

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, JUNE 29, 2017**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 29, 2017, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. Murguia, Commissioner Third District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Angela Lawson, Deputy Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Maureen Mahoney, Assistant to the Mayor/Chief of Staff; Rob Richardson, Director of Planning; Byron Toy, Planner; Janet Parker, Administrative Assistant; and Captain Angela Garrison, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend George Kemper of Welborn Community Church.

Mayor Holland recognized: former Commissioner Joe Vaught, BPU Board Member Jeff Bryant, and the Mayor of Lake Quivira Mike Olson.

Mayor Holland said before I ask the Clerk for revisions, I would like to call upon our Assistant County Administrator to make an announcement. **Melissa Sieben, Assistant County Administrator**, said tonight I am here very proudly to announce that an announcement was sent to us yesterday from HUD. In their efforts to keep families and their children safe from lead

based paints and other health hazards and safety hazards in our communities across the United States, HUD has awarded \$127M to 48 states and local government agencies.

We're here tonight because the Community Development Department, in partnership in Wyandotte County Health Department, received a total of \$1.65M to work on lead based paint in our community over the next three years.

The grant will seek to reduce lead and provide healthy home interventions in 75 housing units in a target area, and to increase the awareness of lead poisoning and prevention through community outreach/education targeting over 2,000 parents, children, and residents annually for a total of 6,000 individual lives to be reached over the next 3 years.

The individuals working on this grant that are here tonight, not all of them are here tonight, but the ones that we want to recognize, are: Kari Neill, Terry Brecheisen, and Wilba Miller. Their support team includes: Terrie Garrison, John Werner, Stephanie Moore, Joe Monslow, and CC Anderson. These folks took the SOAR initiative that was placed before them in January of this year and sought to receive this funding. It is an overall goal, as Commissioner McKiernan pointed out, to get at the things that are underneath the water; that deep part of the iceberg that affects our community.

We are very excited to have this three-year grant here in place. I'm really appreciative of the hard work of this team and those that can't be here tonight for getting this large amount of funding for the Unified Government.

Mayor Holland said I will note that the \$1.65M grant, our matching portion is staff time only. There's no cash match for this grant. It's excellent all the way around.

I'll also notice Community College Board Member JD Rios is here as well tonight. Thank you for being here.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, said yes there are. A blue sheet has been distributed. Under Section VII. Planning and Zoning Consent Agenda, there is a clerical error. Item #E1, RFA #171199, the de-annexation petition, the RFA and agenda stated consideration for a resolution when the request should have consideration for two ordinances. Under Section XII. Standing Committee Agenda, we also

have a clerical error. Item #3, RFA #171160, a resolution and agreement. The resolution authorizing an interlocal agreement with Mission, KS, references the address as 31450 S. 28th St. It should read 3140 S. 28th St.

Mayor Holland said the clerical error on the item on the Consent Agenda will not affect its status on the Consent Agenda. It's not a substantive change.

Mayor Holland said there are two distinct parts of our meeting tonight. The Planning and Zoning portion will be handled first followed by the regular Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland asked the Clerk to read the legal statement required for Planning and Zoning followed by the items on the Planning and Zoning Consent Agenda. **Bridgette Cobbins, UG Clerk**, read the statement.

Ms. Cobbins asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** said I have had contact with opponents and proponents of #SP-2017-21 and contact with proponents of #SP-2017-33. **Commissioner Markley** said I've also had contact with opponents and proponents of #SP-2017-21. Additionally, I had contact—I should say they were only opponents or proponents, but I've had contact and discussions with individuals regarding the de-annexation petition for Quivira, Inc. **Commissioner Townsend** said I've had contact with opponents of #SP-2017-21, and attempted to have contact by way of return call with those who proposed that same SP. **Commissioner Walker** said #SP-2017-21, both proponents and opponents. **Commissioner Philbrook** said I've been contacted by opponents to #SP-2017-21. **Commissioner McKiernan** said same for me, #SP-2017-21, proponents and opponents. **Mayor Holland** said I will also identify #SP-2017-21; proponents have talked to me. **Commissioner Johnson** said same thing for #SP-2017-21, opponents. **Commissioner Kane** said same thing.

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

Mayor Holland asked if any commissioner, staff member or anyone in attendance who would like to remove an item from the Planning and Zoning Consent Agenda to move to the microphone at this time to ask that an item be set-aside. Any item not set-aside will be voted on by a single vote. **Commissioner Philbrook** asked to set-aside #3142 and #MP-2017-6. **Mayor Holland** said those two are tied together so one would necessitate the other. **Gary Shaw, 4628 Mission Road**, asked to set-aside #SP-17-402-00034. **Mayor Holland** said that's B7, #SP-2017-40, Joe's Kansas City. **Steve Dailey, Fairfax Industrial Association**, asked to set-aside #SP-2017-21. **Mayor Holland** said those items will be set-aside.

Action: **Commissioner Kane made a motion, seconded by Commissioner Walker, to approve the Planning and Zoning Consent Agenda, excluding the set-asides.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Mayor Holland recognized Mayor Olson in attendance from Lake Quivira. It has been a great partnership to work on the de-annexation. The de-annexation will take effect if and when Lake Quivira takes action to annex it so there will not be non-annexed property in our county. It will still receive county taxes. I'm very hopeful, particularly for the Turner School District, that any development that Lake Quivira does on that will be a direct benefit to our county and to our school districts. Thank you for the partnership in our city. We appreciate all 11 residences in Wyandotte County from Lake Quivira. Thank you for being here tonight.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 171181...CHANGE OF ZONE APPLICATION #3131 – MICHAEL J. RONNEBAUM

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for cattle and hay at 10128 Nelson Lane, submitted by Robin Richardson, AICP, Director of Planning. The applicant wants to rezone the 16.31 acre property in order to have a limited amount of livestock, build a barn, and eventually a residence on the property. The applicant has also applied for a final plat of the parcel in order to remove a previously existing restriction. The

Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3131, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 ordinance publication fee is due immediately following the Unified Government Board of Commissioners' meeting. The property will not be officially rezoned until the ordinance is published in the *Wyandotte Echo*.
2. Building permits are required for any detached accessory building larger than 120 square feet.
3. Sec. 27-452(2) states that buildings, pens or other structures devoted to agricultural use shall be located at least 100 feet from any street or property line.
4. Please provide documentation showing where structures are to be on the property and the distance between them and the property line. Photographs would be helpful in addition to a site plan.

Applicant Response: See preliminary attached drawing. Distances will be determined at a later date.

5. Please provide a step-by-step outline of your plan to improve and prepare the property for your purposes.

Applicant Response: I plan to clear a path to construct a driveway onto the property and then construct a barn for storage while continuing to clear enough to eventually build a house on the land.

6. There is currently no access to utilities on this property. Please provide a plan for how you will acquire water, electricity and sewer.

Applicant Response: I plan to drill a well for water source with a cistern as a holding tank. I have spoken with BPU and power is available. I will need to install a septic tank with lateral lines.

Staff Response: Applicant must hook up to city water supply.

7. Provide a list of what type of livestock you will have on the property and how many animals there will be.

Applicant Response: Cows 2-3 head.

8. Please provide an outline with details about the intended size of both the house and the workshop. Further, please provide a brief outline of what kind of work will be done in the workshop.

Applicant Response: The house will be a 1500-2000 sq. ft. ranch. The barn will be somewhere around 1800 sq. ft. The barn will be used for tool and equipment storage during the clearing of the land and construction. After that, it will be continued use for storage and any other tools, equipment and feed that need to remain dry.

Staff Response: This is allowed only for agricultural purposes.

9. There is a KDOT permanent ROW easement along Nelson Lane and the Highlands at Piper is not currently platted to allow access via their streets. One or the other of these issues will need to be resolved in order for proper access to street right of way.

Applicant Response: I have attempted to contact KDOT with no success yet. When I initially met with Planning and Zoning, I was told that they were going to assist me with KDOT in obtaining a single drive entrance off of Nelson Lane.

Staff Response: This issue has been resolved.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. The applicant shall record the KDOT letter dated 4/5/17 regarding KDOT's no interest in access control for Nelson Lane with the Wyandotte County Register of Deeds, prior to construction permit acquisition.
 - b. The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with County Surveyor comments.
 - c. The approved plat shall be recorded with the Register of Deeds prior to a construction permit.
 - d. The applicant shall obtain a driveway and land disturbance permit from Public Works prior to a building permit.
 - e. The owner will need to submit a copy of the septic system permit approval from Wyandotte County Health Department, including attachments and the approved plan, prior to a building permit.
 - f. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Change of Zone Application #3131, subject to the stipulations. Roll

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call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 171183...CHANGE OF ZONE APPLICATION #3142 – ALEXIS RIVERA

Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for four multi-family units in one building at 2000 North 67th Street and

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 171190...#MP-2017-6 - ALEXIS RIVERA

Synopsis: Master Plan Amendment from Low Density Residential to Medium Density Residential at 2000 North 67th Street, submitted by Robin Richardson, AICP, Director of Planning.

This application has been submitted to use the existing residential structure at 2000 North 67th Avenue as a four unit residential building. The property was zoned D One Family under the Wyandotte County Resolution prior to 1966 when it was annexed. That district allowed two family dwellings whenever the lot contained a minimum of 12,000 square feet and whenever there were side yards of at least 10 feet. In a letter dated October 19, 1998, the Director of Planning Steve Speise determined that this property is a legally nonconforming two-family use. This letter also determined that a three-family use was not legally established. Today, this property could continue to be used as a two family use; however, additional units require a rezoning. The applicant has submitted this rezoning application in order to be able to use the property as a four unit residential structure.

The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment #MP-2017-6.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3142, subject to inspection by the UG Building Inspection Department of any improvements that have been made to the property.

Urban Planning and Land Use Comments:

1. Number of Units.

How many units are proposed in the building? The application states four units, but it also says BPU installed three meters. Have you done work to convert the building into additional units?

Applicant Response: I did not do any additional construction to the unit once I bought it. I just cleaned up, general repairs and improvements that were needed. The existing structure has been the same for the past 40 years.

Staff Response: The floorplan submitted by the applicant shows three existing units. Applicant has request four units, which would result in the further dividing of the structure.

2. Parking

The number of parking spaces required is based on the number of bedrooms. Please confirm the number of bedrooms in each unit. One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more.

Applicant Response: The parking spaces comply with the upstairs units. The basement unit has had a partial gravel driveway since it was built. The concrete will be finished in the basement unit to comply with the requirements.

Staff Response: The current configuration of the structure in the floorplan requires six parking spaces. Four units would require six to eight parking spaces depending on the number of bedrooms in each unit. If the basement unit is divided into two one bedroom apartments, and the upstairs units are left as is, seven parking spaces would be required. The site plan currently shows six parking spaces.

3. Parking Surface

All parking and driveway surfaces must be paved in concrete or asphalt. All other surfaces must be landscaped with turf grass or other landscape material. Gravel areas are not allowed.

4. Unit Layout

Please provide a unit layout showing that all units meet the minimum area requirement of 380 square feet per unit.

Applicant Response: The units comply with the measurement requirement for an R4 unit.

Staff Response: The existing three units comply with the minimum area requirement, but it is unclear how the building would be divided into four units and whether all four units would meet the minimum area requirement.

5. Accessory Structures

The plot plan shows two sheds. Only one accessory structure is allowed in the R-2(B) and RP-4 districts. Please remove one of the accessory structures.

Applicant Response: The extra shed will be removed to comply with the requirement.

Public Works Comments: none.

Rob Richardson, Planning Director, said the change of zone is actually recommended for denial. The master plan is for approval and the change of zone is for denial.

Commissioner Philbrook said I would like some more information on what's going on with this. It seems kind of a slurry of things. I want to understand it a little bit better.

Mayor Holland said let me clarify this. A2, #3142, it shows in our book, recommended for approval. **Mr. Richardson** said I'm sorry, Mayor. I'm thinking of the Non-Consent item. You're correct. My apologies. **Mayor Holland** said, okay. Both of these items are on Consent for approval.

Alexia Rivera, Petitioner, said I'm the owner of 2000 N. 67th St. Based on our other—we kept digging into this situation on the property. We found out the first owner, he was a builder—the building was built in 1951. It was the basement. A basement was started and then he built up. That was the whole situation with the building.

When I bought it, I got it licensed for rental and I got it for five years. When they did the revision, it came up that it was zoned improperly. On the first visit that I got for licensing, it passed that's why I didn't understand why now I got the five-year revision that came up that it was not zoned properly. It passed the first inspection.

The building has been as is since 1951. The building was done in 1951; the basement. In 1966, based on the owner, this is a guy that built it and owned it for the first time, in 1966, he built the top of that building. Again, I went to get the license; fine, it was legal. Everything was approved. Five years later when I got the re-inspection, I get the surprise that it wasn't zoned properly. I don't understand why if five years ago it didn't come up.

It's my home. I live there with my wife, my kids, and my mom. It's our home. We got, obviously, the top is a rental. I got it with family members but they didn't like the weather in Kansas City and so on and everybody started moving out. I ended up with a building with rooms so I started using it as a rental. Like I said, I got it inspected. It passed five years ago. When I got the re-inspection for the renewal, that's when all this happened.

Mayor Holland said I'm going to ask our staff, Mr. Richardson, he had this approved for rental as a four-plex. **Mr. Richardson** said as a duplex, not as a four—two units were approved, not for four units. **Mr. Rivera** said I rent it as a duplex because I live in the basement. The permit that I asked for for a duplex and they visited me. Why that didn't come up in that moment because I was renting a duplex. I'm not renting everything. I live underneath and the rentals are above.

Mayor Holland asked so it's been used as a duplex but now he wants to zone it as a four-plex. Help me understand, Mr. Richardson. **Mr. Richardson** said it was approved as a duplex many years ago. At some point, there were additional units converted. He bought it after the units were converted; did not realize that. **Mr. Rivera** said the building was a 1951 built and the basement was the first. **Mayor Holland** said I'm going to ask our staff to speak for a minute. So it was converted to a four-plex sometime in the past. **Mr. Richardson** said correct. **Mayor Holland** said and now they're coming for the master plan amendment and the zoning for a four-plex. **Mr. Richardson** said correct.

Mayor Holland asked that's your request. You want it to be a four-plex, not a duplex. **Mr. Rivera** said it's been since 1951, that building. I haven't done anything. **Mayor Holland** said I understand the history. I'm asking you, your request is for it to be a four-plex. **Mr. Rivera** said yes. Like I said, that's our home. **Mayor Holland** said I understand. It makes a difference because if you're asking for it to be a duplex, that's a different ask from it to be a four-plex, but your request is for a four-plex, is that right? **Mr. Rivera** said yes.

Mayor Holland opened the public hearing and asked if anyone in attendance would like to speak in support of this application to come to the microphone at this time. Let the record show no one is coming to the microphone to speak.

Mayor Holland asked would anyone like to speak in opposition to this application tonight. Let the record show I see no one coming forward to speak in opposition.

Mayor Holland closed the public hearing.

Commissioner Walker said I'm troubled that this is even in front of us at this point because what's the French word, *fait accompli*. It's been done for 40 years. Now we're being asked really just to confirm what's already an existing fact.

Action: **Commissioner Walker made a motion, seconded by Commissioner Kane, to approve Master Plan Amendment Application #MP-2017-6 and Change of Zone Application #3142, subject to the stipulations.**

Commissioner Philbrook said I looked at the drawings that were given to us. It really looks more like a three-plex. It looks like a single unit downstairs from the drawings we got. Can you say something about that, Rob? **Mr. Richardson** said on the, I believe, the south end of the house, there's a separate unit that you can access from the outside. They rent that unit separately. It's a small unit. It's almost a single room occupancy unit on that end.

Commissioner Philbrook said the other questions are: did I read properly that you have some other stipulations that they're going to have to come in line with to make this completely compliant. **Mr. Richardson** said correct. All that construction will have to be inspected by Building Inspections. **Commissioner Philbrook** asked even though it was built in '51 and we don't have any information about how things were done between then and now. **Mr. Richardson** said the four-plex wasn't done then. It was done after 1998 when it was issued a duplex licensed, when it was inspected and done as a duplex in 1998. We believe it's been since that time that it was converted to a four-plex.

Commissioner Philbrook said basically you're doing due diligence to make sure that it's safe is what we're coming down to on this. **Mr. Richardson** said yes. It would appear that none of the improvements were done with the benefit of permits and inspections. We have four families living in a unit that may have electrical, gas or other issues. **Commissioner Philbrook** said thank you. That was my major concern when I was reading through this about that. You're going to follow up on this and we're going to make sure that it's inspected and everything is okay. **Mr. Richardson** said correct. **Commissioner Philbrook** said thank you. That's all I needed to know.

Mayor Holland asked Legal, can we take a single action on both of these items or do they require separate votes. Legal advised one vote.

Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker; and two “Nos,” McKiernan, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171184...SPECIAL USE PERMIT APPLICATION #SP-2017-21 – TERRY WILLIAMS WITH REENTRY DEVELOPMENT, INC.

Synopsis: Special Use Permit for a federal residential re-entry program housing 85 individuals in transitional housing at 925 Sunshine Road, submitted by Robin Richardson, AICP, Director of Planning.

The applicant is requesting a special use permit to operate a federal reentry program housing 85 prisoners and 25 staff members providing around the clock security and administration. Approximately ten staff members would be present at any given time. The purpose of the facility is to allow prisoners to seek employment opportunities and services during the end of their sentence in order to ease reentry into society. It would be a private facility operated under contract with the Federal Bureau of Prisons. The facility will retain custody of the prisoners, who will be required to check in and out of the facility for job interviews, employment activities, and other approved activities.

The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-21 for two years, with the strict adherence to staff stipulations:

Urban Planning and Land Use Comments:

1. In the business narrative, it is mentioned that sanctions will be issued if an individual is tardy or truant. Please clarify those proposed sanctions.

Applicant Response: Sanctions are given in the event a resident breaks the rules. These sanctions can be anything from extra cleaning duty to removal from the facility and returned to the institution depending on the severity of the violation.

2. Preliminary and Final Development Plan Required

Special use permits require that a preliminary and final development plan be submitted and approved by the City Planning Commission and Board of Commissioners. If you submit a preliminary development plan with this application, you will be required to submit a final development plan for review following approval of the preliminary plan. You may also submit a final development plan with this application and the preliminary and final

development plans will be reviewed simultaneously. See Section 27-212 – Development Plan for requirements of preliminary and final development plans. Please complete your application by submitting a preliminary or final development plan.

Staff Comment: See attached development plan. Because building permits are not required for the proposed site improvements, this development plan will serve as a final development plan.

3. Parking

With a building area of 22,689 square feet, this use requires 43 parking spaces. Please indicate on the development plan how the site will accommodate 43 parking spaces. Parking spaces must meet the dimensional requirements outlined in Section 27-669, and each car must be in an individually marked space.

Staff Comment: The development plan meets the parking requirement.

4. Landscape Requirements

With a site area of 61,242 square feet, four trees are required to meet the landscape and screening standards. Trash containers must be kept directly alongside the building and in a well-kept manner. Please submit a landscape plan showing how these landscape requirements will be met on the site.

Staff Comment: The development plan meets the landscape requirement.

5. Please explain how these facilities coexist with their neighbors. What issues should we anticipate? Is there an increase in crime?

Applicant Response: In our Little Rock location, our facility is located in a residential neighborhood and is surrounded by other programs such as Integrity, Easter Seals and Unity Baptist Church. We work diligently to provide transparency in our operation, to add beauty to the area and to volunteer when our neighbors need us. As with any group setting, there may be an increase in ambulance and fire truck sightings as medical needs arise.

At no times are the residents allowed outside the facility unless they are going to work, church or any other approved location. Historically, in our other locations, there have been no increases in neighborhood crime due to our presence.

6. Are visitors allowed?

Applicant Response: Visitors are allowed into the facility. A resident's family may visit him/her during specified visiting hours on the weekend. Special circumstances may arise when a resident is working on the weekend and may only see his/her family during the week. Therefore, with facility director approval, the visitation may take place during the resident's off hours.

7. No murderers

8. No crimes against children offenders

9. No sex or heinous offenders
10. Limit signage to one over door sign described by the applicant
11. All male facility as noted by the applicant
12. Approval is for two years

Public Works Comments: none.

The proposed reentry program creates a social benefit by easing reentry of prisoners into society and reducing recidivism. The proposed site is suitable for this facility. It is located in an area with employment opportunities that are within walking distance, and it is directly adjacent to a bus stop (KCATA route 103) that provides service to the 7th and Minnesota Metrocenter and the 3rd and Grand Metrocenter in downtown Kansas City, Missouri. The facility is not within a residential neighborhood, which mitigates concerns related to safety and compatibility with residences. The applicant has experience operating these types of facilities in other locations.

Mayor Holland asked if Mr. Richardson had any preliminary presentation on this. **Rob Richardson, Planning Director**, said no, sir. It's recommended for approval by the Planning Commission.

Terri Williams, Maumelle, AR, said I am the Deputy Executive Director of an organization called City of Faith Residential Reentry in Little Rock. I'm also the Executive Director of Reentry Development, which is the company that I'm representing that's coming before you now.

I am a Federal Bureau of Prisons contractor. I have responded to an RFP sent out by the Bureau of Prisons to provide transitional housing to federal inmates coming out of prison in this area.

The proposed property that we're looking at is 925 Sunshine Drive. I believe I sent questions that were proposed to me by two of your constituents. I answered those questions. In those questions it was asked why this property. There are three reasons why we chose 925 Sunshine Road. Number one is, it's not close to residential. It's not close to a residential area that no one actually lives close by. There is a requirement that we be within a mile of a bus stop. The bus stop is right there on the corner. Plus, the employment opportunities would be available to our people coming out of prison.

These are people who have about six months left on their sentence and they will be residing there for probably about three months until they go on home confinement. There will be

85 people that will be living there, max. It will never be more than 85 people. We will also be supervising 45 people out in the community who are on home confinement.

Mayor Holland opened the public hearing.

The following appearing in support.

Tony Privitera, owner of the following properties: 925 Sunshine in Fairfax; 800 Sunshine, which is across the street; 655 Sunshine, which is a block away; 3210 N. 7th St., 3101 N. 7th St., 8892 Sunshine, 3210 Fiberglass Rd., 3100 Fairfax Tfwy., 3200 Fairfax Tfwy., and 101 Kindleberger, said some of you know me and some of you do not. I sit on a variety of committees where here in Wyandotte County our goal is to try to bring outside companies to our community. This particular company does not make Cheez-Its. They don't make automobiles. They don't make fiberglass or distribute lumber or build something for the public.

What I do, as a developer, is I take old properties and I try to put them back into circulation. This particular company is going to take people and put them back into circulation. I think it's a perfect fit for our area. I had several businesses in Fairfax come to me privately and state that darn near close to 40% of their workforce comes from federal prison release programs. I think it's a very good fit. I'm here in support.

Rosanna Privitera Biondo said I'm also one of the owners of 925 Sunshine and we are also here in support. I'm going to make it short.

Carl Privitera said I'm also one of the owners of the Sunshine facility. I am here in support.

Joe Privitera said I'm one of the owners and I am also in support.

Steven James said I'm a member of the community. I spoke with Terri many times since she's come up here to try to open up this re-entry program here in Kansas. Why would we not want a re-entry program nearer so these people can be near their families? It's going to bring money back into our infrastructure because it's actually helping these individuals to be closer to jobs.

It's going to help them be a better person out here in this community instead of putting them someplace like in the West Bottoms where there is nothing down there.

Look at Fairfax as it is right now. There's not much money coming through there. Most of the businesses have left out of Fairfax as it is right now. You had envelope companies and candle companies in the last 10-15 years that just rooted up and left up out of that area. You had a barrel company that left out of there. You had so many things leave out of this area that we need someone to come down there and take this building right now before it looks like rest of the buildings down there in the Fairfax District. This is going to help us a whole lot as a community and our infrastructure in the area.

I'm going for Terri Williams to open up this re-entry program here in Kansas City, KS.

Spencer Parsons, 1417 W. 11th St., said I'm a resident of a legally zoned residence in the West Bottoms. I live there with my 7-year-old daughter. My brother and I have about \$2M worth of investment in the neighborhood, about 200,000 square feet, including a building on the Kansas side of State Line Road. We're redeveloping bringing small community-based businesses to the West Bottoms. I just want to express that personally in the five years that I've lived there, not once have I had an issue with anything happening at the correctional facility at 651 Mulberry St.

I'm also a member of the historic West Bottoms Association and the West Bottoms Association. I know the landowners, developers working in the neighborhood. I talk to my neighbors regularly and not once have I been made aware of anyone having issues with that facility. Thank you.

No one else appeared in support.

Mayor Holland said I would ask all the people who are in favor, and I'll do the same for those who are against, if you're in favor of this, whether you spoke or not, if you would please stand so the Commission can get an idea of the support.

The following appeared in opposition:

Carolyn Wyatt, 359 Troup, said I live not too far from where Fairfax is and then Juniper Gardens is also right behind it. I believe in second chances for people because most of our

people in our family probably been to jail or prison. I believe in second chances. I think we need some redevelopment in the area with some rooftops, a grocery store; but not a halfway house. I think also a lot of businesses probably moved out of Fairfax because they didn't fix them up. They went to Johnson County. If you don't fix your business up, then they move out.

Also, I think the Mayor said he doesn't build grocery stores, but he doesn't build rooftops either in the northeast area. I think that's a need that we have. It's not a halfway house. We want redevelopment. That's what we need in the area east of I-635.

Also, when they tore those houses down in the northeast area, I don't think they removed the whole house out of there. They just put them in the ground. Nobody wants to come down there to build because they got to move those houses out of the ground and that's going to be more expensive. I think that's another problem we have also in the area.

What the UG is concerned about is money. How much money are you going to get for each one of those persons housed in the halfway house? It's a lot of money. It's not about our neighborhoods that are going to reap the money, but it's the UG. I'm not in favor of that. Where are they spending their money at? Out west, so send the halfway house out west.

Also, you said 100 miles for inmates, well, 100 miles isn't close to where we are. One hundred miles, that's not prisoners coming home. I'm not in favor of it. That's my reasons. If you lived down here, you wouldn't want them in your neighborhood. You don't want them out west at the Legends where you live. I'm speaking about where I live.

Steve Daily, Fairfax Industrial Association, said here are some copies of a letter that we sent out earlier. I don't know if you all had a chance to get them. I'm going to make my presentation as fast as I can. If you want to follow along with this letter, Melissa Clark wrote it. She's the Executive Director. She couldn't be here tonight. She's on vacation. The letter reads:

We would like to provide an update on recent activities regarding this application. Our association continues to receive calls and emails from businesses in the Fairfax District in opposition to this permit. As you are all aware, the Fairfax District is comprised of over 120 businesses, \$4+ billion in investment, and 10,000 employees. We hope that you consider our business district to be as much of your community as your residential neighborhoods by taking note of our concerns with this special use permit.

I have included with this letter a petition with well over 400 signatures of business owners and employees that are opposed to this permit. It should be pointed out

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that many others have voiced their opposition privately to individual FIA Board members, but for varying reasons, prefer not to express themselves publicly. Unfortunately, she mentions she's out of town and I'd be taking her place.

Although we all understand and agree that facilities of this nature are needed, we feel that the northeast section, residential and business, of Wyandotte County already fight a negative perception and adding another program like this will add to that negative perception.

The FIA, neighborhood groups, the UG, and others in the northeast area are looking hard to turn this perception around. We feel this would be a real setback to our efforts. This facility can be placed anywhere within 100 miles of this area. Can we not find an area that would be a good fit that is not already facing our challenges?

We also ask that you consider the ramifications, or unintended consequences I should say, of issuing this permit with regard to the economic impact of having a federal prisoner transitional facility in Fairfax. We have spoken with some major developers in Kansas City and they have said it would clearly be a detriment when marketing our district to businesses that are looking to locate here. Realtors tell us that they would be obligated to disclose that a federal prisoner facility is here and warn us that it would be a real obstacle for attracting new businesses.

The Fairfax District is an old district. The warehouse buildings have low ceilings that many businesses do not want, and our infrastructure needs much improvement. These are already obstacles in attracting businesses. I'll just get to the point here on page 2.

Given the strong opposition from Fairfax businesses and employees and the perceived adverse economic and security impact among our constituents, developers, and real estate firms, we respectfully ask that you vote to deny this special use permit tonight. If, however, you are not comfortable voting to deny the permit tonight, the FIA asks that you not approve it, but send the application back to the Planning and Zoning Commission where representatives of the Fairfax Industrial District, Reentry Development, and the Planning and Zoning Commission can try to find ways to make our businesses more comfortable with this facility.

If you chose to approve the special use permit tonight, we ask at the very least that a stipulation be added that any prisoner from this facility seeking employment in Fairfax will not be permitted to walk the streets of Fairfax and knock on doors asking for job applications. The prisoners must have an appointment set up in advance with the company they are seeking a position with and be escorted to that business by Reentry staff members in Reentry vehicles or arrangements can be made with the businesses offering employment to coordinate prisoner transportation with the Reentry facility.

Two, I would add one other stipulation and that would be once an occupation or a job is secured, the same kind of escorting be applied to that as well; not just with job seeking, but also to and from the worksite.

Joe Vaught, 9231 Leavenworth Road, said I would like to thank the Mayor for my recognition as a former commissioner. At 80 years old and have done a lot of things in my life, that was one of the best things I ever did. **Mayor Holland** asked the former part or the commissioner part. **Mr. Vaught** said the commissioner part. The former was pretty good too. I'm against this.

I want to tell you the first thing is the inaccuracy of that photo there. If you move that so you show a lot more southern part of that, you'll see that it encompasses almost, within a mile and a half of there, almost all of Quindaro. It goes over to 18th Street a mile and a half. It goes further south than Quindaro. It includes just an enormous amount of the northeast section which is residential.

She falsely said that they picked this site because it wasn't any residential around there. There's a lot of residential around there including Parkwood Park, which is frequented by not only the citizens there, but a lot of children there. I think it's very important that you look at it.

We're trying to improve the northeast section and make it better. I don't know how you do that and bring in this type of operation into this community. None of us would like to have it. I don't care if you're in Turner, Piper or anyplace else. It wouldn't get a vote from you and it shouldn't get a vote here just because that's in the northeast section. That's an important part of our city.

As a commercial real estate broker, I have sold a lot of property, millions of dollars' worth of property in that area. I can tell you as a commercial real estate broker and also as past Chairman of the Kansas Real Estate Commission, and I'm still a member of that, that I'm obligated to tell somebody if they're looking at a piece of property in Fairfax, that this type of an operation is there because that's going to affect how they can employ people and how they feel about the area.

I have one question for the lady that presented this and that is, what is the actual number of employees that will be there from 10:00 at night until 5:00 in the morning? We were told a figure and then at the Planning and Zoning Commission, it was a different figure. I want to

know all these employees that have something to do with that. I don't think they're going to be there from 10:00 until 5:00 and I think that's important.

Don James, 3225 Harvester Road, said I'm a second generation owner of a family business that celebrated our 50th year in 2016. We are in the Fairfax District of Kansas City, Kansas. I want to address the federal halfway house proposal on a personal, more human way. You see after 2011 fight through the recession, I had to redefine my business, I'm sure the way others in this room may have done. We were cash poor, yet to survive, we needed to grow our business in a big way or go home.

I did what any good business owner would do. I created a strong business plan and sat down with my wife and said I wanted to invest our life savings in a warehouse that could accommodate our growth and facilities and equipment to do so. The business plan worked. Our business is thriving. We doubled our workforce. Things are going well. I also told her that at some point in the future, we should be able to sell that property and return our life savings back to the bank. I'm not so sure that if this goes through that could really happen.

Looking at human nature, if anybody in this room was looking to buy a facility for their business and you had the choice between the Fairfax District with a federal re-entry program with 85 attendants a block from your facility or some other location in Kansas City, would you move to Fairfax. I know that when I bought my building five years ago, if I was faced with that decision, the answer would be no. If the answer is no, the only way that I would even consider it is if the facility was at a great discount. I'm a little upset that here we are growing a family business, living the American dream, and it's being jeopardized by decisions of others.

I also wanted to let you know that it is our company policy that we will not hire somebody with a federal record, criminal record, so we will not be hiring anybody that comes out of that facility. I'm all about people re-entering and bettering themselves, but I've been through it before. I tried it before. I've been burned. I won't do it again. Thank you for your time and consideration.

Victor Harris, 2546 N. 17th St., said I'm the president of OCP Neighborhood Association. Our borders are 18th St. east to 13th St., Parallel to Quindaro. In that area, we have a total of four halfway houses. We have one at 2100 N. 13th St. called the Shalom House. If it's not a re-entry,

it seems to be one. We have the Love Fellowship Re-entry, which is located at Cissna & Quindaro. We have the Family Life Re-entry at 27th & Roswell. We have another one that's being used. I think it's closed. I haven't seen any activity. I've been monitoring, but haven't seen any. It's called the Hope House on 18th St. So just within that area, there are a total of three and one-half halfway houses. I'm talking about in less than two or three miles. I wouldn't even give it two or three miles.

I'm not against Reentry. One of them I helped. He's a manager at Panera Bread right now. He's part of the re-entry that I helped him with. I have family members that's going to need re-entry when they come back.

I'm not saying Reentry; being against it. What I'm saying is location, location, location. Why do we have to continue having these halfway facilities in the northeast area? Why we can't pack them up and move them out west? Can we move them south? Why do we have to continue moving them in the northeast area? Here's number five coming and they're steadily coming. Is there going to be a six? Is there going to be a seven? When is it going to stop that these halfway facilities stop coming in the northeast area?

I have children that's grown, but I have grandbabies. One of them in the facility we're told by a police sergeant that I can't find out who is in that facility. My grandbabies have to come up my street from 17th to go to Quindaro to stop at Mr. Wilson's and get some candy. I have no idea who's hanging outside that building. The privacy; I'm not allowed to find out.

All I'm just asking is the Mayor and the Commissioners find another location. That's all. I am not against these individuals coming out; just find another location and not put it in the northeast area. That's all I ask for. I would support it, vote for it or whatever I need to do, but just move it to a different location. We have enough.

Chip Buckner, Overland Park, KS, said I am employed by Bartlett Grain Company which owns, you see those little circles up there, those are our grain bins. We believe in investment in the area. We believe in jobs. We've been in Fairfax for over 60 years. We own two grain elevators. We'd like to stay. We'd like to keep people employed and keep people coming into the Fairfax area.

Most of what I want to say has already been said. We do have some concerns. You know the statistics better than I do. There is some percentage, and I'm going to quote 30% out

of the air, for the people that are in the halfway house are going to re-enter the criminal justice system. Thirty percent of the people who are there now are not part of the criminal justice system. You're putting more traffic and you're giving us an increased risk of criminal activity in the area and we're nervous about it.

We love jobs. We love investment. We may not own the same square footage as the Privitera family, but I bet we've got at least as much investment. We would ask you to put this somewhere else.

Joel McCoy said I've owned two buildings in Fairfax. I had one building for 20 years that we redid it, 2850 Fairfax Tfwy., so we were right there at Quindaro and Fairfax. When we moved in 1990, it wasn't too bad; but about 2000, it was pretty tough down in Fairfax. We had a guy assaulted in the front parking lot so we had to put everybody in the back and fence it in. Then they were crawling through the fences and breaking the doors off of the cars and stealing stuff. Finally, I had to bring all the night shift because we had 150 employees, had to bring the night shift park inside the building because we had a ramp.

At that time, one thing good happened. The city said you know, we have to stop this down there and we had a lot of police protection. You know what; all of the problems went away. If this is passed, that would be something that I think everybody down there would want. We would need—at one time there were extra cars designated only for Fairfax. That's not the case now when somebody down there has to call somebody. I think if you pass it, this would be something that you would need to look into to solve some of the healing with the people down there. It was dangerous down in Fairfax at that time and the city did something about it.

Sold that building ten years ago. Had another business in Kansas City, KS. Three years ago, I bought another building in Fairfax. We're at 3130 Brinkerhoff and we love it and we put a lot of money in it. The ladies in my office are not very happy about this because I was in Armourdale and we had to have locks on the door so people didn't come in panhandling and doing things. They were the ones who really were upset about this.

Whatever is going to be done is going to be done whether you approve or whatever. The one thing that would sure make everybody feel a lot better is if there was more protection down in the Fairfax area. Just a car rolling around at night like they used to do. When they took that away, everybody felt a little uneasy.

I haven't had a single problem in our building. We're very happy down there. I want to thank you people; you're actually helping all of our investments. Whether this goes one way or the other, I think Fairfax is really coming back. There are three new businesses down the street from us. Our street is all full with one building and they just cleaned it up. I'm up on Fairfax, but we need to protect the people down there. Whatever you do, if you do approve it, you need to really make sure you put some police down there. You've got to do something to make everybody feel better.

Rashane Hamby, 6232 Troup, said a few weeks ago, commissioners in attendance and I hosted a meeting asking a couple of hundred Wyandotte County residents what their vision was for Wyandotte County, especially the northeast side of town. Not one resident said another halfway house.

When we were discussing development in another part of town, concerns about why we can't get the type of development out west or even now out south was that we didn't have the right median income. We had higher crime levels. We had blighted communities. Now here we are again using those same excuses as to why we should allow another halfway house. I guess my question is, what vision for Wyandotte County are we supposed to have if we allow people that don't live within our district to determine our future.

I understand that everyone deserves a second chance. I'm a product of a mother who often visited halfway houses, but her life didn't change and she didn't fully reach the woman she is today until she left and saw better for herself.

We are asked now to accept that 85 people may become better citizens by being in the same environment that put them there. Studies show that people who commit crimes, people who grow up and are not model citizens, are often because of the society in which they were raised. Now we're supposed to continue to allow another halfway house into the same "crime ridden community" that cannot get a grocery store. Please help me make sense.

If this is about dollars, then I see your point; but if it's about cents, then I'm not getting it. Show me a committed local government to the northeast side of town. You say that because of development, well, I see a lot of business owners here that are asking for something so give them a tax plan, give them incentives to do more. Give them the same incentives or half of the incentives that you give out west. Maybe we'll get more development.

You talk about housing, give people incentives, create programs for which they can buy homes or do new construction for homes. To suggest a halfway house in the same crime-ridden community just doesn't make sense.

I'm asking you, the same people that hosted this meeting and had over 100 people talk about their goals and dreams in Wyandotte County in which not one person said a halfway house, make this make sense. Why should I be here if this is all we have to offer for development?

Elnora Tellis Jefferson, said I am a resident of Kansas City, KS, born and raised in what is known as the north end, a beloved piece of geography in northeast Wyandotte County.

I come before you to stand in opposition of the special permit in its current form because, and only because, the application could stand and begs for additional benefits, many of which we heard about and spoken by the last person for sure.

The landscape in the northeast does not need a repeating, you know it, and that's the reason that you approved the allocation for the Northeast Master Plan. So, obviously, there's something on the drawing board to add infrastructure, to add security, to add model cities, to add something that's going to improve that area. The question is when, and I'm sure that's coming, but in the meantime this application appears.

In my effort to understand and grapple with the complexities in this subject, I held and hosted various conversations with people from the applicant Ms. Terri Williams, who I find exceptional in what she's doing; the Executive Director of Fairfax Industrial District; residents; neighborhood leaders; a developer of a nearby housing development; the Kansas City, Kansas Housing Authority; members of the FACE Base Communities; as well as social service agencies that serve the Hispanic and non-Hispanic; the veterans; homeless; jobless; and returning citizens from local state prisons, as well as those agencies that labor to prevent imprisonment; and with commercial and residential realtors.

From these conversations and observations, I draw the following conclusions: 1. Except for those who did not live at the time they committed the crime, the people who are returning are either arrested or they live in our neighborhoods, in our Kansas City, KS and Wyandotte County neighborhoods. They're our brothers, fathers, sons, and next door neighbors. As such, their

successful integration into our society requires a facility with the credentials and testimony that Reentry Development brings to the table.

2. Reentry Development's proposed Community Relations Board, newsletter, and other communications are welcoming oversight venues to ensure the transition process is integrated with the quality checkpoints along the way. Two ministers have already expressed the desire to participate.

3. Community service is an integrated component of Reentry's program. Perhaps it could serve as a dependable supplement to this Commission's appropriation of minor home repair funds, all of with whom I've spoken. Reentry's mission is noble, just, and needed. Reentry's operation will also result in additional revenue streams to both private and public sectors.

On the other hand, a few thoughts as evidenced by tonight's comments. While it's applaudable that Reentry intentionally chose the location that was not in a residential area with access to jobs and a bus line, the facility's ability to improve the businesses in bordering neighborhood areas quality of life begs more attention.

Realtors must issue disclosures, as was revealed tonight, to future tenants that a halfway house is in the vicinity. How can this facility's presence nullify the negative effect that this disclosure is likely to have? It is said, and we've all heard, that today's progressive companies incorporate social missions in their business plans, someone known as social entrepreneurs. Is there a way for Fairfax to do that so that to add value to its balance sheet and income statements too?

Fairfax cities cite additional crime including car theft and trespassing. The bordering neighborhoods remain plagued by petty drug traffic and the strangers are constantly in and out of neighborhoods. What resources could Reentry bring in in terms of improved security measures whether it be lighting or cameras? There are absolute pockets of pitch darkness in nearby neighborhoods due to the density of housing. What kind of mentoring and education can Reentry provide with collaboration with the UG Juvenile Justice System to help to curve criminal behavior in youth?

What kind of security does the Fairfax Drainage District need in order to feel comfortable with this special permit? Is it possible for a satellite police station to be placed nearby? Interesting enough, I heard both of these in the comments from Fairfax. Can the program start as a pilot or some type of trial with a cap on the number of residents below the 85 bed minimum?

Can Reentry's need for professional case management be contracted by existing KCK agencies who are professionally staffed yet challenged by state budget cuts?

I come to you tonight in closing in opposition to the special permit as it stands because, and only because, I believe the development has the potential to abate existing concerns and to do more to improve the quality of life in the business and residential northeast community. We, northeast residences and businesses, are accustomed to making lemonade from lemons. What can we do to make a more positive difference while waiting on the implementation of the Northeast Master Plan? I ask that you give this another consideration whether that is to hold it over or to send it back to the Planning Commission.

Mayor Holland asked if you would like to stand and show your support, whether you spoke or not, stand and show your opposition. I'd invite you to stand at this time.

Mayor Holland closed the public hearing.

Ms. Williams said I understand the concerns. I do. I'm not a stranger to those concerns anywhere I've ever been so they're easily to—I can answer and address those concerns. I got a call from the next door neighbor Mr. McCray. I've gotten a couple of calls from him actually saying that he didn't want our people to come knocking on his door to ask for jobs. I understand. I honor that. I'm a supervisor. I don't like that either. They will only be going where they have appointments. Now these days, as you know, most jobs are applied for online and we have a computer lab in Little Rock, at our Little Rock facility, where our guys are allowed to go online; seek jobs online. It's been very successful that way. That happens more than them just going out. They do not cold call anywhere. We don't allow that.

The question was posed to me, do they just walk around and hang out. They don't. They don't do that. It is transitional. These people are coming back to our communities whether we like it or not, they're coming back. What we provide is a slow transition back into their home so that they're not dumped on their families with just their shower shoes and their paper suit and \$20. We give them an opportunity to have a place to live and a place to establish a release plan, reestablish their ties with their families and with their communities. That's what we provide.

When they get there, they're in a very restricted environment. They're only allowed to go to church. They can go to the church of their choice. They can go to work. Once they've done that for a little while, then they're allowed out on social passes where they can actually go home and have dinner with their families and spend the night on the weekends. That is a certain amount of hours. That is a release plan that has been verified by staff and by the probation office. That is the only place they are allowed to go until they're allowed to go on home confinement where they will live, but they will be on electronic monitoring until their release date. This is a very closely monitored facility.

They spoke of different halfway houses around town. Those are not federally restricted, overseen facilities. This is one that is going to be in Kansas City somewhere because the Bureau of Prisons has put the RFP out for service in the Kansas City area.

Now regarding the 100 mile radius, these are people who live within 100 miles of 925 Sunshine Road. Not everybody is from this neighborhood, but they are all from Kansas. They are all returning citizens home. This gives them an opportunity to have a plan in place before they are actually thrown on their families. They're paying restitution. They're paying child support. They're supporting their families. That is the only reason why we operate is to see to it that they do that.

Now the projected income for these residents in the coming year, we believe, will be roughly \$2.5M. The employees, our staff, annual payroll is projected at \$1.2M. These are dollars that are going back into your community. We're not there to be a terrible neighbor. We're not there to bring blight in the neighborhood. We are there to establish something beautiful.

I don't know if you got an opportunity to look at our website: cityoffaith.org; our facilities. In Louisiana, we have five facilities that are old Victorian homes that have been refurbished for our benefit and for the guys that come through. In Little Rock, we have a 10,000 sq. ft. facility in a residential neighborhood. We are neighbors with the Easter Seals Special Housing. They came in after us. We have a daycare right next door to us that came in after us. We are not a scary bunch of people. We bring beauty to the neighborhood. We bring beautiful landscaping. We take care of what we got because if they come out and they see something that we take care of, they're going to be more apt to take care of it themselves. They are required to take care of where they live.

This is a program that I have run for 21 years. I know how to do it. I do it very well. The Bureau calls us the best in the business. We are constantly monitored by the BOP. I had a BOP monitoring last week. We always get superior ratings in every single monitoring. At this particular facility, there will be one full monitoring every year that we know the Bureau is coming, and there will be four unannounced visits where they just pop in any time of the day or night.

I think I sent you all a copy of our statement of work which is our contract. If we do not adhere strictly to that contract, then we have no contract. The Bureau holds our feet to the fire. Our feet are also held to the fire by our neighbors which we gladly have that accountability. Our feet are held to the fire by the Federal Probation Office, by the United States Marshal Service, by the local police department.

I spoke at length with Deputy Chief Tyrone Garner who said that he could not come out in favor or against us, but if this award takes place and we are established, they would be more than happy to develop a good working relationship with us in this community. We enjoy a very good working relationship in Monroe, LA, and Little Rock with the Police Department. There is not a minute that if we need somebody there, they are there right then and there.

As far as the Community Relations Board goes, in 1996, we established the very first Community Relations Board that was so successful that the Bureau required that of every single contract in the United States of America now; probably to the chagrin of a lot of contractors. We have found that it is a very good tool for communication in the community and it keeps us transparent and it keeps us with an open door and keeps communication between us and our neighbors and we meet monthly. We have done that every single month since November 1996.

I have reached out to several members of your community. I almost adopted you all. I almost got your flower tattooed on my back. I've reached out to several people who might be interested in serving on that Community Relations Board. I'm hoping that they will take me up on that offer because I am all about transparency.

Now as far as the gentleman talking about security and shifts. We're used to shift work as 4 to midnight, 12 to, 8 to 4, during the times that the majority of the people are in-house, whatever time that comes out to be. It'll have to be when everybody is established in there and we'll see when that it. We will make sure that there are at least three to four people working security during the night when it's quiet and people are asleep. We have found that it's not

necessary to have that many people working security as we have alarms and we have cameras and we have a lighted parking light.

We will not have razor wire. We will have a beautiful wooden fence. I'm on the city council in my city, and we have a fence ordinance. If you have a fence ordinance, it will be the height that you require.

Given all of these things I can only tell you, I cannot guarantee that there will not be some knucklehead who does something goofy while they're there. Where there are people, I'm sorry, we deal with people. Unfortunately, there are people involved. What I can tell you is that in the past, in the last 21 years, we have not had any significant incidents. Crime has actually gone down in our neighborhood because of the increased patrols that we enjoy.

Property values have not decreased. As a matter of fact, I just bought an acre of land about two years ago and had to pay top dollar for it, and it was right across the street from our residential area. I built an 8,000 sq. ft. administration building on that site. I was really wishing at that point that property values had gone down but it cost me a fortune.

We keep it quiet. We make sure that people do not meander out front. I don't want them out front for their own safety. I don't want it to look like a flophouse.

Our facility in Little Rock is beautiful. It's full of art, local art. We make sure that local artists are on display in our house. We take care of it. I would implore you please, to go on that website and see what we know how to do. That's really the only way we know how to operate is to bring something absolutely beautiful to the community.

Commissioner Walker said much of what I wanted to say has been said. I look up at Leavenworth and Lansing and you drive up K-7, retail businesses are abounding on both sides of the road as you come to Lansing and then in Leavenworth. Prisons and facilities are huge economic engines. They have a way of creating opportunities. I've often read people in Lansing and Leavenworth feel the safest because anyone who wants to escape, the last place they would want to hide out at is in Lansing and Leavenworth. Now whether that's antidotal or not, I don't know.

These are all people that are within six months of release. The Mayor and I were talking earlier today just in general, I don't want to misquote the Mayor, he can handle it himself. Every day in Wyandotte County, 800—**Mayor Holland** said I have the numbers. **Commissioner**

Walker said would you give them out please. **Mayor Holland** said we currently have 612 state parolees in Wyandotte County, and we currently have 185 federal parolees living in Wyandotte County, and we have an additional 577 people under community corrections. We have 1,400 people in Wyandotte County now under court supervision in some capacity.

Commissioner Walker said the point being that every day, walking amongst you are people that could come up to your business and apply for a job, knock on your door, and will not be subject to any of these restrictions of these 85 people it's been suggested that we should put on them are out there. They're amongst us every day. Many of them working, trying to, turn their lives around and yeah, there's a few knuckleheads that fall back and do the same thing over again and they end up going back again for another journey up the river.

I think this is a great proposal. I have been up here in one capacity or another for almost 38 years. I can tell you in all honesty that when it comes to a group home, drug treatment, even a child in need of care facility, let alone a re-entry or a halfway house, not once in those 40 years have I ever seen a group, a neighborhood come in and support it. Nobody wants any of these ever in their vicinity. Its human nature and I'm not going to stand up here and tell you I'd be any different if it was my neighborhood, but I honestly believe that Fairfax will benefit from this. This community will benefit from this. They are six months from getting out. Six months they'll be right out there on your doorstep, out in your neighborhoods going to your stores.

I wanted to answer one of the criticisms a couple of people alluded to about the northeast and no economic development. I can tell you that while I've been here, and I've worked with Commissioner Johnson, Townsend, McKiernan, and the Mayor talking about economic development in the northeast area. I'm going to tell you a hard truth. It's not that there is a lack of trying on our part to get development to go there. We talked about grocery stores in different locations more suitable to the community.

The people that are in business have a loophole in the discrimination laws. I don't even know that its discrimination because it's about dollars and cents. People will not invest their money. I mean some of the people we've heard tonight that have bought big warehouse buildings; they could have bought buildings on Quindaro Avenue. Why didn't they? Well, there's simply a standard that business people, housing people, developers in general use and they use the income level of the people in the area. Unfortunately, that income level is

determining whether they're going to build a building in your area, build a new grocery store. I think a grocery store at 18th & Parallel or 7th & Quindaro would be wonderful; be ideal.

We cannot interest a grocery store developer to build a building there let alone build a fast-food restaurant, build a retail store; they won't do it. It's not from a lack of asking. I think the other commissioners can acknowledge we've all tried. We've talked to various developers. There is, unfortunately, an economic barrier to some kind of economic development.

This economic development will provide jobs to a community that needs jobs. It will provide opportunities. Do I wish it was a grocery store? Yeah, I wish it was a grocery store maybe not at that location, but a little bit to the west of there somewhere along 7th Street, somewhere between Parallel and Quindaro. I'd love it. If any of you know somebody that owns a grocery store and would like to build there, I'd be happy to talk to them.

Mayor Holland said let's not get into a debate here. **Commissioner Walker** said I'm not going to. If you don't think we've talked to the Balls and to other developers then you're mistaken.

Commissioner Townsend said I would like to ask Ms. Williams some specific questions. Ms. Williams I'd like to thank you for responding in your June 17, 2017, letter with questions raised by Ms. Jefferson and Fairfax Association Executive Director Melissa Clark. There are a couple of basic things, though, that I was not understanding or maybe I was not asking the way I wanted to. The first thing I'd like to know is why was this location chosen, and how long ago was this chosen? Do you already have a rental agreement in place for the property? **Ms. Williams** said we do have a rental agreement in place, but the rental agreement does not go into effect until the award of the contract. We probably started looking about six months ago. **Commissioner Townsend** said six months.

How did you happen to find Fairfax? In all the world, how did you happen to land in Fairfax? **Ms. Williams** said I had a realtor. There is a real estate agent. There is a company called KRESA that deals in mostly industrial areas. We wanted to go to an industrial area because we felt there would be less opposition than in a residential area. We don't want to be close to a residential area for obvious reasons.

We felt when we found this Sunshine Road property, it just checked off so many boxes for us as far as the bus line, employment, and the fact that it's not so close to a residential area.

We felt, in some places, even in their ordinances and in their zoning that's in place, correctional facilities and transitional housing are allowed in industrial areas. We felt like it would be beneficial for it to be right there. We just thought that was a super location for us.

Commissioner Townsend asked was that realtor from this area. **Ms. Williams** said he's from Omaha, I believe. He reached out to a realtor here. Actually, I think he reached out to Tony. He hired a local broker.

Commissioner Townsend said the reason I asked that, and let me step back; I am familiar with the type of service that you provide. It provides much needed beneficial resources for those people who are trying to reintegrate. I think the fact that all of the boxes really aren't checked off here shows that whoever led you to the Fairfax area is out of touch with this community. For instance, Fairfax and 925 Sunshine is within two minutes, by car, of three major residential areas: Peregrine Falcon, which is one of the newer ones; it's already been mentioned Parkwood Colony, a long established one; and then the Homes. You can literally walk to these places, if you're in better shape than I am, so I'm saying simply two minutes by car. That box really isn't checked.

Ms. Williams said as far as the residential area, in our other facilities, we are smack-dab in the middle of a residential area. That's all I wanted to say. **Commissioner Townsend** said I understand that, but I'm saying, from what I'm reading here, one of the reasons Fairfax was chosen was because it's not, and I'm just saying it is. I think it just shows that whoever led you there is out of touch.

The other thing that I think you may have heard tonight is what we really want in the northeast area to happen. In the last four years, Fairfax has been the beneficiary of millions of dollars of investment. Large organizations like General Motors, property owners like Mr. James, some of the others you've heard here who are represented tonight, hundreds of them, and there are at least 400 names on this petition, and I'm grateful for the Priviteras. However, I think what is being, I know what is being recommended here is out of touch for what we are trying to do in the northeast area. I think for this to have been in the works for six months indicates to me that there was no outreach to the very people that you may be looking to for sources of employment and people who have already invested there, who are residents, my constituents who are there every day who have been there for years.

What we're facing here in the northeast area is constantly fighting perception. There are good people here; hardworking people. Maybe the incomes aren't the highest, but what we need then to have happen are incentives to want people to come. I don't believe that what's being proposed here is going to do that. It's going to inhibit, I believe, the northeast area's attempt to revitalize and build. I think it's an important service but wrong location.

I'd also like to address some of the things I've heard here about maybe the decline of Fairfax. That's not true. I'm happy to say that Fairfax is number two in terms of tax contributions they make to the Legends and people are investing in there. We've spent millions on the north and the south end of Fairfax. What we're talking about and what I'm hearing from my constituents is what is being proposed is going to halt that progress. I don't want to take the chance and have to overcome another perception because people will be people. I believe that you can try to run the best facility you can, but I just think that is not the place for it in Fairfax.

I wanted to say a lot of other things, but I mean, that's really the bottom line of it for me. I'm going to encourage my fellow commissioners to help us keep moving forward with opportunities for development for people who will want to come and not look over their shoulder. Perception is everything. Perception becomes that, so I'm going to make a strong plea to my fellow commissioners for us to keep our options open for development in there and deny this application. I wish you well in what you're doing to return people to being productive members of society.

The other thing I will say is, yes, these are our brothers, sisters, cousins, whomever and they're being reintegrated, but it's not concentrated. In the northeast area, we're dealing with a lot of concentration of poverty of this and that, still good people. We don't need another focal point of that type of thing here. I wish you well and I encourage my commissioners to vote in opposition.

Commissioner Kane asked are any of the residents, are they going to be sex offenders? **Ms. Williams** said I'm glad you brought that up. That was a question that was posed to me at the Planning Commission meeting. Someone said that they thought I did not have the authority to say who comes and who goes and what types of offenders we have there. I actually do have that authority. Given the fact that I said in that meeting that if there is a stipulation in the special use permit that I will not take sex offenders, crimes against children, or violent offenders that even

adds more authority to what I have to say because you actually do have the authority to say that. If I violate that, I understand I lose my zoning. If I lose my zoning, I lose my contract and the Bureau knows that.

In Little Rock and in Monroe, LA, I do not take sex offenders and I do not take crimes against children and I do not take violent offenders. Most violent offenders are not getting out of prison anyway. We do draw the line at that. I think I had the support of the Commission. I do think that he made those stipulations in the special use permit.

Mayor Holland asked, Mr. Richardson, are those stipulations written in. **Mr. Richardson, Director of Planning**, said as recommended by the Planning Commission on page 6 in your staff report, Items 7, 8, and 9 are no murders, no crimes against children offenders, no sex or heinous offenders. **Mayor Holland** said so it is already written in the stipulations. **Ms. Williams** said yes, it is.

Commissioner Kane said I worked down in Fairfax for 35 years and regardless of which way I vote, I'm going to upset somebody. Working at General Motors Fairfax Plant, cars get broken into on a regular basis. I guess we would have to put more patrol people down there to make that work. I know you said they got quiet time and stuff like that. I don't like the idea of that fence either, but it's important to me that we need to have a safe community in all four corners of Wyandotte County, not just within the northeastern section. It makes me nervous to think about what's going to happen. It was brought up before. We've already got several houses this way anyway. I'm a little nervous about bringing one more in and saying, well, it's okay, because they are going to be in a fence. They are a lot closer to the housing than you said they were in the first place.

I don't think it's going to be a good deal for you guys. I apologize for that. I do want people to have second chances, but not in this particular situation.

Commissioner McKiernan said my first comment is actually very similar to Commissioner Walker's. I teach in Leavenworth every spring semester and I pass Lansing every time I drive up to the college to teach. It strikes me, and I'm looking at a map, immediately across the street from the Lansing State Correctional Facility is a residential neighborhood of twelve square

blocks. Four blocks away is Lansing High School and right across the street is, I'm not going to name their name and give them a plug, but is a fast-food chain that just built a new restaurant there that might be building one somewhere closer to where we live pretty soon. That's gone up within the last year and a half.

I'm interested. What is different about the Lansing Correctional Facility that the neighborhood butts up right against the parking lot on one side and that on Main St.? On Main St. in Lansing, there are businesses that appear to be doing pretty well since new ones are getting built. **Ms. Williams** said in Topeka, I can say that the current federal contractor is right across the street from a high school. In Little Rock, I'm across the street from a brand new CVS Pharmacy. We have a brand new Target. We have loft apartments that have gone up, and we have two hotels that have just recently gone up, and a brand new Dairy Queen.

We're not scary; we're not a scary program. We're not out there to bring something awful to the community. We're here to actually benefit the community in any kind of way. Now, granted, we've been there 21 years and we've earned some trust and I understand that's what it takes is doing what you said you would do and earning that trust. We've got to start somewhere.

As far as the Lansing program goes, I'm not familiar with it. I do know that in other places, we add to the community. We've saved so many dollars in our volunteer work and what we bring to the community. Every year we host either a golf tournament or a 5K for fundraising to benefit our senior citizens in our area and a back pack ministry in a local church. We choose to be givers and not necessarily takers. We don't want to drain the community and the resources. It costs almost \$40,000 a year to house someone in a federal penitentiary.

These people, when they come out, they are required to pay 25% of their gross income to offset the government's costs to house them. I think it's time when they come out to accept some responsibility and to be held accountable.

My personal philosophy is always tended more toward corrections than social work. I also believe that I have met so many people, thousands of people who have come through my facility who go on to do very good things and have very productive lives. They have master's degrees. They have PhDs. They have made mistakes, granted.

You said there were 185 federal parolees. That's way less than state parolees, and we are focusing on those federal people. When you look at a federal crime and the restrictions placed

on a federal offender versus that of a state offender, you have all these state offenders walking around. Their probation officers have caseloads that are unmanageable because they are so high. We're focused on this one demographic, this one population, these federal offenders coming out hoping and helping. My pastor always says that we're not here to make converts; we're here to make disciples. I'm not here to make converts out of these people. They are who they are and they were raised that way. The percentage is against them. The statistics aren't in their favor, but at least at some point we can disciple them to becoming more productive citizens and that is my personal mission. That's my life work. It's something that I have dedicated myself.

As far as children, I have three daughters. I have raised them in that halfway house. They know more about how the Bureau of Prisons works than I do. I've had two of them actually work for me. One works security and one worked as a case manager. I have daughters that are very giving, very socially minded individuals. They're a little bit more liberal than I am, but that's the way they like to go.

Commissioner McKiernan said I apologize. I have a whole bunch of questions here and they are potentially a little scattered so I apologize in advance. The Bureau of Prisons wants this model. Is that what I understand you to say? **Ms. Williams** said yes, sir. That statement of work that I sent you, that is the statement of work for every single contractor. **Commissioner McKiernan** said so the Bureau of Prisons wants this. Does every major city have a similar facility? **Ms. Williams** said I do believe so. The one in Little Rock is the only one in the state. We have the only one in the state. Everybody who is doing federal time has to release through a facility like ours. In Kansas you have one in Wichita, you have one in Topeka, and you have this one in Kansas City, KS. There is also one in Kansas City, MO, and there is one in Omaha, NE. They're very close. **Commissioner McKiernan** said the Bureau of Prisons wants prisoners who are on their way out to transition to this.

Do they have case managers? **Ms. Williams** said we have case managers. We have social services. We have a chief of security. We have on-sight facility directors.

Commissioner McKiernan asked where are these people now. If they did not come to this facility, where are they? Where will they stay? **Ms. Williams** said there is a facility in Leavenworth that has the existing contract. We are competing with that particular contractor for the contract. Every five years these contracts come up for re-bid and competitive bids.

Commissioner McKiernan said there is a facility identical to this in operation, in operation today in Leavenworth. **Ms. Williams** said yes. That's my understanding. I do believe that's where it is. **Commissioner McKiernan** said I guess my next question would be, what benefit then is there for that facility to move from its current location where it has been established to another location. **Ms. Williams** said it's based on past performance and it is a competitive bid. Based on my past performance, and if I can beat them in their bid, then the bid award would come to Reentry Development.

Commissioner McKiernan said, Mr. Privitera, you own quite a few properties around this one. I guess being a large property owner directly around this facility which you also own, are you concerned that the value of your properties will decline as the result of this? Are you concerned that you'll be unable to lease or sell your properties as a result of this? **Mr. Privitera** said I was hoping you were going to ask that question. The answer to the question is I'm not worried about it at all. After I met Ms. Williams, I knew that I had found the right person and the right tenant for this building. I've vetted out all of those concerns that everybody has said. I have the most to lose of everybody in the room. I'm not worried about it.

To the point to where the gentleman that came and spoke about he lived in the West Bottoms. Not only do we have a lot of buildings in Fairfax, but we bought more buildings in the West Bottoms. We have found that this operator is the Cadillac of operators, is the best operator in the industry in the United States to do what she does.

Commissioner McKiernan asked will they lease or buy from you. **Mr. Privitera** said they will lease the building. **Commissioner McKiernan** asked the building will continue to pay property taxes. **Mr. Privitera** said the building did not pay property taxes before I bought it. It was a state-owned building and now it does pay property taxes. **Commissioner McKiernan** asked it does now and it will continue. **Mr. Privitera** said it will continue. There is no assistance being given to anyone for this. This is 100% privately funded.

Commissioner McKiernan said I heard what sounded like an allegation that the Unified Government was going to make some sort of payment for each person housed. I want to clarify that. **Ms. Williams** said no, sir. We are funded by the Justice Department and that's where the

money comes from to operate. It is a firm, fixed-rate for us to operate with the 85 beds. No, the Unified Government doesn't get any money from this. It's all tax based.

Commissioner McKiernan asked how many of the facilities does your company operate. **Ms. Williams** said City of Faith operates five in Monroe, LA. One of those is a state contract and the other four buildings house federal offenders. We have our administrative building officed in Monroe, LA. We also have in Little Rock there are 110 beds.

Reentry Development is a new company that a couple of investors and I have started recently. **Commissioner McKiernan** asked how many total prisoners collectively do your facilities house currently. **Ms. Williams** said probably close to 300. **Commissioner McKiernan** said you said you've not had any significant incidents at your properties in 21 years of operation. **Ms. Williams** said right. Actually, the company, City of Faith, has been in operation since 1984. I didn't come on board until 1996.

Commissioner McKiernan said if these are in-fact Kansas City, KS, residents and they don't come to this facility, they would go to the Leavenworth, KS, facility; somewhere they're going to go to a transitional facility because they are on their way to a release. **Ms. Williams** said yes.

Commissioner Philbrook said this is one of those problems that we all hate to face, especially as commissioners because we have to balance everything out for what we think is the best for our community. We'd like to think that we're thinking on the upper levels and not down in the weeds, but we all live in the weeds whether we like to or not because we have to walk across those parking lots, you know, and so on and be concerned about who's around us.

I'm glad he asked the question about opportunity for these people who right now Leavenworth is their opportunity. If you beat out Leavenworth, then that one shuts down and it comes here. Is that correct? **Ms. Williams** said yes. **Commissioner Philbrook** said I just wanted to make sure I heard you right.

You also said something about having in one of your other facilities the capability of getting on the internet and finding jobs. **Ms. Williams** said yes. **Commissioner Philbrook** asked now when you say on the internet, is that well-guarded. Do you understand what I'm saying? **Ms. Williams** said they don't dilly-dally in nonsense. We have firewalls and protections in place.

Commissioner Philbrook asked have you been in contact with Workforce Partnership in this area. **Ms. Williams** said not in this area, but we utilize Workforce greatly in Little Rock. **Commissioner Philbrook** said well, our local area is who you have to work with. **Ms. Williams** said I understand. **Commissioner Philbrook** said I'm just saying.

The reason I bring that up is because how long are you willing, because I don't when your deadline is to put in for this, how long do you have to dilly-dally if we were to choose to have you work with the community? **Ms. Williams** said time is kind of standing still at the moment. This particular RFP is in pre-solicitation so I do have a little bit of leeway; a little bit of time to dilly-dally, as you say. **Commissioner Philbrook** said when you're a business and you're coming for it and you have the money standing still, every moment counts. **Ms. Williams** said I'm at everybody's mercy so it just depends on the Bureau of Prisons' timeline.

Commissioner Philbrook asked what is your drop dead date on this. **Ms. Williams** said I don't have one at the moment. I hope it's not anytime soon. **Commissioner Philbrook** said I don't mean your personal drop dead date, but when you have to have it in and they have to know that there is a possibility.

Back to my personal concern is that with being involved in the Workforce Partnership Group for area 3, with also being involved with the Greater Kansas City Coalition to end Homelessness, all of this comes together. Without good facilities, then it's very hard for re-entry. I work with people that work with this all the time. I have a concern around the quality. I understand your quality is excellent, but I also understand it's an issue around not in my backyard. That's normal and that's human. We all are that way. We all have those kinds of issues.

I'm glad to hear that you guys will be paying taxes. That's a plus.

I want to say something to Elnora Jefferson. Elnora, I love the suggestion of working together and the possibility of maybe coming up with something that would make the community happier along with your facility. I don't know if that's possible.

Ms. Williams said I have long said this is not a competition. It is a collaboration. It does take the community and it does take a village to quote my former first lady of Arkansas. **Commissioner Philbrook** said it is a competition. It's a business. **Ms. Williams** said it's a competition within the federal system, but it is a collaboration among resources within the community. **Community Philbrook** said correct. It's both and I understand both. I know this

community. Without the collaboration, it's not going to happen. I know you're feeling that right now. **Ms. Williams** said well I knew it coming in.

Commissioner Philbrook said the part about perception as everybody said. The perception is a big problem. **Ms. Williams** said right. **Commissioner Philbrook** said we do have a lot of issues around the northeast sector and we don't want to scare people away. Tony Privitera, thank you very much for stepping forward. I do appreciate your boldness and your help. I really do.

I'm just really torn between which way to go on this. I know we need something, but where and maybe not at Tony's location, maybe someplace else. I don't know. Basically, with the Community Relations Board, which evidently needs to be established beforehand—**Ms. Williams** said right. **Commissioner Philbrook** said on something like that for us. That's kind of in the direction I'm going. I just have to say I really would like it to work, but I also don't want to step on so many toes that there are so many people that are upset that it creates issues for our area.

Commissioner Johnson said, Ms. Williams, I do appreciate the work that you are doing for persons that are reintegrating back into our community, into society at-large. It's noble work. I've always been a proponent of re-entry.

It's already been said, persons that are coming back into society they are owed. I believe a fair, second chance to reintegrate back into society, jobs, housing, and all the things that go into it. I, too, like my fellow commissioner up at the Lansing Correctional Facility, visit and minister to the inmates. Whatever happens tonight, I will always be a proponent of re-entry.

I must say I'm not in favor of this proposal at this time. The reasons have already been established by the Fairfax Industrial Association. I see countless signatures that have come before us, too many for me to count. I agree with what Commissioner Townsend has said, 432 signatures. I agree with fellow Commissioner Townsend and things that she has said and several of our community opponents. Right now, I'm just not convinced that a project of this type is one that promotes the well-being of the northeast section of town.

Maybe you've been given some history, maybe you haven't. I don't know whether or not you can appreciate the fact that this area has had its share of challenges historically. Commissioner Townsend, Commissioner Bynum, and I are working diligently to try and bring

forward a master development plan for this area of town that will help to guide the development going forward into the future. In doing so, it's important that we maximize the economic engine that is the Fairfax Industrial District.

The question that everybody continues to ask is well, if it's not here, then where will these people go. I think, that quite honestly, I think it's something that requires a far boarder community-wide discussion about where to put it. Some have offered those suggestions tonight whether it be south, or west, or other areas of town, but for right now, I just do not believe that this is the right time for us to put this type of project in the northeast section of town. I stand in support of Commissioner Townsend's recommendation to deny this application.

Commissioner Bynum said the Fairfax area and the northeast area of Wyandotte County are areas that are very near and dear to me. They hold a very strong sentimental place for me. My father worked 44 years at CertainTeed. It was literally the only job he ever held. It's the reason I was able to go to college. I am a very proud graduate of Sumner Academy. This area is very close to my heart.

Ms. Williams, I want to thank you for the work that you do. **Ms. Williams** said thank you. **Commissioner Bynum** said I do believe that every person, and I mean every single person, deserves not only a chance, but a second chance. We all know people, every one of us here know people in our lives that we know deserve a second chance. I really do appreciate the work. I appreciate the Privitera family because what you've done with the buildings that you acquired in Fairfax is very, very nice and impressive. I have appreciated the look of the buildings you acquired for quite some time now. I do spend a good deal of time in the Fairfax area.

You know we've made a reference, a comparison to the Lansing community with regard to this kind of re-entry or prison or such type of facility. I don't think it's a fair comparison. I don't believe that the Lansing community is fighting each and every day for their image. I do believe our northeast community is fighting every single day for our image.

We've made a comment here about building trust. Commissioner Johnson and Townsend, I think, both have referenced the upcoming master planning effort in the northeast area. It does encompass the Fairfax area. We've spent two years talking about a master plan only to get to the point where we are right now, which is the starting line.

Also, I believe Commissioner Townsend, Johnson, and I have all spoken publicly in public meetings asking for consideration of perhaps the northeast area to have its own police substation, for example. That was met with don't get ahead of the master plan. I don't disagree with that, but my point is we are at the starting gate of a master planning process hopefully to redevelop and transform this entire area.

I have to say that I am sorry that this is the area where this project has landed because I don't think it's going to fit with what we're trying to do for this area in the future. Everywhere I go in the northeast and I talk with folks about the master planning process is coming, please participate with us in this planning process.

We are rebuilding trust as we speak with this community. Trying to get them to trust that we mean it with all of our hearts when we say we're at the beginning of the master planning process and please come along with us to help us make this community better. I say all of that so that you understand where I am, where my heart is on this issue. I have to stand with those who have spoken from the northeast area and the 400 plus signatures of those in the Fairfax area and support Commissioners Townsend and Johnson in standing in opposition to this.

Mayor Holland said I believe there is a lot more emotion around these kinds of things than is largely necessary. I don't see data nationally or locally that these kinds of facilities reduce property values or necessarily increase crime. There are 10,000 employees in Fairfax. I guarantee you there are 100 ex-offenders in Fairfax working right now, and that number is probably low. Those are good manufacturing jobs. They're good, quality jobs for people who are often restricted where they can work, where they can live. We've created a subclass of people in our county that just can't live or work anywhere.

I'll repeat, we have 612 state parolees. We have 185 federal parolees in Kansas City, KS, today. We have 577 people in community corrections, supervised through our court system. That's 1,400 people in our community who are under court supervision in some manner. None of them are receiving the caliber of help that this facility would provide: the job training, the educational component, the opportunity to turn things around. This is probably the best offer for our returning folks into the community have.

It's sad to me that we might turn it down. I understand. I've been up here for 10 years and every group home, every facility of any kind meets with neighborhood opposition. It's just the rule.

I have a drug treatment facility in my neighborhood, in a residential neighborhood, a single-family home. The Supreme Court says you can have one of these group homes anywhere. They're protected. Our whole community—we had to peel everybody off their ceilings. It's fine. Folks, it's fine. I think that there gets to be a lot of emotion and a lot of symbolism around these things that I believe, personally, is overblown.

I do believe that we have a crisis in Wyandotte County of people returning from jail and having zero training, zero job applications, zero access to transportation and the recidivism rate of groups that do not have this kind of facility are exponentially higher than people who do.

I get it. I get that it's not popular. I get that taking a stand for really the new untouchables in our community is not popular. I don't think it hurts our community or our image and I don't think it creates crime. That's just my personal opinion and I respect everyone to have a different opinion than I do. I just think that we have a crisis in our community of people who have no opportunity and I hate to lose this opportunity. I respect the decision of everyone up here and obviously we'll go where the majority leads us.

Commissioner Townsend said before I make a motion, I just wanted to say, Commissioner McKiernan, when the passion overtakes me, leave it to Commissioner McKiernan to walk through the steps that I wanted to do and just got carried away. As well as Commissioners Bynum and Johnson and they invoked my name a lot. This is supportive of the northeast area and factually or not, we are fighting perception and that's a fact and that is the problem here.

I respectfully disagree with Mr. Privitera that he has the most to lose. I believe that this does not go through, the buildings look great and someone else that will be more conducive to what's there in Fairfax and where we're trying to go in Fairfax in the northeast end will take you up on it. I drove by that facility last night. It looks nice. I can't imagine how that is going to change though with a fence. If we're putting up barriers, so to speak, that may draw attention to what it is. Again, it's not conducive to, again, the perception we're fighting. Perception becomes fact.

I also believe that when you look at the Lansing/Leavenworth area, you're talking about one of the oldest forts west of Mississippi from way back in the day. So corrections and military were there and all the development grew around it. That's not what we got here. We got a different type of development and a different type of business trying to come into it. As Commissioner Bynum said, I don't think the comparison is real. Having said of all of that, I move to deny this application.

Action: Commissioner Townsend made a motion, seconded by Commissioner Johnson to deny Special Use Permit Application #SP-2017-21.

Mayor Holland said the recommendation is for approval. A recommendation to deny means a yes vote is for denial, not for the project. We're also kind of voting a little backwards on that so I just want to clarify. If you vote yes on the motion, it is to deny the development. If you vote no on the motion, it is a vote for the development. Does that make sense to everyone? We do this about once a quarter. I just want to walk through that again.

Commissioner McKiernan said I do have one clarifying question. The facility that's currently in Leavenworth, is currently operating, are they losing their contract or does the Fed just simply go out for competitive renewal on a periodic basis? **Ms. Williams** said they go out for renewal. **Commissioner McKiernan** said they put out a competitive renewal and the fact that the renewal is put out does not indicate that the current operating facility is necessarily in jeopardy of not operating anymore nor does it indicate that they are doing anything bad in their current operation. **Ms. Williams** said you're correct.

Roll call was taken on the motion to deny and there were eight "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend; and one "No," Walker.

ITEM NO. 2 – 171178...SPECIAL USE PERMIT APPLICATION #SP-2017-22 - MICHAEL AND MARIA JOHNSON

Synopsis: Renewal of Special Use Permit #SP-2014-74 for an event hall, specialty dress shop and office space/storage at 733-735 Minnesota Avenue, submitted by Robin Richardson, AICP,

Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-22 for two years, subject to:

Urban Planning and Land Use Comments:

1. Please provide verification of all parking agreements.

Applicant Response: Parking agreements have been submitted.

Staff Response: Staff has reviewed the agreements and they are satisfactory.

2. Are there any requested changes to the event space either in terms of physical alterations or the operation of the space?

Applicant Response: Yes, we are requesting two:

- a. We are requesting later hours of operations to help us compete with other like facilities in the area. Many special event centers are open until 3:00 am. This would help our ability to book and gain events throughout the year.

Staff Response: Staff does not support longer hours (see stipulation below.)

- b. We would like removal of our restricted guest list requirement. This has been a regular change in motion and we believe not always accurate. Further, we would like the option of community charitable events where often the exact list is unknown. We would like to modify the language to "Guests not invited are not admitted entrance."

Staff Response: The alternative is to utilize an ID scanner to scan the ID of all patrons.

3. Have there been any problems associated with events held at the center? If so, please detail and a record of calls for service from KCKPD.

Applicant Response: We are aware of two:

- a. There was a car theft of one of our guests on Minnesota approximately August. A police report was filed.
- b. There was an incident where a guest grabbed another, and our security apprehended the person. We believe charges were filed by our guest.

3. Have you received any complaints regarding your operations here?

Applicant Response: No.

Stipulations:

1. Complete fulfillment of their business plan as mandated by first set of stipulations.
2. Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two.
3. All doors shall remain closed during an event.
4. All events shall conclude by 1:00 am.

5. Add an ID scanner and scan all IDs of those entering the facility (revised stipulation – replacing an advance guest list).
6. No gambling.
7. No music over 65 DBA before 6:00 pm.
8. An understanding by the applicant that simply shoving a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.
9. A complete copy of the business plan is up-to-date and on file in the Unified Government Urban Planning and Land Use Office.
10. Completion of the appendixes of I (signage which will be handled by permit), L (staffing plan – needs to be completed and reviewed with Director Richardson and the Downtown Shareholders) and S (safety grant documentation provided to Director Richardson).
11. All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department.
12. Security as outlined on page 23 of their plan.
13. In addition to that security, one non-security adult chaperon for every 25 children for events focused on youth under 18 years old (provided by the client).
14. Verify all parking agreements.
15. Approval is for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Special Use Permit Application #SP-2017-22 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 3 – 171185...SPECIAL USE PERMIT APPLICATION #SP-2017-33 - KERRY HOKANSON WITH EARTH CITIZEN FARM

Synopsis: Home Occupation Special Use Permit for an urban farm at 419 South 81st Street, submitted by Robin Richardson, AICP, Director of Planning. The applicant wants to cultivate mushrooms and other crops, keep beehives, raise crickets and sell plants, fungus (mushrooms), insects and insect products, specifically bee honey and crickets on one acre. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-33, subject to:

Urban Planning and Land Use Comments:

1. Per Business Licensing:

If approved, applicant would be required to file with our office but would be exempt from paying an occupation tax, so long as all products grown were sold within the state and not been converted to some other product (e.g. tomatoes to salsa, fruit into jellies, etc.)

i. Sec. 34-37. - Exemptions.

(5) Any producer or grower or any agent or employee of a producer or grower engaged in the sale of farm or garden products or fruits grown within the state, for that occupation, pursuant to K.S.A. 12-1617.

2. Please provide an operational business plan. What is the day-to-day operation?

Applicant Response: It would be hard to give a very specific description of day-to-day operations on the farm because its creation is an emergent process. As I progress, I learn and have to adapt based on new information collected, observation, and practicality. Because my business is in its infancy, it will go through stages of growth and changes that are hard to predict. However, I can provide a general idea of business operations. I have some crops planted now, but this year I am primarily focused on building the infrastructure I will need in the future (chicken fence, awning to start seeds, irrigation system). Because I am focused now on getting things set up, which involve one time projects, there is not yet a well-defined pattern of operation. When I am operational, these are roughly the processes I would want to have happen. Daily harvest and storage of produce (plants, eggs, mushrooms), sale of produce to the local community on the premises, on the weekends, sale of produce at farmers markets, sale of crickets to pet stores, periodical harvest of honey.

3. Will customers come to the property to purchase produce and/or will you sell produce at farmer's markets?

Applicant Response: Ideally, both.

4. When you pick the produce, what will you do with the excess that is not sold?

Applicant Response: The excess produce can be fed to chickens, fed to crickets, composted in piles, or with worms. Each option provides benefit in the form of another product, added fertility, and waste elimination/nutrient recycling.

5. Will you process and package honey produced by the bees or process crickets into feed?

Applicant Response: If I can legally sell honey, I would like to do so. If not, they will help with pollination of my crops and reduce the chances of their extinction. As of right now, I do not plan on processing the crickets into feed, but selling them to pet stores whole.

6. The letter indicates 10' x 10' plots for gardening. Will mushrooms be the only crop cultivated on the property?

Applicant Response: Initially, mushrooms will be cultivated on logs on the south side of the property under the shade of a large hackberry tree. Eventually, I would like to grow them in a structure where the climate can be controlled.

7. Do you plan on building any accessory buildings, such as greenhouses or hoop houses?

Applicant Response: The business could operate without any additional structures. However, in the future I may look into building dedicated structures for growing crickets and mushrooms.

Staff Response: If you plan on building more than one detached accessory structure, you will need to obtain a variance from the Board of Zoning Appeals prior to obtaining a building permit for construction.

8. Do you intend to keep livestock on the property, if so, specify the animal(s) and quantity? Depending on the animal, a special use permit may be required. If you are keeping livestock, what shelter(s) will you provide?

Applicant Response: At the moment, the only livestock we intend to keep on the property are chickens. If at some point in the future I decided more would be beneficial, I will go through the necessary legal steps.

9. Where will you raise the crickets, in the house or in another shelter to be constructed on the property?

Applicant Response: As of right now, crickets can be raised in portable bins that can be outside for more of the season. I do not plan on having crickets in the house. In the future, I may consider erecting an additional building for that purpose.

Staff Response: If you plan on building more than one detached accessory structure, you will need to obtain a variance from the Board of Zoning Appeals prior to obtaining a building permit for construction.

10. Where will the beehives be kept on the property?

Applicant Response: The current plan is to keep the beehives in the southeast corner of the property, spaced the appropriate distance away from the property line.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): Provide a site plan showing existing septic tank and lateral field location(s), and proposed garden location(s) prior to operation.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Staff Conclusion:

The applicant has addressed staff's questions. Staff recommends approval of this petition subject to the following stipulations:

1. The special use permit is valid for two years.
2. Grown produce (mushroom and honey) shall be sold at farmers markets. If you intend on selling produce on-site, then you will need to revise your special use permit and conduct another neighborhood meeting so your neighbors know that you will have customers coming to your property to purchase produce.
3. Obtain a business license with the Business Licensing Department at 4953 State Avenue, Kansas City, KS 66101 or (913) 573-8780.
4. Only one detached accessory building is permitted to be constructed within the R-1 Single Family District. The maximum size is 1,000 square feet or cover more than 30 percent of the rear yard.
5. If any signage is to be erected, obtain a sign permit(s) from the Urban Planning and Land Use Department.
6. Ensure that your garden plots are not sitting on top of or are in close proximity to your leach fields for your septic system.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Special Use Permit Application #SP-2017-33 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 4 – 171179...SPECIAL USE PERMIT APPLICATION #SP-2017-34 - MELISSA ALDERMAN WITH ADVANCE AUTO

Synopsis: Renewal of Special Use Permit #SP-2014-31 for a parking lot at 21 South 18th Street in conjunction with Advance Auto Parts store at 1 South 18th Street, submitted by Robin Richardson, AICP, Director of Planning. Originally this was a request to allow Advance Auto Parts to add about 16 parking spaces to the south side of its site. A residence was purchased to provide the land for the new parking lot. The lot was approved for a special use permit and this is the fifth request for renewal. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-34 for two years, subject to:

Urban Planning and Land Use Comments:

Please update the staff on compliance with the previous stipulations:

Stipulations from #SP-2014-31:

1. Dusk to dawn parking lot lighting
2. Speed bumps around the lot
3. Proactively clean parking and grass daily (morning and evening)
4. Enhance corner of intersection and other areas with a water system and additional shrubbery.
5. Security camera for the back lot accessible to police when necessary
6. Restrict parking lot sales and other activities not related to the operation of the store.
7. There will be no fencing except for the wooden privacy fence shown on the original plans.
8. Left turns onto 18th Street will be allowed.

Applicant Response: “I confirmed with the District Manager that all stipulations are being conformed with and will continue to be. I also reiterated that the cleaning of the parking area and grass need to be maintained to avoid any future violations.”

Business License Comments:

Advance Auto Parts has filed and maintained a current occupation tax with our office since 1998.

Public Works Comments: none.

Staff Conclusion:

Staff recommends approval subject to the prior stipulations and commitment from the applicant for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Special Use Permit Application #SP-2017-34 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 5 – 171186...SPECIAL USE PERMIT APPLICATION #SP-2017-35 - CARMEN CABIA GARCIA WITH EL TENEDOR KC LLC

Synopsis: Special Use Permit for the temporary use of land to park a food truck at 2932 South 8th Terrace, submitted by Robin Richardson, AICP, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-35 for two years, subject to:

Urban Planning and Land Use Comments:

1. If approved, special use permit shall be valid for a period of two years
2. If approved, no signage is permitted on the property advertising the business
3. If you operate the food truck in Kansas City, Kansas, you must submit a Mobile Vending Agreement (attached) and obtain a KCK business license

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Special Use Permit Application #SP-2017-35 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 6 – 171187...SPECIAL USE PERMIT APPLICATION #SP-2017-39 - JON CORBIN WITH KVC FOUNDATION, INC.

Synopsis: Special Use Permit for the temporary use of land for a storage trailer at 4300 Brenner Drive, submitted by Robin Richardson, AICP, Director of Planning. The applicant of KVC Foundation, Inc., is seeking approval for the use of a temporary trailer as auxiliary storage until construction can begin on an addition to the facility. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-39 for two years, subject to:

Urban Planning and Land Use Comments:

1. How long are you planning to utilize this trailer on the site?

Applicant Response: We don’t want the trailer to be permanent but we need it for the short term (5 years) while we evaluate our capacity to expand our current facility or acquire additional buildings in the area.

2. Are there plans to build a permanent structure for this use? What is the timeframe on those plans?

Applicant Response: The hospital will need time to raise money to fund any future expansions. The intent is to remove the trailer when a future expansion is designed and built. Since it is dependent on fundraising, there is no guarantee that five years will be enough. In that case, we would reapply for an extension to the special use permit should circumstances dictate such action.

Staff recommends an approval time period of two years initially as prescribed by code. If approved, trailer shall remain screened from view.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:

- a. Provide a cross section showing the existing sidewalk, proposed storage trailer, and proposed steps with handrail. Indicate the width of the proposed steps on the cross section, and show the step location on the site plan, sheet A02.
 - b. Although minimal work is proposed, add erosion control notes that meet UG standards and criteria.
2. Items that are conditions of approval (stipulations): none.
 3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: This item was previously withdrawn by the petitioner.

ITEM NO. 7 – 171180...SPECIAL USE PERMIT APPLICATION #SP-2017-40 - JEFF STEHNEY WITH JOE'S KANSAS CITY BAR-B-QUE, INC.

Synopsis: Renewal of Special Use Permit #SP-2017-7 revising previously approved application to lease parking to a neighboring business at 4620 Mission Road, submitted by Robin Richardson, AICP, Director of Planning. The applicant is requesting a revision to Special Use Permit #SP-2017-7 in order to use a previously approved 23 spot parking lot at 4620 Mission Road as leased parking for Taco Republic restaurant, located at 500 County Line Road. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-40 for two years, subject to:

Urban Planning and Land Use Comments:

1. Previous stipulations (below) apply
2. Approval period of two years is valid from date of approval of #SP-2017-40

Comments and Stipulations from approval of #SP-2017-7:

After meeting with the applicant, staff has become aware of future development plans that would ultimately improve the parking in the area without having to dedicate this site for parking exclusively, allowing it to be developed to a higher and greater use in the future. These plans, while still unable to be disclosed publicly, are expected to be completed in two years' time. According to the letter submitted to staff by the representatives of the applicant, they are amending their request to use the parcel as a parking lot, largely in its current, unimproved condition for a period of two years while the other developments are completed. If approved, the stipulations would be as follows:

1. Additional parking must be available in two years' time
2. If no additional parking has been developed and available, the property owner must reapply for a Plan Review, Special Use Permit, and go through the DRC process to develop this site as a parking lot that is compliant with the Commercial Design Guidelines.

Public Works Comments: none.

Steve Croy, Director of Operations, said I'm representing Jeff Stehney and Joe's Kansas City Bar-B-Que. Since there is an objection to our plan; I'm not versed enough in this. Jeff Stehney is out of town and Ryan Barrel, who's the Director of Operation who's been involved in this process from the beginning, is also out of town. I'm asking if you would consider a continuation where we could present this later.

Mayor Holland asked are you authorized to speak on behalf of the applicant. **Mr. Croy** said yes. Mayor Holland said the applicant is asking for a continuation. **Mr. Croy** said yes so that Ryan Barrel—who has been in the beginning of this process and who has all the knowledge of the special use permit—he'll be able to answer all the questions. I'm not able to.

Mayor Holland asked, Mr. Richardson, am I correct that the applicant is able to ask for it to move forward or to ask for it to be held over. **Rob Richardson, Planning Director**, said yes, but the public hearing is open now so you ought to ask for for and against and then make a recommendation after that.

Mr. Richardson said the location in question is already an approved special use permit for parking, but as part of that special use permit, they described that the parking would be for Oklahoma Joe's employee parking, I believe. They want to change that so it could be for Taco Republic parking.

Taco Republic originally had a parking agreement on a piece of property in Roeland Park. That parking agreement required their city council approval which has been denied recently. The old building that was there was torn down and you can no longer park there. The Oklahoma Joe's proprietor owns the property, but not the business of Taco Republic. Given the fact that there is a certain amount of parking there, Oklahoma Joe's already has enough. They have a parking agreement with the building north of Oklahoma Joe's.

They are requesting just to make this Taco Republic parking for purposes of Taco Republic having parking and being able to continue operation while they work out another scenario for parking in the area that's more permanent.

Mayor Holland opened the public hearing.

No one appeared in support.

The following appeared in opposition:

A man said I'm here tonight to ask you to deny this. I own the property that this adjoins. It's a car wash. Eight out of ten times that I go to this facility, there are trucks, box trucks, trailers, some parked half on my property and half on their property. You cannot see to go left or right on Mission Road. I'm not for sure what the speed limit is there, but I'm sure it's 35 mph. When you pull out of their parking, sometimes on the curb on Mission Road, sometimes in Mission Road. It's a hazard to my customers. It's not fair to me.

I could go on for another half hour why I oppose to this, but I'll keep it short and sweet to my two and one-half or three minutes, but that's my biggest reason why I oppose this. It's marked off. They don't enforce that. They park from the street, literally to the street, clear onto the parking lot. It's not just one day; it's six days out of the week. I'd ask you to not approve this application.

No one else appeared in opposition.

Mayor Holland closed the public hearing.

Commissioner Bynum said the item says revising previously approved application to lease parking to a neighboring business. Joe's Kansas City Bar-B-Que is going to lease parking to someone else or from someone else? **Mr. Richardson** said Joe's Kansas City I don't believe is the owner of that particular parcel. It's the proprietor, under a separate business entity, that owns that parcel and is leasing it to Oklahoma Joe's for parking.

Regardless of any action taken on this special use permit by the Commission, for almost two more years, that site will be able to be used for parking of some kind or another. That's the situation that we're in. This is already approved as parking. They're just requesting that it be approved so that Taco Republic could use it for the purpose of their zoning. If they don't have this additional parking, then I would be forced to tell them that they can't renew their business license for lack of parking because they wouldn't meet the zoning code for parking.

Commissioner Bynum asked which business are you referring to. **Mayor Holland** said Taco republic. **Commissioner Bynum** said so Taco Republic needs more parking. **Mr. Richardson** said correct. **Mayor Holland** said Taco Republic had parking in Roeland Park,

Roeland Park revoked it so now they need this parking or they can't operate. **Mr. Richardson** said correct.

Commissioner Walker said the 47th St. Corridor Committee, which consists of Roeland Park, Kansas City, KS, and Westwood, have considered and recommended approval of this issue. For those who don't know, the Mayor has put himself and the Director of Rosedale Development for us and similar elected. **Mayor Holland** said and for that appointment, you owe me a great deal of gratitude. **Commissioner Walker** said I can't wait for my replacement to get that one at 4:00 on a Friday afternoon meeting. It'll be a lot of fun. **Mayor Holland** said I'm here to help. **Commissioner Walker** said I know he's asking to wait for somebody.

The opposition. It's going to continue to be there. People are going to park illegally. You have an enforcement obligation. Not getting this special use permit is not going to change anything. If you've ever gone to Joe's, that place is packed, packed with people. When there isn't parking, they're going to find a place to park whether they park over across the street in Roeland Park or whether they park on this vacant piece of ground. I don't think anything is going to change. I don't see any reason to continue it. I, in fact, am going to move for approval.

Action: **Commissioner Walker made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application #SP-2017-40 for two years, subject to the stipulations.**

Commissioner McKiernan said sorry, last minute again. Commissioner Walker, I think you hit the nail on the head. There is an enforcement responsibility that needs to come into play here. It sounds like what's being described is not necessarily a product of the special use permit. It's a product of people who are potentially parking where they're not supposed to be parking per the special use permit for the parking and we simply need some enforcement for that. **Commissioner Walker** said that seems to be the consensus of everyone. I don't know if our police are not responding or who it is, but it seems to be a matter that should be handled by police. When you start writing \$50 or \$100 tickets, people stop parking.

Roll call was taken on the motion to approve and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Mayor Holland said we have set a record for the Planning and Zoning Consent Agenda. We still have the Planning and Zoning Non-Consent Agenda but we’ll take a 10 minute recess and we’ll reconvene at 9:30.

VACATION APPLICATIONS

ITEM NO. 1 – 171188...#A-2017-5 - WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of an alley at 17 North James Street, submitted by Robin Richardson, AICP, Director of Planning. The applicant, on behalf of Stilwell Investments, LLC, requests the city vacate 2,231 square feet of an alley extending south from Central Avenue between James Street and Ewing Street. The Planning Commission voted 5 to 0 to recommend approval of Alley Vacation Application #A-2017-5, subject to:

Urban Planning and Land Use Comments:

1. There is currently a utility easement in this alley for sanitary sewer. This easement would need to remain in place, meaning that access would have to be provided for any city official or utility worker who needed to get into the alley.

Applicant Response: The maintenance of the utilities within the alley and throughout this property would be covered under state statute to ensure access to utility companies for the purposes of maintenance and or repair. The properties that are in this block do have utilities passing through them. There are two streets that crossed this block that have been vacated for several years.

2. Does the applicant plan on putting up a fence or a gate to close off access to the alley?

Applicant Response: Are you aware that the section of the alley that we were not requesting to be vacated is completely fenced off by the business fronting Ewing? It is not mentioned in your report. The alley is not open to through traffic for anyone and has not been that way for some years. All the properties in this area are security conscious and are perimeter gated and fenced to provide the security necessary for their trucks and equipment.

3. As it is currently proposed, the alley vacation would still leave another stretch of alley (approximately the same length) as public right-of-way with no access to the street system.

Applicant Response: We will approach the adjoining businesses in regard to the vacation of the balance of the alley.

Staff Response: The applicant has amended the petition to include the landlocked portion of the alley. The applicant shall obtain affidavits expressing approval from all adjoining property owners prior to recording the vacation document and exhibit with the Register of Deeds.

4. Please explain the benefits the applicant foresees will come from vacating the alley.

Applicant Response: The applicant is the land owner on both sides of the requested alley vacation. The vacation would allow them to consolidate and utilize the complete space in a more efficient manner for their rental fleet of trucks.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. Obtain approval and affidavit from adjoining property owners prior to recording the vacation documents and exhibit with the Register of Deeds.
 - b. The alley vacation exhibit shall show the existing sanitary sewer line and manholes, and the alley shall remain as a public utility easement.
 - c. Due to existing fence(s), the adjacent property owner(s) shall provide a method of access to existing sanitary sewer and other utilities.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Alley Vacation Application #A-2017-5. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 171189...#S/A-2017-6 - WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of a street and alley at 1101 South 9th Street, submitted by Robin Richardson, AICP, Director of Planning. The applicant is requesting this action in order to consolidate land and to use as additional storage space. Properties belonging to two other land owners and the Kansas City Terminal Railway Co. abut the proposed right-of-way vacation. The Planning Commission voted 5 to 0 to recommend approval of Street and Alley Vacation Application #S/A-2017-6, subject to:

Urban Planning and Land Use Comments: none.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. The alley and right-of-way vacation exhibit shall show the existing sanitary sewer line and manholes, and the alley and right-of-way shall remain as a public utility easement.
 - b. Due to existing fence(s), the adjacent property owner(s) shall provide a method of access to existing sanitary sewer and other utilities.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Street and Alley Vacation Application #S/A-2017-6. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

MASTER PLAN AMENDMENT APPLICATION**ITEM NO. 1 – 171190...#MP-2017-6 - ALEXIS RIVERA**

Synopsis: Master Plan Amendment from Low Density Residential to Medium Density Residential at 2000 North 67th Street, submitted by Robin Richardson, AICP, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment #MP-2017-6.

Action: This item was previously heard with Change of Zone Application #3142.

DE-ANNEXATION PETITION**ITEM NO. 1 – 171199... DE-ANNEXATION PETITION 2017-1, #MP-17409-00003 – QUIVIRA, INC. AND THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KCK**

Synopsis: Two ordinances excluding the following properties from the city limits of Kansas City, Kansas: 3025 South 78th Street, 7910 Holliday Drive, and 7909 Holliday Drive, submitted by Susan Alig, Assistant Counsel. Parcel Numbers 929807, 930002, and 930005 are owned by Quivira, Inc. Quivira, Inc. filed a petition with the Wyandotte County Clerk to de-annex those

parcels from the city of Kansas City, KS. The City of Lake Quivira passed a resolution of intent expressing its intent to annex those parcels. The Planning Commission voted 5 to 0 to recommend approval of the de-annexation.

Action: **ORDINANCE NO. O-14-17**, “An ordinance approving the petition for de-annexation of real property located in the area of 78th Street and Holliday Drive: Parcel Nos. 929807, 930002, and 930005, made by Quivira, Inc.” **Commissioner Kane made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ORDINANCE NO. O-15-17, “An ordinance approving the petition for de-annexation of a portion of Holliday Drive that runs between Parcel Nos. 930002 and 930005, located in the area of 78th Street and Holliday Drive, in Kansas City, KS.” **Commissioner Kane made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Mayor Holland reconvened the meeting at 9:30 p.m.

PLANNING AND ZONING NON-CONSENT AGENDA

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 171191...#MP-2017-4 - ROBERT J. CAREY

Synopsis: Master Plan Amendment from Rural Residential to Low Density Residential at 925 South 89th Street
and

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 171182...#3138 - ROBERT J. CAREY

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for one agriculture lot and three residential lots at 925 South 89th Street, submitted by Robin Richardson, Director of Planning.

The applicant, Robert Carey wants to plat one agriculture lot and three residential lots on 14.14 acres. For the proposed rezoning and platting, a master plan amendment is required; however, the applicant is seeking an amendment from the three acre per lot requirement to be on a septic system.

The Planning Commission voted 4 to 2 to recommend approval of Master Plan Amendment #MP-2017-4.

The Planning Commission voted 5 to 1 to recommend denial of Change of Zone Application #3138 based on the comments from the people present in opposition, testimony about traveling on the road and the applicant was not sure if the new owners would build on the properties.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. On the preliminary plat and/or site plan, show the existing road location of South 89th Street and Osage Drive, and provide right-of-way as required. Further discussion with staff may be required.
 - b. Provide a site plan and indicate the preliminary locations of future homes, proposed driveway locations, septic tank (if sewer is not provided) and lateral field area for each lot.
 - c. Provide bearings and distances instead of metes, bounds, and rods regarding the plat boundary and legal description.
 - d. The County Surveyor makes separate technical review of plat, and submits comments directly to the preparer of the plat. Provide revised plat in accordance with County Surveyor comments.
 - e. Final Plat will have to be approved before going to planning commission with approval to obtain construction or building permits.
2. Items that are conditions of approval (stipulations): If sewer is not provided, the owner of each lot shall coordinate with Wyandotte County Health Department to obtain septic system approval and permit, prior to construction or building permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Staff Conclusion

The applicant met with staff to discuss options regarding their proposal and they want a slight deviation to the master plan to allow 2.85 acres instead of the 3 acre/dwelling unit requirement for the recommended density within the Rural Density Residential designation.

When a final plat is filed, a note shall be added on the plat indicating when the lots are developed, each lot must have a separate septic area and a replacement area when the permit is obtained. Additionally, at the time a building permit is applied for on each lot, the leach field for percolation shall be depicted on the plot plan for Building Inspection.

Mayor Holland said we have two parts of the same thing. The Planning Commission sent us contradictory and mutually explicit directions. Mr. Richardson, is that correct? **Rob Richardson, Director of Planning**, said that is correct at this time in the evening. **Mayor Holland** said we have a Master Plan Amendment that's approved and a zoning application that's denied. It doesn't make any sense, so we're going to have to do a public hearing. My intent is to make a motion to send it back and let them sort their mess out. I don't intend to sort it out for them. I am going to have to open up a public hearing to do that.

John Carey, 925 S. 89th St., said I'm here representing my father Robert James Carey. We are asking to rezone the land he owns on 89th Street from Swartz to Osage as follows: The northern most piece of the property, we would like to remain agricultural. We're going to keep that at five to six acres. We would then like to divide the remaining property to the south into three 2.805 acre lots and zone them as residential to be put up for sale as raw land only. The purchaser, whoever that may be, will determine the use of the land after that. This was recommended for approval by Mr. Richardson, the Director of Urban Planning, yet denied by the City Planning Commission.

My father does not intend to build anything on the residential plots. My father is also current and always has been on his taxes and no home will be built on the north agricultural plot. Mr. Carey will continue to own and plans to will it to all of his nine children.

Opposition to this plan stated three reasons why they did not want my father to do with the land as he wishes: infrastructure, septic tanks, and road layout. There is adequate power transmission lines and water lines to support three more residences. No opposition stated anything to the contrary, yet the word infrastructure was used many times. We assume the opponents were referring to sewers and road layout, which we'll cover next.

Septic tank fears, some opponents expressed fears of raw sewage may gravitationally enter their land from the septic tanks installed by future property owners. I attempted to dispel this notion by stating the Unified Government has some of the best inspectors in the nation. No

septic tank could ever be commissioned without their approval. I also took it upon myself to perform perk tests, which you can see the method that I used. All three of the residential properties passed.

Road layout, it's been stated that 89th Street could not handle any more traffic. They stated the road was narrow. They stated people had to slow down and hug the ditch if they passed, and additional traffic would cause trouble. My solution was if we take the corner most lot at 89th & Swartz and that driveway would go onto Swartz then that would only make two residential lots. Once again, my father is not building on the agricultural lot. That would only make two, which would increase the road traffic by only 20%. Then I'd have to question how many cars pass each other on any given day in opposite directions. You can also look at speed and distance. From Swartz to the 90 degrees at Osage, that's only 1,300 ft. That's a quarter mile, that's a 440 run like in high school. The speed couldn't gain very much.

Let's look at road width. To make the assumption that all the traffic will exit south on 89th and enter Swartz, let's look at the width of the road. These photos, I took these off of Google Earth, I measured 89th Street; it's 16 ½ ft. across. I measured Swartz Road and it's 16.86 across. Now, normally people would try to head toward I-435, which would be at 94th & Kansas Avenue. I measured 94th Street and it's 16.96 ft. across.

In conclusion, the primary opponent of the rezoning proposed—do we have Google Earth available? **Mr. Richardson** said we can put up a satellite. **Mr. Carey** said a satellite is all I need. Can you zoom in on 8741 Osage, it's the top right of the property. That would be Mr. McKinney's land. If you zoom in on the shop and the house and a little bit farther so we can take a look at how many vehicles we're looking at on this one particular property.

What we have here, Mr. McKinney is the primary opponent to the rezoning of these three pieces of property. This is Mr. McKinney's land and he has said that 89th Street would be congested. Mr. McKinney owns A-One Trucking and Paving, which you can see I pulled off of Manta. It does revenue of \$625,000 and employees five staff. It's a paving company so I think that we can safely assume—I see a road grader there. I'm sure that there are pavers, dump trucks, employees coming and going.

What we currently have is we have eight people on this side of the road on 89th Street. Including Mr. McKinney, we have eight people all the way around to Swartz. It appears that just on his property alone, there are more vehicles than all the remaining people that we're speaking

of plus two more houses that would be put onto 89th Street. I'm asking that we accept the property rezoning.

Mayor Holland opened the public hearing.

The following appeared in support.

Shelley Kiss, 925 S. 89th St., said I'm for him being able to zone his property. I believe the reason that we buy property is so that we can resell it. I believe that also the neighbors have gotten used to that property being vacant and nothing being there. It's their own personal park at this point. This is a man who is retired that would like to sell off his property and regain some of his money so I'm for it.

No one else appeared in support.

The following appeared in opposition.

Shirley Carter Ikerd, 804 S. 89th St., said this property was sold about six or seven years ago. When me and one of the sons that owned the property wanted to buy it, the other son did not want to sell it to us. I own 14 acres. I'm objecting to these people wanting to build three houses there because there is a stream or runoff or something that goes down between that property. If they're using any kinds of chemicals or anything, I have cows.

Not only that, the road is too narrow for any more traffic. When you come off of 86th Street, coming around two bends to get to where I live, you have to let each other by. When it is snowing or icy, the city does not just come to that little cul-de-sac. I call it a country cul-de-sac. They do not snowplow our streets like they should. We have friends that plow our streets when the city hasn't gotten to them. This is a very narrow street.

When I cut my yard, I'm on a slope going down to the street. People that don't live there—I take my life in my hands just to cut my yard.

There is a highway patrolman that lives up on the corner. He does not want this and the rest of us don't want it. It's just a little piece that we would like to keep because this is not conducive to say that you build three houses, that's six more cars. That is not conducive to possibly six or seven more cars on what my husband used to call a wagon trail. We still have

that same wagon trail. It has never been widened or anything. I'm against it because of the traffic.

Alan McKinney, owner of A-One Trucking & Paving, said I've been there 35 years. I do own the paving company. The road that we're talking Osage; that's where I live. I come up that road there. We don't hardly go around that corner at all because of the traffic. The street is 15.6 inches. It's not no 16-18 inches. They don't live there. They bought the property so they could develop houses. If they lived there, they wouldn't do it.

Debbie McKinney, 8741 Osage Ave., said we moved there. We bought that place there. We built that place there because of the type of area it is. The more it's getting developed, and developed, and developed, it's becoming not what we wanted. We have invested all these years there to raise our family and to have a nice, peaceful place to live. It has become traffic. We're dunking each other going around the roads. We just don't need any more. We don't need any more traffic. We love to look out our window and see peace; not people's backyards and everything.

No one else appeared in opposition.

Mayor Holland closed the public hearing.

Mr. Carey said one, if Mr. McKinney accesses his property from Osage and 86th Street, what are his concerns about 89th Street. Two, has anyone ever heard of somebody that bought some land right next to a landfill and then you're complaining after you have the land of what it smells like? That's not right. Along those same lines, instead of stopping my father from being able to divide the land that is his rightfully, they have the option to purchase it as soon as we divide it. That's how the United States works.

Mayor Holland said we have a couple of issues here. One, we have an application for a Master Plan Amendment. We could, and I'm going to leave it up to the Commission—I told you I'm

just annoyed with our Planning Commission for not sorting this out for us, but we have the option of sorting it out right now or sending it back.

The Master Plan Amendment has been approved. Honestly, I've never seen this. Then the Change of Zone has been denied by completely opposite votes. It doesn't make any sense at all. What we have then, I'll just leave it up to the Commission. We could approve the Master Plan Amendment and go against them. It would take eight votes to change the recommendation for denial or vice versa. We could deny the approval and approve the other, but one of those is going to take eight votes. I'll turn it over to Commission or we can send the whole mess back and it would take six votes.

Commissioner Walker said my intention is to make a motion on Item #MP-2017-4 to approve the change in the Master Plan Amendment. In other words, follow the recommendation of the Planning Commission.

Action: **Commissioner Walker made a motion, seconded by Commissioner Markley, to approve Master Plan Amendment Application #MP-2017-4.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

Commissioner Walker said on the Change of Zone, it seems the Planning Commission made a reversal from what they appeared to do in the first one. It's going to require eight votes, if I understand, to override. I'm going to throw this out because I believe if you buy land, it's your right to try to sell that land, try to develop that land. If somebody wants to build a house on that and buy a piece of property from these people, they should have the right to do that. Now, whether there's adequate—whether the roads would discourage me or the lack of sewers, that's not my issue. I'm going to make a motion that we override the Planning Commission's recommendation for denial.

Action: **Commissioner Walker made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3138.**

Commissioner Walker said the motion is to override the Planning Commission's recommendation of denial. **Mayor Holland** said and thereby, approve.

Mayor Holland said there is a motion and the motion is to—I just have to say this right. Can the attorney help me say this right. **Angela Lawson, Assistant Counsel**, said if you vote yes, you're voting to override. **Mayor Holland** said if you're voting yes, you're voting to override and are in favor of the original application. It would need eight votes because it is going against the Planning Commission's recommendation.

Roll call was taken on the motion and there were eight "Ayes," McKiernan, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend; and one "No," Johnson.

Mayor Holland said that concludes our Planning and Zoning portion of the meeting. That brings us now to our Non-Planning Consent Agenda.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if anyone in attendance tonight or any commissioner or staff member would like to set-aside an item from the Non-Planning Consent Agenda. If you would like to set an item aside, please step forward to the microphone. Any item not set aside will be voted on by a single vote. Let the record show no one is moving to set an item aside.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 1 – 171194...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination of Racheal Jefferson to the Kansas City Housing Authority, 6/29/17 – 3/31/18, submitted by Commissioner Townsend.

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

ITEM NO. 2 – MINUTES

Synopsis: Minutes from regular session of May 25, 2017.

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 15 and 22, 2017.

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

STANDING COMMITTEES’ AGENDA

ITEM NO. 1 – 171105... ORDINANCE: BUILDING AND BUILDING REGULATIONS

Synopsis: An ordinance amending Chapter 8 – Buildings and Building Regulations, Article X – Owner Registration Statement, submitted by Wendy Green, Assistant Counsel. This is a SOAR initiative to improve the appearance and safety of vacant properties in the community. On May 1, 2017, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted 4 to 1 to approve and forward to full commission.

Action: **ORDINANCE NO. O-12-17**, “An ordinance relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-470, 8-471, 8-472, 8-473, 8-479, and

8-481 of the Unified Government Code, and adding original Section 8-483 relating to Buildings and Building Regulations.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 171161...ORDINANCE: AMEND SECTION 35-651 RELATING TO SEAT BELT FINES

Synopsis: An ordinance amending the fine set for violating the seat belt ordinance as set out in Section 35-651 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Misty Brown, Deputy Chief Counsel. These changes are necessary to comply with state law. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on June 26, 2017. It was requested, and approved by the Mayor, to fast track this item to the June 29, 2017 full commission meeting.

Action: **ORDINANCE NO. O-13-17**, “An ordinance relating to Chapter 35 Traffic, amending Section 35-651 of the Code of Ordinances for the unified Government of Wyandotte County/Kansas City, KS.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the ordinance.**

Mayor Holland said I’ll just say this is another State’s bad idea. We have a \$10 fine and they make it a \$30 fine and we have to send \$20 to the State. This is a revenue generator for the state by sending seat belt fines. I’ll just make a political commentary. If this is their solution to their budget of getting \$20 for a seat belt fine, that’s pretty pathetic; but it is what it is and we’re making our ordinance match the State’s.

Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 3 – 171160... RESOLUTION/AGREEMENT: MISSION, KS, RELATING TO #SP-2017-4 (3140 SOUTH 28TH STREET)

Synopsis: A resolution approving an interlocal agreement between the Unified Government of Wyandotte County/Kansas City, KS, and the City of Mission, KS, for the enforcement of zoning regulations, building codes and property maintenance for 3140 South 28th Street, Kansas City, KS, submitted by Robin H. Richardson, AICP, Director of Planning. This action is in conjunction with Special Use Permit #SP-2017-4 which was approved by the Commission on March 30, 2017, for two years. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on June 26, 2017. It was requested, and approved by the Mayor, to fast track this item to the June 29, 2017 full commission meeting.

Mayor Holland said in our summary in the agenda, 3140 is the correct number. There was a typo on the other, but the blue sheet has corrected it.

Action: **RESOLUTION NO. R-26-17**, “A resolution approving an interlocal agreement between the Unified Government of Wyandotte County/Kansas City, KS, and the City of Mission, KS, for the enforcement of zoning regulations, building codes, and property maintenance for 3140 S. 28th St.,” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 171177...DESIGNATION: VOTING DELEGATE FOR NACO CONFERENCE

Synopsis: Designate Emerick Cross as the voting delegate for the UG at the National Association of Counties (NACo) 82nd Annual Conference to be held in Franklin County, Ohio, submitted by Doug Bach, County Administrator.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve.

Mayor Holland said we're sending him to Franklin County, OH, for his 50th Birthday.

Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 171177...RESOLUTION: T-BONES MANAGEMENT AGREEMENT, TERMINATION OF LEASE, AND SECOND AMENDMENT OF REA

Synopsis: Request adoption of a resolution authorizing the following actions relating to the T-Bones Baseball Club, LLC, submitted by Patrick Waters, Senior Attorney:

- Management Agreement
- Termination of Lease Agreement
- Second Amendment to Baseball Stadium Amended and Restated Declaration of Reciprocal Easements, Covenants and Restrictions

Doug Bach, County Administrator, said Jon Stephens has been working on this project for quite some time; very in-depth work with the T-Bones considering they're a very viable part of our community.

Jon Stephens, Director of Economic Development, said the issue at hand does concern T-Bones Baseball and the Community America Ballpark. Tonight, we'll be reviewing the current status of the T-Bones as well as reviewing a proposed management agreement.

T-BONES BASEBALL CONTRACT REVISION

Unified Government Commission

June 29, 2017



Tonight's Agenda

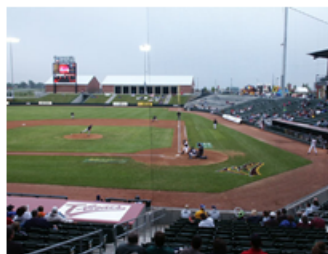


- Review status of T-Bones Baseball
- Review proposed new Management Agreement provisions
- Recommend adoption of proposed new Management Agreement

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June 29, 2017

Current Status



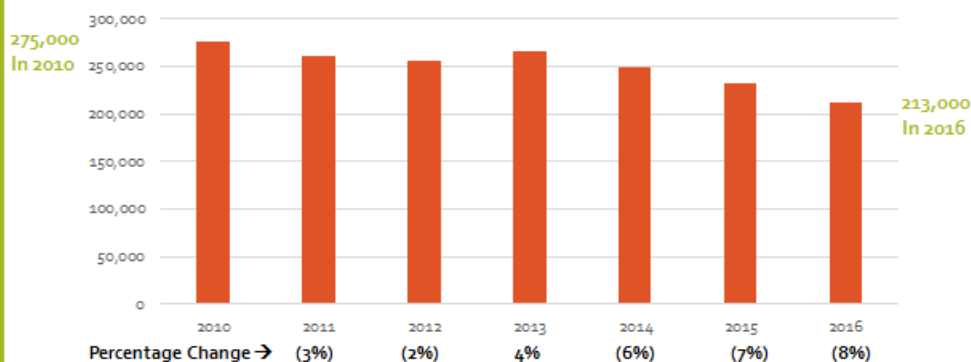
- The Kansas City T-Bones generate a direct and indirect **economic impact of \$4.2-million a year** for Wyandotte County and are an integral part of the Village West area, which is the #1 tourist attraction in the state of Kansas.
- As new attractions have been added, attendance at the T-Bones games has declined.
- In 2014, the Unified Government took over ownership of the Community America Ball Park, making the T-Bones a tenant.

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The current status is that the economic direct and indirect economic development impact is \$4.2M a year from T-Bones Baseball. We view it as an integral part of the Village West Development as part of the number one tourist attraction in the state of Kansas. However, as new attractions have been added, the attendance at T-Bones' games has declined. In 2014, the Unified Government took ownership of Community America Ballpark making the T-Bones a tenant and structured a lease agreement.

T-Bones Baseball Annual Attendance

*between 48 and 50 games per season

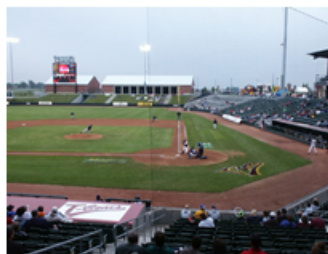


4

You can see that there have been some ups and downs, but generally there has been an erosion from 2010 to 2016 in overall attendance at T-Bones Baseball.

June 29, 2017

Current Status



- June 2016: The UG sent a demand letter to the T-Bones
- T-Bones responded that their income was insufficient to meet the current lease agreement obligations
- UG paid \$125,000 in September 2016 for:
 - Property taxes on parking lot, and
 - Legends common area maintenance charges

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Additionally in June 2016, a demand letter was sent to the T-Bones organization. They responded to that that their income was insufficient to meet the current lease obligations. The UG then paid \$125,000 in September 2016 for the obligations related to the property taxes on the parking lot, and the Legends common area maintenance charges.

Current Status

- UG purchased stadium in February 2014; State approved use of \$5.5 million in STAR Bonds; Bonds paid off December 1, 2016; No outstanding debt on stadium.
- 20-year Lease with annual payments from T-Bones to UG
 - T-Bones pay all operating expenses; UG pays for capital maintenance costs
 - T-Bones pay 50% of UG sewer rates and 100% of UG stormwater rates
 - T-Bones pays 100% of BPU electric and water rates
 - T-Bones pay 50-cent ticket tax that goes to Parks & Rec TURF fund
 - T-Bones pay for taxes on parking lot and the Legends common area maintenance charges
 - UG liable for property tax on stadium*
 - * Due to SBOE finding that stadium activities are not tax-exempt; appeal process ongoing
 - UG receives 25% of profits from non-baseball events held at stadium
 - T-Bones must make stadium available to local high school teams and community events for minimal cost

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Continue with the current status, when the UG purchased the stadium in 2014, it used \$5.5M in STAR Bonds. Those bonds were paid off December 1, 2016, so, therefore, currently there is no outstanding debt on the stadium itself. You can see the 20-year lease terms with annual payments as it was structured, or is structured, in the lease agreement.

June 29, 2017

Current Situation: UG Staff Review

- Agreed Upon Procedure conducted by UG Independent Auditors
 - Revenue and attendance declines correlated year-over-year
 - Salary and travel expenses consistent with size of team operations
 - Cash management and financial transactions review demonstrated proper controls
- Compared agreement provisions of 11 publically-owned baseball teams
 - Several consistent with T-Bones agreement
 - Several did not require team to pay utilities
 - Most included provisions for revenue sharing arrangements
- Jointly worked with T-Bones on a pro forma financial "break-even" analysis
 - Pro forma model analysis assumed team can sustain operations during lean years
- Move to a Management Agreement structure recommended

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Additionally, as we were going through the staff review process of the status of the T-Bones, the independent auditors, that were brought in by the UG, reviewed revenue and attendance and they determined that the declines correlated year over year with the revenue projections so that is where the decrease revenue is coming from.

Sales and travel expenses are consistent with the size and the type of team and the type of operation from a national perspective. Cash management and financial transaction reviews demonstrated that T-Bones Baseball did practice proper financial controls related to the operation of their organization.

Additionally, staff compared 11 publicly-owned baseball teams and their provisions. Several were consistent with T-Bones Baseball and the current MA Agreement. Several did not require teams to pay utilities related to the stadium and most included provisions for revenue sharing arrangements.

Jointly, working with the T-Bones on a performa financial break-even analysis, the idea was to create a performa model that allowed them to sustain operations and continue to operate in a professional manner, even during some of their lean performance seasons or years. The recommendation then became to move from a lease agreement to a management agreement of the stadium since the Unified Government currently owns the stadium.

Management Agreement

- Modify from lease to **Management Agreement**
 - T-Bones named as Manager
 - Provides opportunity to change tax status related to property tax on stadium; If granted, tax exemption would mean the UG no longer liable for \$246K p/yr.
 - T-Bones will no longer pay to the UG annual lease payment of \$33K p/yr.
- Change the agreement term from 20 years (ending in 2034) to 6 years (ending in 2022)
- UG responsible for Legends parking lot property tax and common area maintenance costs:
 - Property tax on Legends parking lot—totals \$119K p/yr., 46% or \$54,740 UG receives back
 - Common area maintenance charges—totals \$25K p/yr.
- BPU/UG utility account put in the UG name for bills beginning in June 2017
 - T-Bones paying UG discounted portion of total bill (including sales tax/PILOT), estimated at 45% of total bill
 - T-Bones discount on future utility bills in the UG's name:
 - ERC and ESC remain at existing rate structure
 - Electric rate of 6.5 cents per kWh going forward
 - Water rate at \$1.77 per CCF going forward
 - UG covering the remaining costs of the utility bill, estimated at 55% of total bill

A little bit about this management agreement as it is proposed to be structured. T-Bones are named as the manager of the facility. That allows us to provide an opportunity to change the tax status related to the property taxes on the stadium. If that's granted, it would mean that the UG is no longer liable for approximately \$246,000 a year in property taxes on the facility. It would also nullify the T-Bones Baseball paying an annualized lease payment to the Unified Government. It would also change the current term from 20 years, which is currently scheduled to end in 2034, to a 6-year management agreement ending in 2022.

The UG would be responsible for the Legends parking lot, property tax, common area, and maintenance charges as were outlined and paid in 2016. You can see that it's a total of \$119,000 per year and then 46% of that, the UG receives back and then the CAM charges are estimated at \$25,000 a year.

The BPU and UG utility account would be put in the Unified Government's name for bills beginning June 2017. The T-Bones currently pay a discounted portion of the total bill. It would be estimated to be 45% of the total bill that the T-Bones pay. Additionally, the ERC and ESC would remain at the existing rate structure. Electric rate of 6.5 cents per kilowatt hour going forward and water rates at 1.77 per CCF going forward. The UG would cover the remaining costs of the utility bill which is estimated at 55%. To summarize that, the discounted portion of the bill and then the UG would pay the remaining 55%.

Management Agreement

Past Due Bills and Surety Bond



- T-Bones agrees to pay past due bills over 4-years (\$20K p/yr.)
- Proposal includes that unpaid UG sewer/stormwater bill of \$6K discounted to \$3K
- **Management Contract is structured on a "go forward" basis, using actual performance numbers. Indication is they will be able to cover costs outlined.**
- **T-Bones required to obtain a surety bond of \$135K, which includes:**
 - Annual utilities estimate with sales taxes & PILOT: \$115K
 - One-fourth of other obligations paid by UG (parking lot property taxes, CAM): \$20K.

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A little bit more about this management agreement as it's structured in regards to pass due bills which are present as well as a surety bond. The T-Bones agree to pay, in this management agreement, past due bills over four years at \$20,000 per year. Additionally, the unpaid UG sewer and stormwater bills would be paid at \$3,000, which is discounted from the current \$6,000 outstanding.

The management contract, as I said, is structured on a go forward basis. This management agreement is based upon actual performance numbers from the audit, from their financials and there is every indication to believe that this would be a viable coverage for them to continue operating.

Finally, as it relates to the management agreement, the T-Bones are required to obtain a surety bond of \$135,000 which includes annual utility estimates with sales taxes and PILOT of \$115,000 and one-fourth of their other obligations paid by the UG which is estimated at \$20,000. That surety bond is if they fail to pay, we claim the surety bond.

UG Fiscal Impact (Annual)				
	Previous Agreement	Past Years Activity	Proposed Agreement	Note
Inflows:				
T-Bones Base ball lease payment	33,000	33,000	-	Changed from a lease to mgmt agreement
Property Tax on Stadium	113,160	113,160	-	Receive 4.8% back of \$14.6K in 2016 total
Property Tax on Legends Parking Lot	54,740	54,740	54,740	Receive 4.8% back of \$119K in 2016 total
Ticket Tax	25,000	11,000	25,000	
T-Bones pymt of BPU electric and water utility	-	-	114,750	Proposed 4.5% of \$2,550K est. 2017 total
Associated BPU utility bill RIOT Taxes to UG	-	-	29,000	Associated with \$125K est. 2017 utility total 100% back to UG
UG sewer and storm utility payments	6,000	-	6,000	Charged at 50% per previous and current agreement
Past due Legends obligations to UG repayment plan	-	-	20,145	\$131K past due 2015/16 Legends related obligations recovered over 4 years
Total Inflows	\$ 231,900	\$ 211,900	\$ 249,695	
Outflows:				
Property Tax on Stadium	24,600	24,600	-	Shift to mgmt agreement changes to tax-exempt
Property Tax on Legends Parking Lot	-	119,000	119,000	UG responsible per Legends agreement
Legends Common Area Maintenance	-	24,600	24,600	UG responsible per Legends agreement
BPU electric and water utility payments	-	-	255,000	Proposed pays BPU's 100% of \$2,550K est. 2017 total
Past Due UG sewer and storm utility payments	-	6,300	-	Total amount past due thru May 2017
Total Outflows	\$ 24,600	\$ 255,200	\$ 398,600	
Net Inflows / (Outflows)	\$ (14,100)	\$ (183,000)	\$ (148,905)	

Here is, I believe you all have it, it was distributed to you, a summation of the fiscal impact to the Unified Government related to the previous agreement, past year's activities, and the proposed agreement. You can see how some of the burden shift, but overall, the net inflows and outflows are shown at the bottom.

Management Agreement

Efforts by T-Bones Baseball



Ownership has outlined the following efforts to improve attendance and revenue

- Improved sales team and efforts
- Group ticket sales focus
- Increased promotions and marketing focus
- Increased corporate and advertiser sales

Additionally, I think it's important to mention that the T-Bones Baseball ownership has shared with us several things that they believe are concerted efforts on their part to improve attendance and revenue, that includes: improved sales and improved sales teams and the efforts on that, increased focus on group sales for tickets, an increased promotional and marketing focus, an

increased corporate and advertiser sales that they believe they are seeing in the marketplace due to some focused efforts that they are incorporating.

**Recommendation:
Adopt proposed new
Management Agreement**



With that, before I close, I will say that Adam Ehlert, the owner, is here if there are any questions. He's happy to answer those he's indicated to us. With that, staff recommends that we adopt the new proposed management agreement.



Mayor Holland said for items that have already been before the full Commission, I tend to bring them back to the full Commission and bypass the standing committee process just because we've already all talked about it so we're just all going to talk about it again. The standing committee is typically where we have public input. Since we bypassed the standing committee, we have not had an opportunity for public input so I will open it up for public input if there are folks who would like to express their opinion about it.

Mayor Holland opened up the public hearing.

The following appearing in favor.

Bill Hurrelbrink, 11022 Cleveland Ave., said I also operate a business at 508 S. 70th in Muncie. I'm just here to speak on the T-Bones' behalf and encourage continue dialogue and partnership with the T-Bones from the Unified Government and for the future on a number of reasons.

One, I just think they're a great partner for our community and a great amenity out in Village West. They've been here for 15 years. This is their 15th season of operation.

When I was 10 years old growing up at 83rd & Leavenworth Road, my idea of baseball in Wyandotte County was playing in my backyard or at WyCo or at 3 & 2 at 52nd & Leavenworth Road. Now, if you ask 36-year old me what's baseball in Wyandotte County, it's Kansas City T-Bones Baseball. It's a great draw. I think we just welcome the millionth visitor. Was it last year? **Mayor Holland** said 3 million. **Mr. Hurrelbrink** said you know it. There it is.

When I was 26, I moved back to Kansas City, KS, from K-State in Manhattan. I'd bring my friends and we'd go have dollar hot dogs, watch the game, it might have been more the dollar beers that brought us there, but that's beside the point and had a great time. Now that I'm 36, I get to bring my kids there. My son is 8-years-old and he's right at the age now where if you really like baseball, you really start getting baseball right now. To see him and that look in his eyes when he looks out in the field and he can see the plays developing, he knows that play's at first, that play's at third. That kind of teaching thing and that father/son type of relationship is one that I cherish and that I get to have out at the T-Bones.

Secondly, the tourism impact, I think, that it has for our community is substantial. What they said \$4M in economic impact and think about where these people come from. I go to the games, you go to the games, other folks from Kansas City, KS, go to the games, but also people

in Overland Park go to the games. People in Independence go to the games, people in Topeka go to the games, people in Omaha, NE, come down and go to the games, people in Arkansas come up and go to the games. It's not just a metro area attraction, this is a regional attraction. A lot of people every year come travel to visit us.

Also, on the group level, I've had the opportunity to do PA announcements for the T-Bones on Thursday through Sunday nights. Every night they give me a group list to read. Every night it's at least seven groups. On weekends, it's 35 groups. It's groups like the Tonganoxie Chamber or the Leawood Optimus Club or the Nebraska Boy Scouts. Again, it's a regional attraction, a regional draw that sees a lot of people come into our community to spend money not only there, but also in Village West. We have to continue to diversify our assets out west and I think having a sport attraction along with Sporting Kansas City, along with retail, along with restaurants, with all the future developments with the American Royal, Schlitterbahn that continued diversification of that area is only going to improve it.

Finally, let's not just remember what the T-Bones have done for this community as well in building 88 playgrounds across the community for the last 15 years along with the Parks Foundation, the Turf Fund, as well as parting with the Boy Scouts, Girl Scouts, Cancer for Kids and a lot of other organizations within our community.

Lee Urban said I just had three kinds of core points. I would strongly recommend that the Commission adopt the recommendation. The first point is context. If you think about it, where were you 15 years ago? Fifteen years ago, I was working on my major in college. In context here, the T-Bones have been planting their roots in Kansas City, KS, for the last 15 years. It's been stated, and I think it's a very important point, that they are an integral part of the Village West, the Legends, tourist attraction from a regional perspective.

The second, I guess the second point, is the core. I love baseball. I love baseball in Wyandotte County. Where can you go to get this level of entertainment at an affordable price? It's an amazing family venue that you can't get anywhere else in the region. There is a huge core value of keeping and maintaining this baseball organization in Kansas City, KS.

Next, in just business terms, the \$4M economic impact against a \$150,000 annual investment in a partnership, with a 15 year track record of being a committed, corporate citizen, I think it's a pretty sound business and economic decision.

The cherry on top is that if you change this structure, there's substantial property tax savings. Thank you for your time and please support the T-Bones.

Sandy Reddin said I currently live in Olathe, KS, but I originally grew up in Wyandotte County. I went to school there. I currently work in KCK although I live in Johnson County. I will say that being from Wyandotte County, being from KCK, I am proud to have the T-Bones as part of the group. I'm just here as an average citizen, just your normal plain person from Wyandotte County that, as a consumer, loves to have that venue there in Wyandotte County. I think it's a huge draw. I know that there are many people that would be so disappointed if it were not kept.

I just want to say I know a lot of people that are on lower incomes, they have their family; they can go out there and enjoy good, quality entertainment for everybody all ages. I know people that are older, retired people who can't afford season tickets to the Royals and can't afford to drive all that way, but they can at the T-Bones. They love it and they support it year after year after year. I know people from Leavenworth, the military families, that can't always afford a lot, they come down. I know a lot of people from Johnson County greatly support it. I think it would be a huge loss not to have that.

In addition, just from a business perspective, I'm a business person as well. I can't imagine the UG not supporting this type of business because it's a perfect business model for Wyandotte County, I believe. Perfect price point, perfect area. I just hope that this is approved.

Lisa Thurlow, Overland Park, KS, said I'm from Overland Park, KS, but originally also from Kansas City, KS. I'm a Turner product. I'm here; proud school of the Golden Bears. I'm here as a mom, though. I'm also a supporter of the T-Bones. I remember also 15 years ago when I first heard that we were going to get a baseball team in Kansas City, KS. Boy, how things have changed in Wyandotte County since I grew up there. I think the T-Bones are a big contributor of that. They were one of the leaders coming into the Legends area and helped it develop where it is.

Currently, I'm fortunate that I have a son who has the excellent opportunity to be an xtern in the Promotions Department at the T-Bones this summer. I come to you saying what a great opportunity it is. I don't know how many of you needed to find an xternship to complete education requirements. If you did, you know how difficult that is. Maybe you have children,

grandchildren, friends, family, it's an important part of experiential learning that many of our college students seek at this time.

My son personally wants to work in sports management, that's his goal. He's ending the payroll at the University of Kansas. He's entering his senior year. This opportunity that the T-Bones has afforded him right in our own backyard has hopefully given him a step up on other kids who will be seeking similar positions that maybe had to go elsewhere out of our region in order to get that experience.

He's had a wonderful experience with the T-Bones from every level. From Mr. Elerd all the way down to the other xterns that he works with. I just don't think you can trade that sort of experience that he's gaining this summer working as an xtern getting that experience to put on his resume. I so much appreciate that he's getting it while staying at home and hoping that also gives him opportunities later.

Once again, I hope you support the T-Bones and keep the opportunities for our local kids. There are about 30 xterns, I believe, that are with him. Over 15 years, look at all the opportunities that's afforded them, and I hope that you have the opportunity for kids to come.

Matt Watkins, Kansas City, Kansas, said I'm with Reece Commercial. I come before you to support Adam Elerd as a great community partner. He's done a lot of work over the last 15 years that I think many of us don't see on a day-to-day basis. I get to see him on a weekly basis at Rotary Club. I know he fights to put the best product on the field. That fight is real when you have world class attractions right next door like Sporting Park, like the Speedway, like other things that are great for our community.

I think we need to look at the small business owner and the partner that Adam has been over the 15 years growing, what I think, is a great brand of independent league baseball here in Kansas City. He is one of the best operators out there. I think it would be a shame for us to turn our cheek to him in not supporting him in this endeavor.

He does more for us, for our parks, for our other community assets, and I really think you ought to support him, not just bringing in 200,000 people to our community every year. I would like to see us keep independent baseball in Kansas City. I encourage you to vote in favor of this proposal.

June 29, 2017

Cheryl Reitmeyer, 2209 N. 88th, said proud to be here. I'm a Dotte; always will be, always have been. I am also a season ticketholder of the T-Bones, and for the last three years, I've been the Volunteer Host Family Coordinator. I'm not paid. I do it because I love the game and I love the T-Bones and what they bring to our community. Like everyone else has said how proud we are that we have professional baseball that's affordable, family fun here in Wyandotte County. I love being able to tell others that. I can't imagine that we would let that leave this county and what it does bring to the county is amazing. Yes, the numbers were down the last couple of years as far as attendance, but the efforts they're making this year—I've already seen the stands are filling up more and more. I'm at every game so I know, I'm watching. Please, please, accept this, whatever this is called. Pass it. Say yes.

Eric Martinez said I bought my home, my first home for the first time ever in Wyandotte County. I'm very proud to say that. I'm actually from a small town called Finley County, our initials are FI. I feel very proud about both counties. I might not get the tattoo that says WyFi, but that might be a good idea.

Anyway, one of the reasons why I chose to live in the area I do is because I grew up with a small town, Hispanic values, of boxing, baseball, and soccer. I do enjoy both. I don't see any boxing at the Legends area, but that's fine. One of the reasons why I moved in the area is because I'm in large support of baseball and the T-Bones. I hold very truly to my heart that anything that's in Wyandotte County I do support. I don't care where I need to drive and to which part. Even if I just want to get a small order of wings, I'll drive down to Wilson's Pizza on Quindaro just to get me some wings. It sounds ridiculous and it's a little bit out of my neighborhood, but I'll go there and I'll talk.

One of the things that I do is largely support everything that comes along in Wyandotte County. Whether it's going to those games, whether it's getting season tickets to there—I'm still on the wait list for Sporting KC. It's just something I hold dearly. If there's an opportunity of friends that say, hey, let's go to Overland Park. I don't want to go. I just say I'm tired that day because I want to do whatever I can to support Wyandotte County.

One of the reasons why I do like the baseball is because it's affordable. Free parking, I can sit in the shade, I can walk around, I don't have to be restricted about where I want to go in the T-Bones stadium unless I have my dog, of course, and that's on certain days. The drinks are

affordable, the foods affordable, and it's affordable to bring your friends. As a matter of fact, shortly after I bought my first house, a friend that I went to college with decided to buy his house right across Painted Hills at the very first time. I do encourage all of you guys to really be in favor of the Kansas City T-Bones remaining here.

I'm not exactly the most proficient at the MBA that I'm working at so far, but I will tell you that the component, the economic component, of this—the Kansas City T-Bones is strongly in support of the Wyandotte County residents and the taxpayers because it brings several people from around the metro and outside the regions as well to support. They may stay in hotels, they may stay with friends, but they're surely not going to eat at their friends' house. They may go out to eat somewhere at the Legends, provide those tax sales that this county definitely need.

Mayor Holland said there are several here who may not have spoken. If you would like to show your support to be in favor, you're welcome to stand. Everyone who is here that would like to show your support in favor, you may stand whether you spoke or not.

Mayor Holland asked anyone who would like to speak in opposition to come forward.

The following appeared in opposition:

Jeff Bryant, 5619 Pawnee Dr., said I'm the Vice President of the Board of Directors for BPU, but tonight, I'm coming to you as a lifelong Wyandotte County resident and a diligent taxpayer. I can fairly well say that my wife and I are proponents of our county. I think that most of you know some of our extracurricular activities. We speak out about the good things in Wyandotte County every chance we get. We're so happy to have many of the attractions that have been brought in; a lot of the hard work you guys have all done to help keep it going and keep it rolling.

As far as the T-Bones Baseball, we enjoy baseball games. We believe like any other business, it needs to stand on its own. I work my day job, a company that the city wouldn't necessarily come in and help support just because they were having an issue in making money. I understand it's an entertainment venue and they're having tough times.

I'm looking at the new agreement and it's showing that the UG would pay 55% of the utility bill. The UG is not paying 55%, the residents of Wyandotte County are paying 55%. On

top of everything, I'm already paying in my taxes—as a taxpayer for my entire life almost, I can say our taxes are high. It is not just our taxes. If you put everything that we pay between what comes from the BPU bill, what comes from the UG tax bill, what comes from our schools, what comes from our junior college, that's a cost that every person who lives here has to put up with to be a resident of Wyandotte County. We should get benefits from every one of them and I believe in a lot of ways we do. There are expenses to live in the city. We have our own issues to deal with, but to take upon what we already pay and add to it additional funds that we have to put out to help support a for-profit business, I don't believe that is fair to all of the citizens in our county.

Remember that many of the license plates I see when I go to the T-Bones games are not Wyandotte County tags so, therefore, we are subsidizing the entertainment for other counties. I would appreciate if you would take that into consideration.

I think I already spoke out before about how I feel about the past due bill and the repayment of it in 100% as a bill that's created, it should be paid. T

Marcia Rupp said you don't have a neutral here. I'm not against baseball. I like baseball, but I like football even better. Maybe we ought to think about turning that field like a lot of pros do from a baseball field into a football field in the winter. You know we have very little winter entertainment in Wyandotte County. If we could somehow find a minor league football team, or soccer I think was even playing there for a while. If we could find something to do with that field in the winter, maybe put a little ceiling over—**Mayor Holland** said a retractable dome. **Ms. Rupp** said no, a little ceiling over it so it can sit. That would be good. It's not silly because pro baseball and football do it. They change their field. They'll put a few goal posts in there and some more markings, and wow, I'm a football fan really. It's just a suggestion that something could be used all year and maybe bring in a little more revenue, some incentives, and keep both baseball and maybe add football.

No one else appeared in opposition or neutral.

Mayor Holland closed the public hearing.

Mayor Holland said one of the things when we looked at this, I said if we had an empty stadium, what would we offer to a club to come in and fill our stadium and provide baseball. Let's offer that to the T-Bones. My wireless carrier continually offers to non-customers a half-price deal, but to the existing customers, we keep paying the same. I thought why don't we just offer our best deal to our good partner, the Ehlert's and the T-Bones, in order to keep this moving forward. They have been a great partner for 15 years. They have brought in over 3 million people. If we had originally thought they'd bring in 200,000 people a year, we would have been thrilled with it.

In the evaluation we did of all the northern league contracts of looking at them, people have spent, and I think others are going to mention this, people have spent a lot more money on stadiums and teams than we have. I think of the Chiefs and the Royals. Jackson County gave almost \$600M to the Chiefs and the Royals who are high revenue groups in order to keep professional football and professional baseball.

We gave a 30-year abatement to the NASCAR and \$150M in STAR Bonds to the soccer stadium. We have been in the public sports business in Wyandotte County and it has paid huge dividends. All of the STAR Bonds that we've issued out there for NASCAR, for the soccer stadium, for the T-Bones, have all paid off. They paid off early and we're seeing the ongoing benefits of that.

We are the number one tourist attraction in the state and in the region. The Convention & Visitor's Bureau says we have over 10 million visitors who come from outside a 50 mile radius, 10 million visitors from outside a 50 mile radius. The T-Bones are a big part of that. They've been a great catalyst. They're one of our first investors. They invested out there when there was nothing out there. We've really built the Legends and that whole development around them. Without their initial investment, we would not be where we are now.

I'm excited about it. I feel comfortable with the level of incentive because I do believe the invest yielding a \$4M+ return annually with ancillary benefits from the T-Bones is worth the investment. People ask me all the time are you going to offer an incentive, I say maybe, you know what's the return on investment. We're offering an incentive to Amazon, huge return on investment. We offered an incentive to General Motors. Huge return on investment. We offer retention incentives to our businesses that are expanding and growing.

I think it's a good investment. I do think it's going to bare a positive return to keep the T-Bones here and continue to play baseball. It's an additional bonus that we have a great owner who's been committed to this community from day one. I would move the approval of the contract as written.

Action: **RESOLUTION NO. R-27-17**, "A resolution terminating a lease agreement dated February 21, 2014, and renegotiating the terms of the lease and enter into a management agreement whereby the T-Bones would be the manager of the property." **Mayor Holland made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner McKieran said I also want to echo much of what you just said. I want to thank Mr. Elerd. I want to thank the T-Bones for being one of our very first partners in the Village West area. I remember that first season sitting up there in the press box and looking out and seeing dirt as far as the eye could see. They were one of our first partners. They stuck with us. They have been part of the impetus or the incentive for development around them. Even in a down year, they brought 213,000 people to Community America Ballpark, to the Legends, to that site of this wonderful entertainment and attraction area. I think that is just fantastic.

I think it's really important that we remember something that's been said. I want to emphasis this. The T-Bones is a small business. This is not a multi-billion dollar, multi-national corporation. This is a small business. I have heard some people say that any investment we might make in the T-Bones is a bail-out. No, it's not. I respectfully disagree. It's an investment. It's an investment that, I believe, pays returns every single year we chose to invest it. Frankly, it's not as big as some other communities chose to invest in their sports franchises.

Mr. Ehlert, I would never get into this business because it's a wacky business. Bless your heart for wanting to do it and for doing it well. There are some challenges in this business that none of us who aren't in it fully appreciate. I have not fully appreciated until very recently the number of financial challenges, the number of operational challenges that you have met and overcome to keep that team on the field for 15 years in Kansas City and I'm very appreciative of that.

I look at it as an investment. We are investing in an amenity that improves the quality of life for our citizens. When quality of life is good, then we start to build a strong community. A strong community is one that grows. A strong community is one that adds tax dollars, that adds taxpayers. You are part of helping to build a strong community just like all the other businesses that we also offered investment incentives, whatever you might call it. I am a taxpayer. I have no problem offering this investment for this amenity because I believe it helps grow a much stronger community than we already have.

I actually did take a look. The T-Bones are in the same league as the St. Paul Saints. Many of us, who are interested in civic responsibility and local government performance, look at Minneapolis and St. Paul as kind of a model for how city government really could work for the benefit of the citizens. They do many innovative things. Our current rental licensing ordinance actually is patterned after the city of Minneapolis, so we look to them for examples.

The city of St. Paul just spent \$64M, it wasn't the city, I'm sorry; the Saints' stadium, \$64M stadium, was completed, I believe, it was last year and the city put up \$19.5M of that construction cost matched by more than that from the state and some from the Saints. I think we have examples; anywhere we look we have examples of municipalities who choose to invest in an organization that will bring a return on a consistent basis. I am perfectly willing to continue making that investment to get that return.

Commissioner Markley said some of you are probably wondering what is going to come out of my mouth because you may recall I did not want to buy a baseball stadium. I'm not going to chastise anyone tonight. What I do want to do is clarify, particularly for the public and for those who have concerns similar to Board Member Bryant, what options are really on the table. The reality is we own this stadium. As far as I can see, there is no option on the table where we pay zero dollars. Am I right? **Mayor Holland** said correct.

Commissioner Markley said if we say no to this deal, we still have to pay taxes on a stadium we own. We still have to pay, I'm guessing, those Legends' common area fees and the parking lot, something or other, fee because we own the stadium. We're going to have to pay for some level of maintenance for a facility that is in sort of our shining star tourist area.

The two options are: we're going to spend tax dollars on a stadium or we're going to spend tax dollars on a stadium that has an operation running in the stadium and that operation is

going to fund part of those costs. There is no option that results in us paying zero dollars because we own this facility.

I think a lot of times we see a lot of chatter out on social media and a lot of the chatter on the social media about this is we should let the T-Bones go away and that will be the end of it. The reality is—I'd like to say we didn't buy the stadium because I didn't want to buy it to begin with, but we did. The majority of the Commission moved forward with the purchase of this stadium facility and we have to vote from where we are today.

Where we are today is, we're stadium owners and we're going to pay for it regardless. I just want to throw that out there because I think some of the public has a perception that we're either going to do this contract and pay \$150,000 or we're going to pay zero. The reality is we don't get that choice. We're going to pay either way, it's just a matter of which of the two opportunities our tax dollars go towards.

Commissioner Bynum said I appreciate those comments, Commissioner Markley, as well. I remember when the Speedway was getting ready to open and I was so super excited even though I had never once in my life watched a NASCAR race. You may remember that Wyandotte County got first dibs at those tickets and I could not get out to the Woodlands Racetrack fast enough with my cash in my hand pushing people out of the way so that I could be one of the founding pass holders at Kansas Speedway where I spent a minimum of \$700 annual for two season tickets to the races.

One thing I will say that I have always really appreciated about the T-Bones is that it is so affordable. To this day, it seems it is as affordable as it was in 2002, the first year I went to a game. I'm not aware of a ticket increase. It may have happened.

Just last night my family of four ate at a restaurant at the Legends that was not fancy in anyway. It's a beloved restaurant and we love it there, but we spent \$53 eating out at a not-fancy restaurant. I could have taken my family to the game for just a little bit more than half that. I just want to point out what an affordable amenity it is for the community, for people like me, for people with families, people outside this community.

As you know, I have said several times I like to travel. I like to travel fairly close to home. My family likes to travel. When we get to where we're going, we like to find things we

can do that are not expensive. I see this as that option that we would be looking for if Kansas City, KS, was our travel destination.

I have a question, Mr. Stephens, if you could help me understand briefly. You said as part of this presentation that most of the other stadiums and baseball teams of this size and this kind of league were not structured the way our T-Bones was structured when the T-Bones first opened. I can't remember exactly what you said. Basically, there was some sort of municipal partnership involved.

Mr. Stephens said yes, Commissioner Bynum. Several were consistent with the T-Bones agreement, but there were many more that had management or operational agreements, many more where the stadiums were owned by the municipality. As I mentioned before, several do not pay utilities because that is incorporated into the stadium structure of the deal with the original stadium. **Commissioner Bynum** said thank you. That was part of the question.

For the first 12 years of the T-Bones operation up until when we bought them, they were operating as a small business, unlike many of the other baseball teams in other cities. Up until when the Unified Government purchased the stadium, they really were just paying their employees and paying their light bill and this and that and all the costs of doing business.

Question about the sales tax—if we agree to this, the vendors that are out there would still have their own contract, right, and so there would still be sales tax collection. Is that correct? **Mr. Stephens** said correct. **Commissioner Bynum** said there would still be sales tax to gain from keeping the stadium open. **Mr. Stephens** said correct. **Commissioner Bynum** said I just wanted to clarify that for myself and anybody else who might be watching.

Commissioner Bynum said with regard to the utilities, kind of the same thing with the other baseball clubs. If you could speak to that just one more time. Some of those agreements that were made in other areas, not this one, had either no utility fee or a utility agreement built into those management agreements. **Mr. Stephens** said correct or in some instances, and I don't have all of the stadium agreements in front of me, so I apologize for not having a lot more detail, but many of those agreements, the stadiums are owned by the municipality or by the county or whatever governmental entity and, therefore, the utilities are a pardoned parcel of that ownership. **Commissioner Bynum** said I just wanted to make sure that I understood.

Commissioner Walker said Brian McKiernan stole my remarks and said everything that I was going to say. I don't know how he got a copy of it, but I don't want to prolong this already prolonged meeting. I think the T-Bones have been a great amenity for this community. I wish we had the continually growing sales tax of Johnson County where we could do some things differently than we have to do. Our people deserve no less. It's the role of government, in which I include the Board of Public Utilities, to do everything we can to make this community a livable, likable place. Over the years, many years, the BPU and the city, now the Unified Government, have been partners. Sometimes it's been a little bumpy, but we've done a lot of things together for which this community is deserving.

We see the sports out in the Village—when you go out there on a soccer night, it is unbelievable. We had some friends in, a large group of friends, and we had a little conference of the organization I belong to. They couldn't get a hotel room at the Legends for under \$150 a night because they were filled up for the weekend with the soccer.

Is there a better deal out there? Well, if we get 300,000 or 400,000 people in there maybe there is. I think this is an excellent deal. It's between keeping them or losing them, and I want to keep them around for a while longer and enjoy T-Bones games. As being old and retired, I can't afford the Royals anymore.

Commissioner Philbrook said this makes it very easy because I always love going last because everybody says all the good stuff and I can just say I agree with you and all, almost all. I am a small business person and I do pay taxes. I don't mind paying the taxes that help support a group of people that are so dedicated to bringing something to our community that our kids can really enjoy, we can really enjoy as a family that is affordable, that helps create a bond in a family believe it or not. It's amazing what happens when you sit down with your kids and you start talking about a baseball game they were there at. They just absolutely love it.

When I drive by there, I'm always amazed at how many people are out there tailgating before the game having a good time with their family. It really makes me feel good about our community. I believe that we are to have a community partner like the T-Bones that gives us, our folks and our family, a place to enjoy baseball and an affordable venue and that is my statement.

Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Walker, Townsend; and one “No,” Kane. **Mayor Holland** said I would like to add my voice to that positive vote as well.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 171176...REQUEST: 2017 UG-HOLLYWOOD CASINO-SVV GRANTS

Synopsis: Request approval of the recommendations for the 2017 UG-Hollywood Casino-SVV Grants, submitted by Emerick Cross, Commission Liaison.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve.**

Commissioner Walker said the only question I have is going through this—I guess I’m going to ask, has staff vetted whether, for example, I’m not going to name it, but there’s one that gets 5% of what they asked for, another one gets 5%. You go through this list, I’m wondering if this is a good way to spend money where it’s below a certain percentage of what they’re even asking for. What are they going to do towards the purpose with \$1,000 or 3%? Here’s one for 3%. I mean they got \$1,000. They’re not even going to come close to their program objectives. I’m just asking the question.

I gave where I wanted to and I feel like the other commissioners should too, but is it wise of us to allocate that little bit of peddling amount of money to a cause that’s not even going to be able to accomplish what they wanted. It’s not even going to be enough to leverage other money. Have we vetted that? Have we asked the one that gets a \$1,000 do they want the \$1,000 and what are they going to do with it?

Emerick Cross, Commission Liaison, said I would answer that as I don’t think we, the staff, has vetted that. The contract we have with the Greater Kansas City Community Foundation, they do make notations in their notes and the summary they send out to all the commissioners. **Commissioner Walker** said I noticed one of them got 123%. That’s the only one. Several got 100% and one got 123%, and I forget which one it was, but do they need more than 100%? It

just seems like there's some money that ought to be at some point reappropriated. I'm fine with the way it is. I appropriated where I wanted to give it and none of mine got more than 100%. I'm assuming others may, whatever. It doesn't seem a good expenditure to spend 5% or 10%, or donate 10% of what a group is asking for. It's going to have to go to administration. You can't accomplish any of its' objectives with that.

Commissioner Bynum said I'd like to address this a little bit since I spread my giving out across a number of organizations, and staff did contact me about this and I responded.

When we first chose to become the allocators of the money, there were comments made more than one time that this was a way to give a smaller group that wouldn't normally have access to grant making on a large scale, smaller amounts of money and allow them to do something impactful with that money. That is the tactic that I took this year. There were multiple grants of mine. Almost all of my grants are very small amounts of money. Some of those small amounts of money were given to support what I saw other commissioners supporting and adding a little bit to the allocations that they made. I had a handful where I gave small amounts of money and ended up being possibly the only funder of that organization for a small amount: \$1,000, \$1,500, \$2,000.

I am the Executive Director in my other job of a very small, non-profit organization. I can assure you \$1,000 goes a very long way with the small non-profit I work for. **Mayor Holland** said let the record show your non-profit did not apply. **Commissioner Bynum** said my non-profit did not apply. I just wanted to make the point about the small amounts of money.

Commissioner Philbrook said I think we're making an assumption that just because we only gave them \$1,000 that we might be the only source. I would suggest that a lot of these groups go out for a lot of grants from a lot of different people. We have no idea how much they get from other folks after all is said and done.

Commissioner Walters said, Emerick, could you review for us the process of what happens from here on out, specifically, these groups that get \$1,000 or \$5,000. They have to come back to us and tell us how they spent it and how they used it to achieve their goals on their application.

Is that right? **Mr. Cross** said yes, they have reports that they have to send back in to the Greater Kansas City Community Foundation for review.

Commissioner Walters asked what would happen if somebody said for \$1,000, I really don't want to spend the administrative time required to submit reports because I can't really achieve the goals of my organization. Do they have the opportunity just to decline or what would happen under that circumstance? **Mr. Cross** said this is my first year in the program so I haven't been to that point yet. Joe, can you speak to that for a moment? **Joe Connor, Assistant County Administrator**, said when somebody that we've given grant money to gives their money back, it's happened two or three times. We go back to the commissioner that allocated those funds and give them the opportunity to reallocate.

Commissioner Walters said I will just note when we were not personally involved in the allocations, the committee that did distribute the money took the opposite approach that we are taking. They funded 100%--they ranked the applications and then funded them 100% until they ran out of money. They didn't do partial funding until they didn't have enough money to satisfy the lowest rank submission. We have two completely different approaches. I don't know which ones best. It would be good to kind of monitor this this year to see if \$1,000 or \$5,000 or \$8,000 is a meaningful way to move the needle on some of these issues.

Roll call was taken on the motion and there were nine "Ayes," McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR HOLLAND

ADJOURNED THE MEETING AT 10:50 P.M.

June 29, 2017

Bridgette D. Cobbins
Unified Government Clerk

tk

June 29, 2017