

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

REGULAR SESSION
THURSDAY, SEPTEMBER 15, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 15, 2016, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. Walker, Commissioner At-Large Second District, and Johnson, Commissioner Fourth District, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell and Joe Connor, Assistant County Administrators; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Chris Slaughter, Land Bank Manager; Patrick Waters, Misty Brown and Wendy Green; Senior Attorneys; Emerick Cross, Commission Liaison; and Captain Rance Quinn, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

INVOCATION was given by Reverend George Kemper, Ebenezer Ministries.

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

Mayor Holland asked do we have any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes, Mayor, we have a revision. A blue sheet has been distributed. Under Section XII, the Land Bank Board of Trustee's Consent Agenda, we have a correction. Paper copies of the agenda were sent out under Section XII, Land Bank Board of Trustee's agenda, as a not Consent Agenda. The electronic version is correct. **Mayor Holland** said these items are not on consent. We'll need to take an individual vote for each of them.

Mayor Holland said before we dive into the agenda I would like to make an announcement. I was honored to have the opportunity a few weeks ago to sit down with John Melton and Lynn

Melton. I appreciate their taking the time and initiative to share their hearts with me. I felt the dialogue was very helpful.

Following our conversation, I want to publicly reiterate my apology to them for the timing of my remarks during the press conference following the death of their brother, Captain Dave Melton, who was tragically killed in the line of duty. As both a pastor and a mayor, I would never intentionally introduce controversial comments during a time of grief. For that, I am deeply sorry.

The focus remains that Dave Melton is a hero. He is a hero to our country for his service in the military, and a hero to our community, giving his life to keep us safe. Thank you very much.

Mayor Holland said we're going to move forward now with our agenda item.

MAYOR'S AGENDA

ITEM NO. 1 – 16787... VOTING DELEGATES: LKM CONFERENCE

Synopsis: Designation of Mayor Mark Holland, Gordon Criswell, Melissa Mundt, and Mike Taylor as voting delegates for the League of Kansas Municipalities Annual Conference in Overland Park, KS.

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

CONSENT AGENDA

Mayor Holland asked if any member of the audience, or any commissioner, or member of the staff, would like to remove an item from the Consent Agenda please move forward to the microphone at this time. Otherwise, all items not removed will be taken upon in a single vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda.** Roll call was taken and there were eight "Ayes," Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

ITEM NO. 1 – 16742... RESOLUTION: GRANT ELEMENTARY SANITARY SEWER IMPROVEMENTS

Synopsis: A resolution authorizing a survey and descriptions of lands necessary for the Grant Elementary Sanitary Sewer Improvements (1510 N. 4th St.), CMIP 6301, submitted by Ryan Haga, Attorney, Legal Department. On August 22, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-66-16**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Grant Elementary Sanitary Sewer Improvements (CMIP 6301), all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

ITEM NO. 2 – 16743... RESOLUTION: 26TH & GRANDVIEW EMERGENCY SANITARY SEWER REPAIRS

Synopsis: A resolution authorizing a survey and descriptions of lands necessary for the 26th & Grandview Sanitary Sewer Repairs, CMIP 6166, submitted by Ryan Haga, Attorney, Legal Department. On August 22, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-67-16**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the 26th & Grandview Emergency Sanitary Sewer (CMIP 6166), all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

ITEM NO. 3 – 16744... RESOLUTION: 2016 STORM SEWER REPAIR & REHABILITATION PROJECT AND 2017 SANITARY SEWER IMPROVEMENTS

Synopsis: A resolution authorizing a survey and descriptions of lands necessary for the 2016 Storm Sewer Repair & Rehabilitation Project and 2017 Sanitary Sewer Improvements, CMIP 5303 & 6301, submitted by Ryan Haga, Attorney, Legal Department. On August 22, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-68-16**, “A resolution declaring the necessity and authorizing a survey and description of lands necessary to be condemned for the construction, maintenance, operation, use or repair of sanitary sewer infrastructure located at 94th Street and Everett Avenue, 91st Street and Parallel Parkway, 123rd Street and Polfer Road, 1400 Village West Parkway, N. 55th Terrace and Leavenworth Road, N. 61st Terrace and Freeman Avenue, N. 109th Street and Kimball Avenue, N. 112th Street and Donahoo Road, and N. 83rd Terrace and Tauromee Avenue (CMIP Nos. 5303 and 6301) for the Unified Government’s 2016 Storm Sewer R & R Project and 2017 Sanitary Sewer Improvements, all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

ITEM NO. 4 – 16767... RESOLUTION: COLLAPSE OF N. 33RD TERRACE

Synopsis: A resolution declaring the necessity and authorizing a survey of land to be condemned due to the collapse of North 33rd Terrace (at a location in the North 3800 block), submitted by Ken Moore, Chief Legal Counsel. On August 22, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-69-16**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned due to the collapse of North 33rd Terrace in Kansas City, Wyandotte County, Kansas.”

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Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

ITEM NO. 5 – 16724..... REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN

Synopsis: Request approval of revisions to the Wyandotte County, Kansas Emergency Operations Plan, specifically the section titled ESF 6-Mass Care, Housing & Human Services, submitted by Matt May, Emergency Management Director. On August 22, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 6 – 16741....NOMINATION: REACH FOUNDATION'S COMMUNITY ADVISORY COMMITTEE

Synopsis: Nomination of Theresa Reyes-Cummings to the REACH Health Care Foundation's Community Advisory Committee (CAC), submitted by Joe Connor, Assistant County Administrator. On August 22, 2016, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 7 – 16772....NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Jay Matlack to the Contract Fairness Board, 9/15/16 - 3/31/18, submitted by Mayor Mark Holland

Erin Stryka to the 47th & Mission Commission, 9/15/16 - 3/31/18, submitted by Mayor Mark Holland

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

ITEM NO. 8 - MINUTES

Synopsis: Minutes from special session of August 25, 2016 and regular sessions of July 28 and August 11, 2016.

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

ITEM NO. 9 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 25 and September 1, 2016.

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

PUBLIC HEARING AGENDA

No items of business.

STANDING COMMITTEES' AGENDA

No items of business.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 16722...ORDINANCE: MASTER PLANS AND MASTER PLAN AMENDMENTS

Synopsis: An ordinance affirming approval of Master Plans and Master Plan amendments, submitted by Patrick Waters, Legal. All of the Master Plans and Master Plan amendments have previously been approved by the Board of Commissioners. On August 11, 2016, the full commission voted unanimously to table this item for 30 days.

Mayor Holland said this was an item that was before us a month ago and we made a motion to delay it by 30 days. I'll turn it over to Doug Bach.

Doug Bach, County Administrator, said as you said, we brought this item before the Commission on August 11. There were some questions about this. The procedure of what we're doing is just confirming or affirming an ordinance to approve master plans that have been brought before the Commission.

On previous years, they'd all been approved by the Commission by a vote. If they'd been considered, public hearings were held all surrounding them. However, we have not approved an ordinance in relation to them. After we went through and evaluated this with our bond counsel, they thought it best that we go forth and actually approve an ordinance, which is kind of the structural form with that, so we have that to document anything they have and any time we issue IRBs or any TIFs or anything that relate and go back to those ordinances.

Procedurally, I don't think it changes anything from how we've done anything or how we would do anything in the future based on what was approved in those plans. If you have questions, Mr. Waters is here from the Legal Department.

Action: **Ordinance No. O-57-16**, "An ordinance affirming the previous approval of Master Plans and Master Plan amendments." **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve the ordinance.**

Commissioner Murguia said I just have a quick more legal question than anything. Why, I may have missed this meeting, I've been out for a while, but why would we make our Master Plans an

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ordinance as opposed to just an established, adopted guideline. **Patrick Waters, Senior Attorney**, said, Commissioner, it's simply what the state law requires that we pass it in this way. The Master Plan, itself, is a guideline. That's what it really is, but the state law also requires that you pass it as an ordinance. It's simply following that.

Commissioner Murguia asked why would a state law dictate whether or not our Master Plan is a simple guideline or a plan than an ordinance. Why are they telling us that our Master Plan has to be an ordinance? Why do they care?

Mr. Waters said it's simply part of the Planning and Zoning statutes. I don't think the state law is saying how much weight you have to put into a specific Master Plan. I think the Commission has discretion on that. They're simply saying that you need to codify it as an ordinance. This doesn't really affect the Commission's discretion when it comes to how we adopt, what we put into a Master Plan, or the weight that we put into that. It's really more of a procedural step as Mr. Bach said.

Mr. Bach said Patrick said that, but I'm just clarifying. You approve the guideline. The ordinance takes it and says you formally approve this guideline. It's your way of adopting, it's how the Commission takes action on items. You approve an ordinance and that puts it in. It's still the same guideline as it was before.

Commissioner Murguia said I guess I don't understand. We adopt guidelines all the time and we don't make them an ordinance, which is a law. **Mr. Waters** said right. **Commissioner Murguia** said when you make something a law, there's lots of — in order to deviate then from that ordinance once that Master Plan becomes an ordinance, there is a pretty serious process that has to be gone through.

As we all know, development is difficult enough in Wyandotte County, in particular east of I-635. Plans change, especially in older parts of our city where you have to be more flexible in how you develop and you design things. There's just so much money and so much process already around that, it would seem to me that adopting these as ordinances would only add to any deviation from a plan that could occur. It would just add a lot of burden to developers that would be looking at doing work in the city. Am I wrong about that?

Mayor Holland said I'm going to ask the Chief Legal Counsel to respond to that.

Ken Moore, Chief Legal Counsel, said, Commissioner, the Planning and Zoning ordinances, it's just a method that they require by statute to adopt a Master Plan. This was something that

should have been undertaken at the time the individual plans were considered, the public hearings were held, and the plans were adopted. Really, it's just a formality of adopting the plan.

Doing so doesn't change the dynamics of the plan. It doesn't give it any greater weight or greater impact than it already has. It is still the guideline that the Commission uses to consider different development. The Commission can deviate from that, just as they do now, for good cause, with or without it being adopted by ordinance.

It doesn't give it any greater weight, or make it any more strict, or make it more difficult for the Commission to take action as they deem necessary. All those options are still in effect whether it's done by ordinance or not. This is just a formality that's required by the statute to do that, so we're just complying with that so that there won't be any question in the future.

Commissioner Murguia said obviously I'm not an attorney and I'm not in any position to argue that, but I'll be even more specific. The Chief Legal Counsel for KU Hospital is concerned about our Master Plans becoming ordinances. Apparently, with his law degree, he interprets the law slightly differently than we do, and they're concerned. Considering that they're building a \$250M hospital tower, and an \$82M medical education building, not to mention that they're in partnership with two multi-million dollar brand new hotels that we'll see along Rainbow Boulevard, that's more development than we've seen in Village West. I'm concerned that one of the fastest growing areas in our county right now is concerned that we're making our Master Plans ordinances, and that may somehow impede the millions and millions of dollars that they're investing in our county which we aren't seeing anywhere else.

I'm not going to get into a legal battle. I'm in no position. I'm not qualified and I'm not going to argue with you. I'm simply going to say what I always say is that we, as commissioners, are at the mercy of our staff and the knowledge that our staff has. All we can do is base our votes and our decisions based on the information staff provides us.

If what you're saying is accurate, then I'm all for this and we can just go ahead and move forward. **Mr. Waters** said I'd be happy to talk with him and address any concerns that he has. **Commissioner Murguia** said I think that you should do that. It's millions of dollars. It's approaching three-quarters of a billion dollars. I don't know anywhere else that that's happening.

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

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COMMISSIONERS' AGENDA

No items of business.

Mayor Holland said we only have two items remaining. These were from the Land Bank Board of Trustees. Normally they would have gone on the Consent Agenda, but because they were fast tracked in the same week, we cannot put them on the Consent Agenda, so we have to take them one at a time. **Bridgette Cobbins, UG Clerk**, said, Mayor, we do need to adjourn. **Mayor Holland** said thank you. We do need to adjourn as the Board of Commissioners and reconvene as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' AGENDA.

ITEM NO. 1 - 16775...COMMUNICATION: LAND BANK BUSINESS

Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager.

Tax Foreclosure Transfer

1038 Walker Ave. - Rising Star Baptist Church, parking

(Vacant property was a no sale in Tax Sale 329. Delinquent taxes and demo assessment owed.)

Mayor Holland said if you would like a presentation, we can hear presentation. If you would like to make a motion, we can take a motion.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve as adopted in Standing Committee.** Roll call was taken and there were eight "Ayes," Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

Land Bank Contract Sale

1101 S. 5th St. - K & W Land Company, LLC

(Property was taken by Land Bank in Tax Sale 335. Agreement in place for applicant to purchase property; one year period to demo property.) This item was scheduled to appear before the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, on September 12, 2016. It was requested, and approved by the Mayor, to fast track this item to the September 15, 2016 full commission meeting.

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Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve as adopted in Standing Committee.** Roll call was taken and there were eight “Ayes,” Murguia, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan.

PUBLIC ANNOUNCEMENTS

Mayor Holland said before we adjourn tonight I have one other announcement. The Mayor’s Clergy roundtable is a group of clergy from around the community who have been working together for the last two years. That group has called for a public community forum that will be held Tuesday night, September 20, at 6:00 p.m. at the KCK Community Center Tech Center at 64th and State.

That discussion is going to be about how our community and law enforcement can work together to make KCK a safer and healthier place to live. It’s a hope to move the conversation forward for our community and to make sure that we’re taking proactive steps as a community.

I do have flyers available for the commissioners tonight and we have some additional flyers available here tonight for anyone who is interested. I think this is a conversation that is very important.

Commissioner Kane said, Mayor, I would love to be there, but I will be out of town. **Mayor Holland** said we will be recording it. There will be future ones as well. This won’t be a one item.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 7:15 P.M.

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Bridgette Cobbins
Unified Government Clerk

mls

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