reduce NOX emissions, a dry flue gas desulfurization (FGD) scrubber to reduce SO2 and acid gases emissions, a powdered activated carbon (PAC) injection system to reduce mercury, a pulse jet fabric filter system to reduce particulate emissions, and balance of plant equipment required for the AQCS, and all other necessary and related improvements to the Nearman Creek Power Station;
2. Rosedale Substation – replace existing substation;
3. Fiberglass Substation Addition – add a third distribution transformer and switchgear to serve load in the Fairfax and downtown areas;
4. Muncie II Substation – new 161kV substation to replace the existing Muncie Substation;
5. Kaw West Substation Addition – add a second 15kV switchgear to the Kaw West Substation;
6. Downtown Underground 15kV Rebuild – modernize the 15kV underground electric system in the downtown area;
7. Electric Distribution Feeders – replace aging 15kV distribution infrastructure as well as improve switching capabilities between stations;
8. Electric Transformers – purchase overhead and underground distribution transformers to support system restoration and improve service reliability; and
9. Electric Infrastructure for City street projects; and
10. all other necessary and related improvements to the System.

WHEREAS, in accordance with the Series 1985 Indenture, the Unified Government has previously issued Additional Bonds, of which the following series (the “Outstanding Bonds”) remain outstanding:

<u>Name of Bonds</u>	<u>Series</u>
Utility System Improvement Revenue Bonds	2009-A
Utility System Refunding Revenue Bonds	2010-A
Utility System Improvement and Refunding Revenue Bonds	2011-A
Utility System Refunding Revenue Bonds	2012-A
Utility System Improvement Revenue Bonds	2012-B
Utility System Improvement and Refunding Revenue Bonds	2014-A
Utility System Improvement Revenue Bonds	2016-A

WHEREAS, due to the current interest rate environment, the Unified Government has the opportunity to issue its utility system refunding revenue bonds in order to achieve an interest cost savings on all or a portion of the Outstanding Bonds, further described as follows (collectively, the “Refunded Bonds”):

<u>Series</u>	<u>Maturities</u> <u>(September 1)</u>	<u>Principal Amount</u>	<u>Redemption Date</u>
2009-A	2017 to 2034	\$47,645,000	September 1, 2019

; and

WHEREAS, in order to provide funds to (a) refund the Refunded Bonds and (b) pay the costs of issuance of the bonds to be issued for such purposes, the Unified Government desires to issue a series of Additional Bonds to be designated “Utility System Refunding Revenue Bonds, Series 2016-B” (the “Series 2016-B Bonds”) of the Unified Government of Wyandotte County/Kansas City, Kansas, pursuant to the terms and provisions of the Nineteenth Supplemental Indenture of Trust dated as of October 1, 2016 (the “Nineteenth Supplemental Indenture”);

WHEREAS, in order to provide funds to (a) pay the costs of Improvements and (b) pay the costs of issuance of the bonds to be issued for such purposes, the Unified Government desires to issue a series of Additional Bonds to be designated “Utility System Improvement Revenue Bonds, Series 2016-C” (the “Series 2016-C Bonds”) of the Unified Government of Wyandotte County/Kansas City, Kansas, pursuant to the terms and provisions of the Twentieth Supplemental Indenture of Trust dated as of October 1, 2016 (the “Twentieth Supplemental Indenture”) (the Series 1985 Indenture, First Amended and Restated Indenture, the Second Amended and Restated Indenture, the supplemental indentures authorizing the Outstanding Bonds, the Nineteenth Supplemental Indenture and the Twentieth Supplemental Indenture are collectively referred to as the “Indenture”); and

WHEREAS, the Series 2016-B Bonds and the Series 2016-C Bonds will be secured on a parity with the Outstanding Bonds and any Additional Bonds under the terms of the Indenture; and

WHEREAS, Piper Jaffray & Co., Inc., (the “Underwriter”), has agreed to purchase the Series 2016-B Bonds and the Series 2016-C Bonds pursuant to the terms of a Contract of Purchase between the Underwriter and the Unified Government, and the Unified Government wishes to proceed with the sale of the Series 2016-B Bonds and the Series 2016-C Bonds to the Underwriter.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Bonds. The Unified Government hereby finds and determines that it is necessary and essential to issue the Series 2016-B Bonds to provide funds to pay the costs, refund all or a portion of the Refunded Bonds and to pay the costs of issuance of the Series 2016-B Bonds.

The Unified Government hereby finds and determines that it is necessary and essential to issue the Series 2016-C Bonds to provide funds to pay the costs of Improvements and to pay the costs of issuance of the Series 2016-C Bonds.

Section 2. Authorization of the Bonds. Pursuant to and in accordance with the Act, the Unified Government is hereby authorized to issue and sell the Series 2016-B Bonds and the Series 2016-C Bonds.

The Series 2016-B Bonds shall be Additional Bonds under the Indenture and shall be issued and secured pursuant to the First Amended and Restated Indenture and the Nineteenth Supplemental Indenture and shall be in such aggregate principal amount, bear such dates, shall mature at such times, shall be in such denominations, shall bear interest at such rates, shall be subject to redemption, shall be in such forms, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements, as are set forth in the Nineteenth Supplemental Indenture.

The Series 2016-C Bonds shall be Additional Bonds under the Indenture and shall be issued and secured pursuant to the Second Amended and Restated Indenture and the Twentieth Supplemental Indenture and shall be in such aggregate principal amount, bear such dates, shall mature at such times, shall be in such denominations, shall bear interest at such rates, shall be subject to redemption, shall be in such forms, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements, as are set forth in the Twentieth Supplemental Indenture.

The sale of the Series 2016-B and the Series 2016-C Bonds to the Underwriter is hereby authorized and approved and the Mayor/Chief Executive of the Unified Government is hereby authorized to enter into a Contract of Purchase between the Unified Government and the Underwriter (the "Contract of Purchase") with regard to the Bonds, subject to the following conditions:

The Series 2016-B Bonds

1. The principal amount of the Series 2016-B Bonds shall not exceed \$53,000,000.
2. The true interest cost for the Series 2016-B Bonds shall not exceed 3.750%.
3. The final maturity date for the Series 2016-B Bonds shall be no later than the final maturity of the Refunded Bonds.
4. The underwriter's discount shall not exceed 0.400% of the principal amount of the Series 2016-B Bonds.
6. The first call date for the Series 2016-B Bonds shall be no later than September 1, 2026, at a price equal to 100% of the principal amount of the Series 2016-B Bonds to be outstanding after such first call date.
7. There shall be total debt service savings in every Fiscal Year in which the Refunded Bonds are outstanding.

The Series 2016-C Bonds

1. The principal amount of the Series 2016-C Bonds shall not exceed \$62,500,000.
2. The deposit to the Series 2016-C Project Account within the Construction Fund shall not exceed \$62,000,000 to pay the costs of the Improvements.
3. The true interest cost for the Series 2016-C Bonds shall not exceed 4.750%.

4. The final maturity date for the Series 2016-C Bonds shall be no later than September 1, 2046.
5. The underwriter's discount shall not exceed 0.500% of the principal amount of the Series 2016-C Bonds.
6. The first call date for the Series 2016-C Bonds shall be no later than September 1, 2026, at a price equal to 100% of the principal amount of the Series 2016-C Bonds to be outstanding after such first call date.

The determinations of (a) whether the foregoing conditions are satisfied and (b) which maturities of the Refunded Bonds will be refunded shall be made by the Mayor/Chief Executive upon the advice and recommendation of the Unified Government's Chief Financial Officer, financial advisor and bond counsel. The confirmation of the foregoing determinations shall be conclusively evidenced by the execution of the Contract of Purchase by the Mayor/Chief Executive Officer.

Section 3. Limited Obligations. The Series 2016-B Bonds and the Series 2016-C Bonds shall be limited obligations of the Unified Government payable solely out of the Net Revenues (as defined in the Indenture) derived by the Unified Government from the operation of the Utility System and such Net Revenues shall be pledged and assigned to the Trustee as security for the payment of the Series 2016-B Bonds and Series 2016-C Bonds as provided in the Indenture. The Series 2016-B Bonds and the Series 2016-C Bonds shall not constitute a debt of the State of Kansas or any political subdivision thereof, and neither said State nor any political subdivision shall be liable thereon, and the Series 2016-B Bonds and the Series 2016-C Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Section 4. Parity Obligations. The Series 2016-B Bonds and the Series 2016-C Bonds shall be secured on a parity with the Unified Government's Outstanding Bonds and any Additional Bonds.

Section 5. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents (the "Issuer Documents"), in substantially the form presented to and reviewed by the Unified Government at this meeting (final copies of such document shall be filed in the records of the Unified Government), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Nineteenth Supplemental Indenture.
- (b) Twentieth Supplemental Indenture.
- (c) Tax Compliance Agreement between the Unified Government, the BPU and the Trustee.
- (d) Continuing Disclosure Agreement between the Unified Government, the BPU and the Trustee.
- (e) Contract of Purchase.
- (f) Escrow Trust Agreement.

Section 6. Approval of Preliminary Official Statement and Official Statement. The Preliminary Official Statement describing the Series 2016-B Bonds and the Series 2016-C Bonds (draft copies of which have been made available to the governing body of the Unified Government), with such changes and additions thereto as are approved by the Unified Government's Chief Financial Officer, is hereby authorized and approved, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/Chief Executive and the Chief Financial Officer of the Unified Government and the General Manager of the BPU are hereby authorized to execute the final Official Statement and any amendment or supplement thereto, and the use and public distribution of the Preliminary Official Statement and the final Official Statement by the Underwriter in connection with the reoffering of the Series 2016-B Bonds and the Series 2016-C Bonds is hereby authorized. The proper officials of the Unified Government are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of issuance and delivery of the Series 2016-B Bonds and the Series 2016-C Bonds.

For the purpose of enabling the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Unified Government hereby authorizes the Chief Financial Officer of the Unified Government and the General Manager of the BPU to deem the information regarding the Unified Government contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the Unified Government and the BPU are hereby authorized, if requested, to provide the Underwriter a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Underwriter to comply with the requirement of such Rule.

Section 7. Execution of Series 2016-B Bonds, Series 2016-C Bonds and Documents. The Mayor/Chief Executive, the Chief Financial Officer and the Unified Government Clerk of the Unified Government are hereby authorized and directed to execute, attest and countersign the Series 2016-B Bonds and the Series 2016-C Bonds and to deliver the Series 2016-B Bonds and the Series 2016-C Bonds to the Trustee for authentication and registration for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Nineteenth Supplemental Indenture and the Twentieth Supplemental Indenture, respectively. The Mayor/Chief Executive, the Chief Financial Officer and/or the Unified Government Clerk of the Unified Government are hereby authorized and directed to execute, attest and/or countersign and deliver the Issuer Documents for and on behalf of and as the act and deed of the Unified Government, and such other documents, and such certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to effect the sale, issuance and delivery of the Series 2016-B Bonds and the Series 2016-C Bonds.

Section 8. Issuance of Additional Bonds. The Unified Government will not issue any (i) Additional Bonds or other obligations payable out of the Revenues (as defined in the Indenture) of the Utility System, or any part thereof, which are superior to the Outstanding Bonds, the Series 2016-B Bonds, the Series 2016-C Bonds or any Additional Bonds issued pursuant to the provisions of the Indenture and any Supplemental Indenture, nor (ii) Additional Bonds or other obligations which are on a parity with the Outstanding Bonds, the Series 2016-B Bonds, the Series 2016-C Bonds or any Additional Bonds issued pursuant to the provisions of the Indenture and any Supplemental Indenture unless in either instance the issuance of such Additional Bonds is permitted by the Indenture and by the Unified Government ordinances or resolutions authorizing any other utility revenue bonds of the Unified Government then outstanding.

Section 9. Issuance of Series 2016-C Bonds Conditioned on Notice and Expiration of Protest Period. The Unified Government shall not issue the Series 2016-C Bonds until notice has been provided as required by Resolution R-__-16 and the provisions of Charter Ordinance CO-5-01, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 et seq. (collectively, the “Act”) and the written protest period pursuant to the Act has expired with a sufficient protest filed.

Section 10. Further Authority. The Unified Government shall, and any of its officers, agents and employees are hereby authorized and directed to, take such further action, and execute such other agreements, documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Unified Government with respect to the Series 2016-B Bonds, the Series 2016-C Bonds and Indenture.

Section 11. Effective Date. This Ordinance will take effect and be in full force from and after its passage and publication in the official newspaper of the Unified Government.

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THIS ORDINANCE IS HEREBY PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, this October 13, 2016.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
Mayor/Chief Executive

(SEAL)

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 16790

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 09/28/2016	<u>Contact Name:</u> Joe Connor	<u>Contact Phone:</u> x6724	<u>Contact Email:</u> jconnor@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> List of Measurable Goals				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Del Real Estate, Eco Dev, Finance, Procurement				

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human Resources	Eco. Dev.	Pub. Works Pub. Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Delinquent Real Estate Division

Provide an effective and transparent Delinquent Real Estate process that reduces the county-wide delinquency ratio and supports the overall improvement in the community

Participate as an integral part of Unified Government's targeted revitalization across the community by providing critical technical information and employ all measures allowed under Kansas Statutes given to the Delinquent Real Estate Division to ensure the progress toward a balanced and healthy Wyandotte County and City of Kansas City, Kansas.

- Successfully develop/file two delinquent real estate tax sales, on alternating 6-month intervals (May/June & November/December), during the calendar year. These processes shall utilize and adhere to any/all respective state statutes governing the delinquent real estate process and/or the legal disposition of delinquent real estate in the State of Kansas.
- Successfully abstract a minimum of 350 delinquent real estate parcels during the 6-month cycle prior to the legal filing deadline for any/all subsequent tax sales.
- Successfully create/publish the delinquent tax sale listing on the Unified Government's/Delinquent Real Estate business website once the 30-day calendar mark is reached prior to each successive tax sale.

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human Services	Eco. Dev.	Pub. Works Pub. Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

- Mail, monitor, and report the current status of the Delinquent Mailer Program. Specifically, at least 50 delinquent notifications should be mailed monthly to targeted properties/owners that owe less than \$2,500.00 in delinquent taxes.

Kansas Setoff Program:

- Certify delinquent Emergency Medical Services (EMS) claim requests with the State of Kansas Department of Revenue (KDOR) within 5 days of receipt of the formal delinquency report from the City of Kansas City Kansas Fire Department.
- Research, enter and certify a minimum of 1,000 delinquent real estate property owners during the calendar year within the State of Kansas Department of Revenue (KDOR) tracking system.

Standing Committee	Neighborhood/Community Dev.	Administration/Human Services	Eco. Dev.	Pub. Works/Pub. Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service	Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Economic Development

Pursue creation of a new business park at:

Turner Commerce Center - 130 acres

Turner Diagonal/I-70 Corridor

Small Business

Develop and implement a new policy for City-wide small business grant awards, funded by bond issuance fees from larger scale projects by end of 2015.

Land Bank

A) Implement the strategic acquisition PILOT program of parcels w/structures w/targeted redevelopment by end of 2015
B) Identify and transfer non-exempt UG owned property during 2015 - track the # transferred & goals to be completed in 2016

UG owned property during 2015 - track the # transferred & C) Develop the project for the proposed redevelopment of Whittier Schol to market rate housing units for consideration by BOC in 2015

Enhance Tourism Opportunities by:

US Soccer - issuance of \$64 M in Star Bonds
Schlitterbahn - expect issuance of \$84.65 M Star Bonds in Oct 2015 for waterpark & auto mall development

To what end..."double dq ft.....", Create jobs - hopefully WYCO residents

Inventory of available space?

Growing tax base/Increasing valuation
Goal to communicate & engage w/commission-

This is a strategy...to what end?

How do the small businesses

Need to develop the measurable components,

Standing Committee	Neighborhood/Community Dev.	Administration/Human Services	Eco. Dev.	Pub. Works/Pub. Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service	Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Ensure incentive structure offered for Turner Commerce Center will help pay for replacement of Riverview Avenue Bridge

Healthy Communities/Rec.

Ensure complete streets components are considered in development and redevelopment and provide assistance to the project manager as well as updates on activities/progress of Downtown Parkway District Development

- A) Continue marketing of Indian springs site
- B) Use coalition grant \$ for Brownfields
- C) Complete 1st draft of the Distressed area loan fund for Administrative Review by the end of 2015

Steps included to meet goals/measurable, % of projects will include complete streets

Small business retention, No housing goals? Goals for housing in different parts of the city

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human Services	Eco. Dev.	Public Works Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Finance

Accounting

Review complete list of policies and procedures, including accounting standards, internal controls, cash management, assets, liabilities, revenue, expenditures, procurement, grants, and financial reporting. Revise policies as necessary and draft others that are required after assessment. Work with other Unified Government departments to ensure implementation were coordination is required. Complete 65% of the policies by the end of 2015.

Admin/Research

Maintain a credit rating of AA level (Moody's and S&P)

Coordinated for County Commission ETC Survey in Spring 2016

What are implications of how to get there? Specific measures to be taken? What should be done this year? Time-Bound Parameters for achievement?

Measure & report on success or failure

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human Services	Eco. Dev.	Public Works Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Strive toward a General Fund Balance of 10% target
(GAAP/Budget basis)

Which method (budget or
GAAP) should be focused on?
GAAP first - Credit Agencies
look to GAAP, 10% is a
minimum goal, Incremental
improvement on budget basis,
Debt level is different than
fund balance, Include a debit
measurement & goal, Level of
debt to aspire to

Complete U.S. Soccer, Schlitterbahn, Wyandotte Plaza, and
PBCC financings in 2015

Means to what end? Grow
sales taxes....

Provide Ttimely and accurate updating of financial official
statemetn socio-econ. Section
Provide on time payment to developers/trustees of special
taxing districts
Implement OPEN GOV reports, including Budget to Actuals,
Current Year, and transactional data in 2015

Demonstrate excellent stmt.

Budgeting

Process monthly updates (Annual, Budget Milestones, and
Balance Sheet) by 15th of each month
Determine transactional data view options for government
and by public and train users. (Timeline for implementation
not set at this time)

Payroll

Transmit KPERS reconciliation and payment within 3 days of
pay period

Treasurer

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human Services	Eco. Dev.	Public Works Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Implement a customer survey in 2015.

achieve a positive customer service and overall experience rating of 75%, Falls under an overall goal of excellence in customer service

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human	Eco. Dev.	Public Works Public Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

Procurement and Contract Compliance

Enhance customer service by soliciting input from customers.

O Conduct an internal survey of customers about purchasing services, including courtesy, professionalism, problem solving, knowledge of products/vendors, and knowledge of staff understanding of purchasing policies and procedures. Use to develop goals and objectives for 2016.

Actively promote Minority and Women Owned Business program with the Unified Government through a variety of means and methods.

O Monitor the number of New Approved Registered Suppliers and MWBE suppliers, on a weekly basis in our eProcurement website. Staff will chart progress monthly for a year-end report and be able to use the information to determine effectiveness of recruitment and retention efforts with MWBE suppliers.

Develop data driven processes to enhance the outcomes of the Purchasing and Procurement Division of the Unified Government.

Standing Committee	Neighborhood Comm. Dev.	Administration Services	Human	Eco. Dev.	Public Works Public Safety	Comments
Commission Priority	Housing- Multimodal Transportation Healthy Community/Recreation	Education/Workforce Social Services Innovation Customer Service		Economic Development Fiscal Sustainability	Infrastructure - Environment Public Safety	

o Track the number of Purchase Orders processed and distributed weekly to the departments, Tuesday mornings at 10:00 am. Staff will chart weekly for a year-end report to determine meeting a service objective for turnaround of these requests in a timely manner.



Staff Request for Commission Action

Tracking No. 16810

Full Commission Meeting Date: 10/13/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/16

(If none, please explain):

Publication Required: Yes 10/20/2016

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
09/27/2016	Marlon Goff	x5545	mgoff@wycokck.org	Economic Development

Item Description:

A resolution setting a public hearing on October 27, 2016 to consider amendment to the University-Rosedale Urban Renewal Plan of 1964 as part of the Rainbow Village hotel redevelopment project. The TIF project plan and development agreement was approved via ordinance on June 9, 2016.

The proposed amendments to the urban renewal plan include:

- Removal of parking space and building height restrictions
- Removal of building setback and advertising restrictions

Action Requested:

A resolution setting a public hearing on October 27, 2016.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution

(Published in *The Wyandotte Echo* on _____, 2015)

RESOLUTION NO. R-_____-16

**A RESOLUTION CALLING AND PROVIDING FOR NOTICE OF A
PUBLIC HEARING ON THE ADVISABILITY OF AMENDING
THE UNIVERSITY-ROSEDALE URBAN RENEWAL PLAN.**

WHEREAS, K.S.A. 17-4742 *et. seq.* (the “Act”) authorizes the governing body of any municipality to create urban renewal areas in which to utilize private and public resources to eliminate and prevent development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for redevelopment of slums and blighted areas, and to undertake any feasible municipal activities as may be suitable to achieve these objectives; and

WHEREAS, the Urban Renewal Agency of Kansas City, Kansas (the “Urban Renewal Agency”), on or about September 23, 1964, by resolution created the University-Rosedale Urban Renewal Area under the Act and approved the University-Rosedale Urban Renewal Plan (the “Plan”); and

WHEREAS, the Plan contains the following use restrictions: “1.541 Parking Space Design. Minimum length shall be twenty (20) feet” and “crown or cross-slope, minimum one-eighth (1/8) inch per foot (one per cent (1%); maximum five-eighths (5/8) inch per foot (five per cent (5%))” (the “Parking Space Restrictions”); and

WHEREAS, the Plan contains the following use restriction: “3.12 Building Heights. Heights of buildings shall be as follows: 3.121 Commercial Areas 1, 2 and 5. No building shall exceed two (2) stories or thirty (30) feet in height.” (the “Height Restriction”); and

WHEREAS, the Plan contains the following use restriction: “3.13 Yards. All commercial areas shall be subject to the setback requirements indicated in Exhibit ‘URP-1’” (the Setback Restriction”); and

WHEREAS, the Plan contains the following use restriction: “3.16(c) Advertising. Each building shall have one (1) unattached sign, which shall be of a permanent, non-combustible construction, provided the site has a minimum two hundred (200) foot street frontage. Building sites having over five hundred (500) foot frontage may have one (1) unattached sign for each five hundred (500) feet or fraction thereof. Unattached signs may be in addition to the requirements of (b) above but shall not exceed eighty (80) square feet in the area per face of one hundred sixty (160) square feet of total face area. There shall be a minimum clearance of eight (8) feet between the ground and the lower edge of the sign so that there shall be no chance of visual obstruction to either vehicular or pedestrian traffic.” (the “Advertising Restrictions”); and

WHEREAS, the Plan contains other restrictions, criteria and guidelines, including, but not limited to, those related to approval of plans, permitted use, rehabilitation and conservation, redeveloper obligations, outside storage, green buffer areas, grading, lot areas, storm water disposal, driveway and parking space design, building height, yards, off-street dust-free parking, off-street loading, advertising, vehicular access and any and all other restrictions, criteria and guidelines contained in the Plan (the “Other Restrictions”); and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”), as successor to the City of Kansas City, Kansas, and the Urban Renewal Agency, now desires to remove (1) the Parking Space Restrictions; (2) the Height Restriction; (3) the Setback Restriction; (4) the Advertising Restrictions; and (5) the Other Restrictions, in order to maximize development opportunities or other uses authorized by the Act; and

WHEREAS, K.S.A. 17-4747 provides for modification of an urban renewal plan upon notice of a public hearing; and

WHEREAS, the Unified Government hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of amending the Plan, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT:**

SECTION 1. Public Hearing. It is hereby authorized, ordered and directed that the Board of Commissioners shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of amending the Plan to remove: the (1) the Parking Space Restrictions; (2) the Height Restriction; (3) the Setback Restriction; (4) the Advertising Restrictions; and (5) the Other Restrictions, on **October 27, 2016 at 7:00 p.m.** in the Commission Chambers, lobby level of the Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, under the authority of the Act.

SECTION 2. Proposed Plan Modification. The general nature of the proposed amendment to the Plan is to remove: (1) the Parking Space Restrictions; (2) the Height Restriction; (3) the Setback Restriction; (4) the Advertising Restrictions; and (5) the Other Restrictions, in order to maximize development opportunities or other uses authorized by the Act.

SECTION 3. Map and Legal Description of the University-Rosedale Urban Renewal Area. The legal description of the property to be affected by the proposed amendment to the Plan is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the property is attached as **Exhibit B** hereto, and incorporated by reference herein.

SECTION 4. Notice of Hearing. The Unified Government Clerk is hereby authorized, ordered and directed to give notice of public hearing by publication of this Resolution one time in the October 20, 2016 edition of the official newspaper.

SECTION 5. Effective Date. This Resolution shall be effective upon adoption by the Unified Government Board of Commissioners.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT THIS 13TH DAY OCTOBER, 2016.

Mayor/CEO

Unified Government Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. R-_____-16 of the Unified Government of Wyandotte County/Kansas City, Kansas adopted by the Board of Commissioners on _____, 2016 as the same appears of record in my office.

DATED: _____, 2016.

Unified Government Clerk

EXHIBIT A

Legal Description

Lot 4, Block 1, UNIVERSITY – ROSEDALE 1ST REPLAT, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, and any and all right-of-way immediately adjacent to the boundaries of said Lot 4, Block 1.

EXHIBIT B

Map





Staff Request for Commission Action

Tracking No. 16791

Full Commission Meeting Date: 10/27/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/2016

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
09/15/2016	Angela Harshbarger	x5763	aharshbarger@wycokck.org	Economic Development

Item Description:

Resolution of Intent to issue \$11M in Industrial Revenue Bonds for the KCK Boyer Medical Office Building project located at 1601 N. 98th Street in Kansas City, KS.

The project proposes the use of IRBs for land acquisition and development of an approximately 40,000 square foot medical office building. The project will result in the creation of 50 new jobs. The IRB's will also feature a 10-year fixed PILOT schedule incorporating a 60% tax abatement.

Action Requested:

Conduct a public hearing to consider comments on the resolution of intent and PILOT.

Budget Impact: (if applicable)

Amount: \$42,500.00

Source:

Included In Budget:

Other (explain): IRB application and cost of bond issuance fees.

Attachments List:

Boyer MOB Resolution of Intent

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF APPROXIMATELY \$11,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF BOYER KCK MOB, L.C.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of Wyandotte County/Kansas City, Kansas and their inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Boyer KCK MOB, L.C., a Utah limited liability company or its subsidiary (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing, improving and equipping a medical office building facility located generally at 1601 N. 98th Street consisting of approximately 40,000 total square feet (collectively, the “Project”) through the issuance of its revenue bonds in one or more series in the amount of approximately \$11,000,000, and to lease the Project to the Company or its successors and assigns in accordance with the Act;

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of Wyandotte County/Kansas City, Kansas and their inhabitants that the Unified Government finance the costs of the Project by the issuance of revenue bonds under the Act in a principal amount of approximately \$11,000,000, said bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The Governing Body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of Wyandotte County/Kansas City, Kansas, and the issuance of the Unified Government's revenue bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. Intent to Issue Bonds. The Governing Body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct, improve and equip the Project out of the proceeds of revenue bonds of the Unified Government in a principal amount of approximately \$11,000,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government will (i) issue its revenue bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and

authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of said bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of said bonds and the execution and delivery of any documents related to the Bonds are subject to (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the bonds upon (a) mutually acceptable terms for the bonds and for the sale and delivery thereof and (b) mutually acceptable terms and conditions of any documents related to the issuance of the bonds and the Project; and (iii) the Company's compliance with the Unified Government's policies relating to the issuance of revenue bonds.

Section 5. Sale of the Bonds. The sale of the bonds shall be the responsibility of the Company.

Section 6. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments) for all real property financed with the proceeds of the Bonds.

The Unified Government and the Company shall enter into a Performance Agreement in substantially the form approved by the Governing Body for the Project. The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is subject to adjustment in accordance with the Performance Agreement.

The Company agrees to submit to the Unified Government by March 1st of each year, an annual certification of the Company of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

In consideration of the Unified Government's agreement to request 100% ad valorem property tax abatement, the Company will agree to make an annual fixed payment in lieu of tax to the Unified Government during the term of the abatement for the Project equal to the amounts set forth below:

Option A: This is the PILOT with a 0% escalator – this would be the PILOT if the Company meets the goals of Local/Minority/Women Business Enterprises provisions:

Year	Meets L/M/W
1	\$69,127.26
2	\$70,509.81
3	\$71,920.00
4	\$73,358.40
5	\$74,825.57
6	\$76,322.08
7	\$77,848.52
8	\$79,405.49
9	\$80,993.60
10	\$82,613.48

Option B: This is the PILOT with a 1.5% escalator – this would be the PILOT if the Company does not meet the goals of Local/Minority/Women Business Enterprises provisions:

Year	Does Not Meet L/M/W - 1.5%
1	\$75,999.98
2	\$77,519.98
3	\$79,070.38
4	\$80,651.79
5	\$82,264.82
6	\$83,910.12
7	\$85,588.32
8	\$87,300.09
9	\$89,046.09
10	\$90,827.01

Section 6. Limited Obligations of the Unified Government. The bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under the Lease Agreement and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the Owners of the bonds, as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the offering of the bonds shall contain the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION -- THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 8. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 9. Termination of Resolution. This Resolution shall automatically terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) all necessary building permits for the construction of Project have been issued and (ii) construction of the Project has commenced.

Section 10. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON OCTOBER 27, 2016.

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

(Seal)

Attest:

By: _____
Unified Government Clerk

Resolution of Intent
Boyer KCK MOB, LC.



Staff Request for Commission Action

Tracking No. 16813

Full Commission Meeting Date: 10/27/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/2016

(If none, please explain):

Publication Required: No

<u>Date:</u> 09/27/2016	<u>Contact Name:</u> George Brajkovic	<u>Contact Phone:</u> x5749	<u>Contact Email:</u> gbrajkovic@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Second Amendment to the Legends Auto Plaza Development Agreement (Honda) between the UG and KCK Development II, Inc., a Nebraska corporation. The original DA was approved via R-95-11 on 12/15/11, and the First Amendment to the DA approved via O-23-12 on 04/05/12. The original DA provided an incentive structure which rebated the UG's share of property tax and sales tax, via Home Rule Authority, along the following schedule: 100% property tax rebate for 10 years, and 0.9% of sales tax for 10 years, with a \$2.6M Incentive cap. Additional incentives and Cap were allowed, should a third dealership locate with the Toyota and Honda. However, with the Development of the Auto Mall at Vacation Village, attracting an additional dealership is highly unlikely. The Developer has proposed two other developments, which have received preliminary Planning approval, and therefore would like to remove lots 2, 3 and 4 from the DA.				
<u>Action Requested:</u> Adopt Resolution approving the Second Amendment.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution 2nd Amendment DA				

RESOLUTION NO. R-_____

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas “Unified Government” and KCK Development II, Inc., a Nebraska corporation (“Developer”) entered into that certain Development Agreement for the Legends Auto Plaza dated as of December 15, 2011 (the “Agreement”)

WHEREAS, the Unified Government and Developer entered into that certain First Amendment to Development Agreement for the Legends Auto Plaza dated as of April 5, 2012 (the “First Amendment”).

WHEREAS, pursuant to Section 10.04 of the Agreement, the Agreement may be amended by mutual consent of the parties and by adoption of a resolution of the Unified Government approving said amendment.

WHEREAS, both the Unified Government and Developer desire to further amend the Agreement as set forth in the Second Amendment to Development Agreement for the Legends Auto Plaza (Second Amendment”), attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners hereby approves the Second Amendment in substantially the form attached hereto.

Section 2. That the Mayor/CEO is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Second Amendment, and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 13th DAY OF OCTOBER 2016.**

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk