STATE OF KANSAS) PLANNING & ZONING AND
WYANDOTTE COUNTY)) SS REGULAR SESSION
CITY OF KANSAS CITY, KS) THURSDAY, JULY 27, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 27, 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 and Joe Connor, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Maureen Mahoney, Assistant to Mayor/Chief of Staff; Rob Richardson, Director of Planning; Patrick Waters, Senior Attorney; Reginald Lindsey, Budget Manager; Budget Staff, Jon Stephens, Director of Economic Development; Chris Slaughter, Land Bank Manager; Debbie Jonscher, Deputy Finance Director; Rocki Mayes, Executive Assistant to County Administrator; Logan Masenthin, Intern in County Administrator's Office and Greg Lawson, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Dr. Clarence Miller III of Sound of Worship Ministries.

Mayor Holland said before we get started I will take note that we have an elected official here tonight, Mr. J. D. Rios from the community college. I will now ask the clerk if there were any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk,** said yes, Mayor, we have one change under the Administrator's Agenda, Item No. 1f. We have the attachment A, which is the yellow sheet indicating changes to the budgets. **Mayor Holland** said there is a yellow sheet for the budget that has blue sheeted which makes perfect sense to us and maybe no one else. Tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular Commission meeting. I'll ask the clerk to read the statement governing this meeting. It is required by state law followed by the items on the Planning and Zoning Consent Agenda. **Carol Godsil, UG Deputy Clerk,** read the statement.

PLANNING AND ZONING CONSENT AGENDA

Ms. Godsil 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've had contact with opponents of #SP-2017-38. **Mayor Holland** said let the record show I'm seeing no other disclosures.

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

Mayor Holland asked I'd like to ask any person in attendance, any Commissioner or a member of the staff who would like to step forward and to remove an item from the Consent Agenda. Any item not removed will remain on and be voted on by a single vote.

Dan Welch, 6221 Armstrong, said 812 Waterway Drive. I believe that's part of the park. **Mayor Holland** said so you want to remove one of these items. **Mr. Welch** said yes, the 812 Waterway Drive, the right-of-way. **Mayor Holland** said that's B1. **Mr. Welch** said I don't have a list of the numbers. **Mayor Holland** said that's fine. It is removed.

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

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171214…SPECIAL USE PERMIT APPLICATION #SP-2017-38 – RUSSELL PILE WITH R&R ENTERPRISES

SYNOPSIS: Special Use Permit to sell produce on-site at 2911 North 81st Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2017-38 for two years, subject to the stipulations:

Urban Planning and Land Use Comments:

1. Auto body repair is not permitted on residential property. A special use permit is required. This application must be held over in order to republish the notice to include vehicle repair.

Staff will not support such operations in residential districts.

Applicant Response: There is no auto body repair being done on site. My tenant had two vehicles that had been wrecked on site. Those vehicles are no longer on the property.

2. Per Business Licensing Department:
a. Is this for storage of work related equipment? Our office does not have any business filed as operating from this address. We do have on file, a tree trimming business owned by Russell Pile/R&R Enterprises, though they are delinquent and have not filed their occupation tax for this year.

Applicant Response: The storage container is to store all of my gardening equipment (tractor, tiller, weed eaters, log splitter). My company will not be using this property to store equipment. The application states that it is your intent to sell produce, primarily to get locally grown, organic vegetables in the community.

Are you planning on selling at farmer's markets, at your residence, and/or roadside stands?

Applicant Response: I intend to sell the produce on the property.

3. Please describe the day-to-day operation of your garden operation? Once the produce is picked, how will you sell them within the community?

Applicant Response: Once the produce is picked, I plan on washing the produce then placing it in a basket to sell on the property.

4. Based on the site plan, 25 trees are proposed to be planted. What species are you going to plant?

Applicant Response: I have planted 5 pear trees, 5 apple trees, 5 cherry trees, 5 peach trees, and 5 plumcot trees.

5. Additionally, the applicant stated on the phone to staff that they will sell produce during the weekends, Saturdays and Sundays for 5-6 hours. There is simply not enough time during the week. Mr. Pile will erect a 10' x 10' tent and place a temporary sign on the tent to indicate the vegetable stand is open. The tent will be promptly removed when he is not selling produce.

Public Works Comments: None

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Application #SP-2017-38, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

ITEM NO. 2 – 17-1…SPECIAL USE PERMIT APPLICATION #SP-2017-43 – SAMOY MAINDA WITH THIS LITTLE LIGHT OF MINE

SYNOPSIS: Special Use Permit for a child day care at 2818 Wood Avenue, submitted by Robin H. Richardson, Director of Planning. The property is a residential structure, but it will be solely used for the day care (as opposed to an in-home day care). According to the applicant, the day care will mainly serve families, parents, and children who receive benefits from the Department of Children and Family Services. Some of these families will receive assistance to cover most if not all of the child day care payments while the parents take ESL (English Second Language) Classes at DCF. This way the parents can have time to quickly learn English and be absorbed into the workforce to be financially independent. The day care is targeting families from other countries that have been able to come to the country legally to have a better quality of life. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2017-43 for two years, subject to the stipulations:

Urban Planning and Land Use Comments:
1. The existing asphalt is in poor condition. Please apply an asphalt overlay to the parking area.

Applicant Response: The business owner cannot afford to repave the lot and wants to defer the accessible ramp and accessible parking to a later date when they will have the funds to complete. They need to get their business going. Would it be possible to patch the pavement versus a full overlay?

Staff Response: This is acceptable.

2. Approval would be for two years.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):
   1. Parents shall not park vehicles in the street where there is an existing bus stop on Wood Ave.

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit #SP-2017-43, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

VACATION APPLICATIONS

ITEM NO. 1 – 171215… VACATION APPLICATION #R/W-2017-7- CHWC, INC.

SYNOPSIS: Vacation of right-of-way at 812 Waterway Drive, submitted by Robin H. Richardson, Director of Planning. The applicant wants to vacate 0.08 acre of Waterway Drive right-of-way in order to build a single family home to the west. The vacated right-of-way will be a side yard extension for 812 Waterway Drive. The Planning Commission voted 5 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2017-7, subject to:

Urban Planning and Land Use Comments:

1. The Kansas Gas Service has a conflict with vacating on the right-of-way at 812 Waterway Drive. There is currently a gas main running in the west right-of-way along Waterway Drive; coming from Armstrong, and going south in order to serve the customer at 810 Waterway Drive. If the right-of-way is vacated at 812 Waterway Drive, we have no way to serve existing customers at 810 Waterway Drive.

2. If approved, the right-of-way will be vacated, but the utility easement shall be retained for any and all public utility.

3. How will this property be used in the future? Explain the purpose of the right-of-way vacation.

Applicant Response: The property will be used to expand the corner side yard. There is no intention on building the home in the vacated right-of-way.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):

1. The County Surveyor may make separate technical review of easement vacation, and submit comments directly to the preparer of the vacation. Provide easement vacation and exhibit(s) in accordance with County Surveyor comments.

C. 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 indicted that the intent of vacating a portion of right-of-way is to expand the corner side yard. Staff has no objections to the yard expansion subject to approval of the following stipulations:

1. The utility easement shall be retained for any and all public utilities.

2. No building or accessory structure may be constructed within the easement.

3. Subject to approval, a $50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

Robin H. Richardson, Director of Planning, said the portion of Waterway Drive that's being requested to be vacated, I'm going to draw on the screen with a mouse. It's a triangular shaped piece right here on the corner. The street won't go away. It's just to make this lot more buildable they're going to add some area to that lot. The applicant, I believe is here, and they can add to this if they wanted but that's the basic request. It won't close Waterway Drive or anything like that.

Mayor Holland said I will ask if the applicant would like to come forward. You're welcome to do so at this time. No one came forward. I will go ahead and open up the public hearing. Anyone who would like to speak in favor of this application is invited to come forward at this time. Let the record show no one is coming to speak in favor. If you would like to speak in opposition, please come forward at this time.

Dan Welch, 6221 Armstrong, said I was unaware that this was coming up so I don't have my documents with me, but I believe this is dedicated park and it should go through the park process.

Mayor Holland said I will ask our staff. Are we aware whether or not this is dedicated park land?

Mr. Richardson said Mayor, no, I don't believe so. It's on the other side of Waterway Drive. We can check that before we publish the ordinance. You can vote on it with a stipulation that we would verify that it's not park land before the ordinance is published. **Mayor Holland** said okay, fair enough. If it was and did realize it was park land, what would be the process after that? **Mr. Richardson** said they would have to go through a different process through—if it is part of the park it may not be able to be vacated whatsoever. We'll have to figure that out first. If it could be and it's not dedicated specifically for the park then it would go through the Park's Board before it would be published. **Mayor Holland** said so there's three possible outcomes. One, it could be part of the park in which case it might not be able to be vacated. Two, it could be part of the park but not so designated, in which case the Park Board would need to approve it and the third option is it's not connected to the park in any way and it could move forward as presented. **Mr. Richardson** said correct. **Mayor Holland** said I will accept the—well we probably need a motion to make that amendment.

Mayor Holland asked if anyone else would like to speak in opposition to this.

Mayor Holland closed the public hearing.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted by the Planning Commission with the amendment of the Right-Of-Way Vacation Application #R/W-2017-7, subject to the stipulations pending exploration.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

ITEM NO. 2 – 171216… VACATION APPLICATION #U/E-2017-8- RANDY E. GEORGE

SYNOPSIS: Vacation of utility easements at 9000 Haskell Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant has submitted an application for an administrative subdivision of land in conjunctions with this utility easement vacation application. The purpose of these applications is to enlarge the proposed lot for a single family house. The

Planning Commission voted 6 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2017-8, subject to:

Planning and Land Use Comments

1. No new homes shall be constructed on any lots with the exception of Lot 1A until future Right-Of-Way has been dedicated and new road improvements have been completed.

Applicant Response: I agree with this sentence.

2. Subject to approval, a $50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

Public Works Comments

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):

1. The County Surveyor may make separate technical review of easement vacation, and submit comments directly to the preparer of the vacation. Provide easement vacation and exhibit(s) in accordance with County Surveyor comments.

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Utility Easement Vacation Application #U/E-2017-8, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

ITEM NO. 3 – 171217… VACATION APPLICATION #U/E-2017-9- LAVERT MURRAY WITH MURRAY AND ASSOCIATES, LLC

SYNOPSIS: Vacation of utility easements at 5420 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant wants to vacate a utility easement along the rear of the building and the east wall in order to build a cooler addition onto Happy Foods North grocery store at 5420 Leavenworth Road. The Planning Commission voted 6 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2017-9, subject to:

Urban Planning and Land Use Comments:

1. Can you verify that this easement has been abandoned?

Applicant Response: See the letter from Matt Kreig with Board of Public Utilities - Electric.
Staff Response: The letter from BPU – Electric indicates the easement serves no purpose in the future.

2. Subject to approval, a $50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):
1) The County Surveyor may make separate technical review of easement vacation, and submits comments directly to the preparer of the vacation. Provide easement vacation and exhibit(s) in accordance with County Surveyor comments.

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Utility Easement Vacation Application #U/E-2017-9, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 171218…PLAN REVIEW APPLICATION #PR-2017-27 – LEON ROBERTS WITH CATHOLIC ARCHDIOCESE OF KANSAS CITY

SYNOPSIS: Preliminary and Final Plan Review for a monastery at 919 and 921 Homer Avenue, submitted by Robin Richardson, Director of Planning. Leon Roberts of the Catholic Archdiocese of Kansas City, Kansas is requesting a preliminary and final plan to build a monastery and chapel for the Little Brothers of the Community of the Lamb. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2017-27, subject to:

Urban Planning and Land Use Comments:

Is the garage the only parking provided? Please show all parking areas as well as counts of residents and peak number of guests anticipated.

Applicant Response: Parking provided at garage and driveway. There will be approximately 3-5 residents. This facility is primarily a residence; it may host small gatherings of community members from the immediate neighborhood.

2. What is the square footage of the building?

Applicant Response: Total enclosed area of building is 4576 sq. ft.

3. Please provide information on the exterior cedar materials; how it is treated, its expected lifespan, etc.

Applicant Response: Solvent borne oil-based semi-transparent penetrating stains penetrate the wood surface, are porous, and do not form a surface film like paints. These finishes are the best choice for Western Red Cedar, which is fully exposed to the weather when a natural look is desired. Although these stains can be used on both smooth and textured Western Red Cedar, they will perform much better and last longer when applied to a textured surface. These stains contain pigments which provide color, including cedar tones, and greatly increase the durability of the finish by protecting the cedar surface, to some extent, from the damaging effects of the sun's ultraviolet rays. Service life on siding applications may vary from 3-6 years depending on the cedar surface texture, quantity of stain applied, and the intensity of the sunlight on the wood surface. Stain requires reapplication every 5 years.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):

1. Provide global stability analysis for tiered retaining wall(s) prior to construction permit acquisition.

2. Due to the alley vacation of only 10’ instead of 15’, south of Church Ave, provide a letter from CHCW, Inc. regarding agreement of the proposed alley vacation.

3. The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide plat in accordance with County Surveyor comments.

4. Construction plans shall meet UG standards and criteria and shall be reviewed and approved prior to construction permit acquisition.

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2017-27, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

MISCELLANEOUS ORDINANCE (Final action on previously approved items)

ITEM NO. 1 – 171219…ORDINANCE – VACATING THE UTILITY EASMENTS

SYNOPSIS: An ordinance vacating utility easements at 4907 and 4909 North 126th Street and 12456 and 13458 Meadow Lane (#U/E-2017-4), submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-16-17,** “An ordinance vacating Canaan Lake West, Phase 1, a subdivision of land in Kansas City, Wyandotte County, Kansas:

1) 140 feet between Lots 24 and 25

2) 80 feet at the back of Lot 25 that adjoins the back of Lots 75 and 76

3) 146.79 feet between Lots 75 and 76

4) 16.91 feet between the back of Lots 24 & 25 located at approximately 4907 and 4909 North 126th Street and 12456 and 12458 Meadow Lane.

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

MAYOR'S AGENDA

No items

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if anyone in attendance tonight or a member of the audience, staff or Commissioner would like to remove any item from the Consent Agenda. Any item not removed will be voted on with a single vote. Let the record show no one has moved forward to remove an item.

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

ITEM NO. 1 – 171168…RESOLUTION: WHOLESALE WASTEWATER TREATMENT SERVICE CONTRACT WITH EDWARDSVILLE, KS

SYNOPSIS: A resolution authorizing the Unified Government to enter into a Wholesale Wastewater Treatment Service Contract with the city of Edwardsville, KS, submitted by Misty Brown, Deputy Chief Counsel. On June 26, 2017, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-30-17,** "A resolution authorizing the approval of the Wholesale Wastewater Treatment Service Contract between the Unified Government of Wyandotte County/Kansas City, Kansas and the city of Edwardsville, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

ITEM NO. 2 – 171206… NOMINATION: BOARDS AND COMMISSIONS

SYNOPSIS: Nomination for Boards and Commissions:

Deloris Pinkard to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 7/27/2017 to 3/31/18, submitted by Commissioner Kane

Ida Pryor to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 7/27/17 to 3/31/18, submitted by Commissioner Townsend

Tim Ryan to Self-Supported Municipal Improvement District, 7/27/17 to 3/31/18, submitted by Commissioner Kane

Deidra Tolan to Drug and Alcohol Advisory Board, 7/27/17 to 3/31/18, submitted by Commissioner Philbrook

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

ITEM NO. 3 – 171223… PLAT: RONNEBAUM ACRES

SYNOPSIS: Plat of Ronnebaum Acres located east of Hutton Road along Nelson Lane, being developed by Michael Ronnebaum, submitted by Brent Thompson, Engineering Division Manager/County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

ITEM NO. 4 - MINUTES

SYNOPSIS: Minutes from regular sessions of June 15 and 29, 2017; and special sessions of June 29, July 6 and 10, 2017.

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated July 6, 13, and 20, 2017.

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

<u>PUBLIC HEARING AGENDA</u>

No items

<u>STANDING COMMITTEES' AGENDA</u>

ITEM NO. 1 – 171203…GRANT: VICTIMS OF CRIME ACT (VOCA)

SYNOPSIS: Request permission to apply for and accept the FY18 Federal Victims of Crime Act (VOCA) grant in the amount of $270,672 to fund salaries and benefits for four full-time staff, office training, office supplies, and emergency assistance for victims, submitted by Kristen Czugala, Victim Services Unit/Police Dept. The grant period runs October 1, 2017 - September 30, 2018. A 20% match is required which will consist of in-kind services and funds already included in the budget. This item was scheduled to appear before the Public Works and Safety

Standing Committee, chaired by Commissioner Bynum, on July 24, 2017. It was requested, and approved by the Mayor, to fast track this item to the July 27, 2017 full commission meeting due to it being time sensitive.

Mayor Holland said this was an item to accept a grant that was unanimously approved though because it is fast tracked it is not on the Consent Agenda. Commissioner Bynum would you like to make a motion, make a statement or both.

Commissioner Bynum said it's a very important grant. Its multi years that we have applied for and received this. The money that funds this does really important work for victims of crime in our community.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 171220… BUDGET ITEMS: UNIFIED GOVERNMENT 2017 AMENDED BUDGET AND 2018 PROPOSED BUDGET, AND THE NEW 2017-2021 FIVE YEAR CONSOLIDATED PLAN AND 2017 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT

SYNOPSIS: Adoption of the following resolutions and ordinances regarding the Unified Government 2017 Amended Budget and 2018 Proposed Budget, and the new 2017-2021 Five Year Consolidated Plan and 2017 Annual Action Plan for Community Development Block Grant, submitted by Kathleen VonAchen, Chief Financial Officer, and Ken Moore, Chief Legal Counsel.

Doug Bach, County Administrator, said I do not have a presentation tonight Mayor. We have presented I think quite a bit of information about the budget as we've worked this for the past several months and then more intensely in the last month digging into a few items. We're now to the point of having six different items which require action by the governing body in order to move forward with the budget. I would recommend the approval of all of these with separate action.

a. RESOLUTION: LIBRARY BOARD TAX RATE

A resolution expressing the property taxation policy of the Unified Government with respect to financing of the 2018 annual budget for the Wyandotte County Library; approving and adopting the 2018 budget of the Wyandotte County Library; levying a tax for the Library to fund the budget set by the Wyandotte County Library Board within the Wyandotte County Library District (Piper, Edwardsville, and Turner); and appropriating the funds on the behalf of the Wyandotte County Library.

Action: **RESOLUTION NO. R-31-17,** "A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2018 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2018." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution**. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

b. ORDINANCE: DOWNTOWN SSMID

An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2018 annual budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2018.

Action: **ORDINANCE NO. O-17-17,** "An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2018 annual budget for the Self-Supported Municipal Improvement District

(SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2018." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance**. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

c. ORDINANCE: SEWER SERVICE RATE

An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2018.

Action: **ORDINANCE NO. O-18-17,** "An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2018, as authorized by Section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance**. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

d. RESOLUTION: BPU PILOT RATE

A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2018 (the PILOT).

Action: **RESOLUTION NO. R-32-17,** "A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2018 (the PILOT)." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution**. Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and one "No," Walker.

e. RESOLUTION: THE NEW 2017-2021 FIVE YEAR CONSOLIDATED PLAN AND THE 2017 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT

A resolution approving and authorizing submission of the 2017-2018 Five Year Consolidated Plan and the 2017 Annual Action Plan (CDBG) to the U.S. Department of Housing and Urban Development.

Action: **RESOLUTION NO. R-33-17,** "Be it resolved by the Board of Commissioners of the Unified Government of Wyandotte/Kansas: that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of the said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the 2017-2021 Five Year Consolidated Plan and the 2017-2018 Annual Action Plan which includes the Affirmatively Furthering Fair Housing Plan, the Lead Based Paint Grant, Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas to the U.S. Department of Housing and Urban Development and to implement the 2017-2018 Annual Action Plan upon approval." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution**. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan.

f. RESOLUTION AND ORDINANCE: AMENDED BUDGET AND 2018 ANNUAL BUDGET

A resolution and ordinance approving, adopting and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the Amended 2017

Budget and the 2018 Budget for the year beginning January 1, 2018, as submitted by the County Administrator and amended by Attachment A.

Commissioner Kane said under the Administrator's Agenda, Item f, is where the Board of the Commissioners would approve the funds for the Police Department which includes the dignitary security. I've never been for the dignitary security. I won't be now so I'll be voting no on this issue.

Action: **RESOLUTION NO. R-34-17 AND ORDINANCE NO. O-19-17,** "A resolution and ordinance approving, adopting and appropriating the Operating and Capital Maintenance Improvement Project budgets of the Unified Government of Wyandotte County/Kansas City, Kansas, as submitted and amended by attachment A, for the fiscal years beginning January 1, 2017 and the fiscal year beginning January 1, 2018; approving the Five Year Capital Maintenance Improvement Program for fiscal years 2017 through 2022." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution**. Roll call was taken on the motion and there were eight "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan and one "No," Kane.

Mayor Holland said alright, that concludes our budget. Congratulations to the Commission on an outstanding job over the last nine months and to our Administrator and your staff; excellent job putting together an outstanding budget. We appreciate all of your hard work. **Doug Bach, County Administrator,** said thank you Mayor. We appreciate the work of all of you.

ITEM NO. 2 – 171224…COMMUNITY INPUT: INDIAN SPRINGS PLANNING PROCESS

SYNOPSIS: Indian Springs community input and planning process, submitted by Doug Bach, County Administrator.

Doug Bach, County Administrator, said a few months ago as we concluded a few forms within the community we came back before this governing body and stated that we would come back by this timeframe, at the end of July, to provide a process to recommend and move forward with in the community regarding community input on Indian Springs. Tonight we're ready to do that so I'm going to recognize Jon Stephens, our Director of Economic Development, to review what we've put together.

Jon Stephens, Director of Economic Development, said as Mr. Bach said, we said we would come back in the 90-day timeframe, end of July, with a plan for community engagement for the future of the former Indian Springs Mall. Before we do that, I think it's important that we look at a little bit of the history and contextualize the site and the space.

The mall opened in 1971 and it opened as one of the largest indoor malls in the Midwest; however, by 1977 Metcalf South was the number one shopping center in the metro area, so six years later and Indian Springs was eighth in sales in the metro area. So that shows you that even in the 70s the retail and retail sales market was changing.

Sales declined in the late 80s as competition grew and trends changed. By 1997 Indian Springs had a high vacancy rate and there were already proposals for adaptive reuse occurring. Indian Springs lost its anchor store in 2001 and in 2007 the Unified Government acquired Indian Springs. In 2014 the Unified Government hired Lane4 Property Group to market the site and develop proposals. Then in 2016 the Unified Government demolished what is now the former Indian Springs Mall and cleared the land for development.

Additionally, the Transit Center and the Police Substation has been developed on the site. As I said the land was cleared for redevelopment and then as we know through the process in April there was a previously considered development that was brought forward by Lane4 Group and then withdrawn.

Here's a little bit of a summary of the previous community forums, April 12th and 19th. These were forum process opened to public comment. On April 19th we also held, additionally after the presentations, held breakout groups and small group presentations, and discussions where we elicited and received a lot of feedback that we summarized and provided to the Commission on May 24th with notes from all of those breakout sessions. There were in excess of 150 attendees at that meeting.

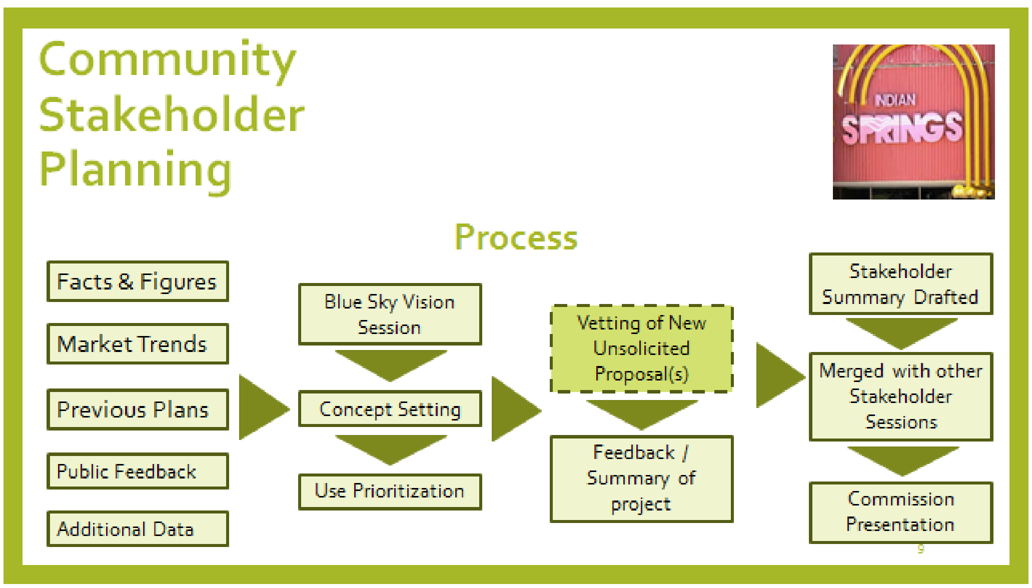
Just a very top line summary of some of the recap of what came out of that public session; what the public at these forums and many commissioners were in attendance as well. They can speak to this, but the summary was majority of the attendees of those public sessions that they wanted local community stores on the site, they wanted restaurants, they wanted a farmer's market or other food options and they wanted new retail food service. They specifically said over and over grocery or retail sales or food sales. Many said a fitness center or other retail components related with a fitness center. Many said residential should be included with the possibly of a hotel.

Public ideas included walking trails, youth fields, a Loose Park style design. I assume that means with lakes and all the associated amenities like in Loose Park in Kansas City, MO. A skate park, a water park and then many others said that they wanted green space that could potentially encourage micro-businesses or other developments around a centralized green space. Then finally since this was in the context of what Lane4 was presenting with the FlexTech proposal many said that if it is FlexTech or if a portion of the property is used utilized for FlexTech or something similar to that that it should be announced and the proposed proposal for retail and many of these other amenities should be announced in conjunction with that as a guaranteed piece of that project, not as a potential future phase.

In summary, the preferred site development ideas centered. When we asked specifically beyond ideas for restaurants, beyond ideas for this what are the top issues related to this idea that you would like to see; neighborhood retail, jobs and dining. Those were the three top items that floated to the top across all sectors as we looked at the public input.

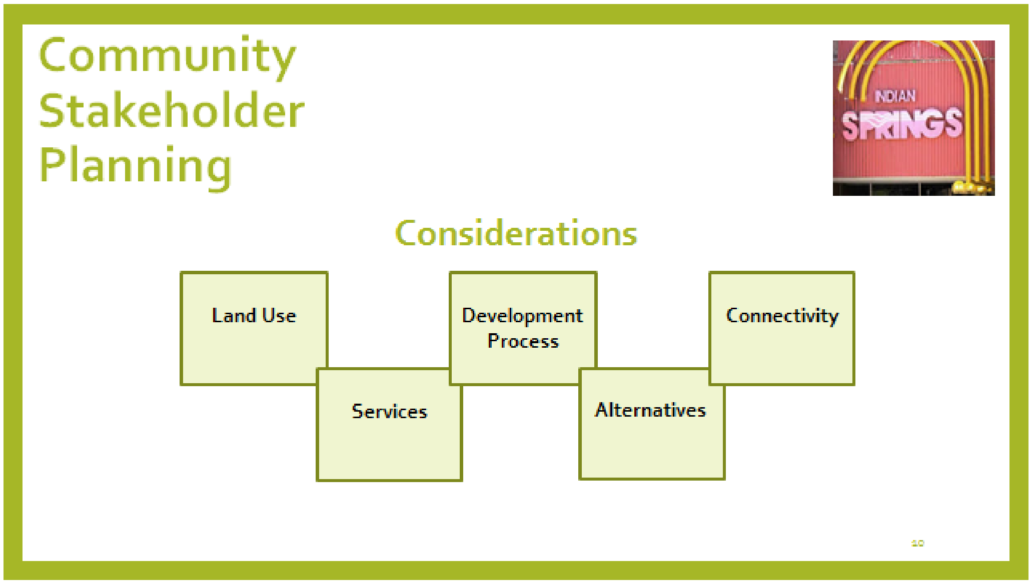
Where do we propose going from here? We propose an aggressive, yet thorough 60-day stakeholder process. This would include four working sessions with public and community stakeholders. It would utilize all the previous planning and the previous data that's been solicited already. We don't want to recreate the wheel. We want to build on the public input that has already been out there and already been brought to the table. Additionally we want to select stakeholders and work with stakeholders from interested parties, geographic adjacency, Commission recommendations of parties to participate, business leaders and community leaders.

How would this flow? It would open with Session 1 which would be a comprehensive town hall meeting. It would move to a neighborhood leader session that would focus on neighborhood leaders, then it would move to Session 3 which would be primarily business leaders in the community and then finally Session 4 would be civic leaders.



To dive a little deeper on how each of these sessions would function; the process as you see here from the left to the right would be to bring the current facts and figures. Let's put the data out there, let's put maps out, let's look at acreage, let's look at all the pieces of this, let's bring in the market trends. We know retail restaurant has changed not just locally, not just regionally, but nationally. Let's look at those and let's contextualize the future of this site based on those realities and those factors of what is possible on this site given national trends and factors and then let's look at the previous plans. Let's discuss those; let's build those into the process. Let's take the existing public feedback that we already have and then let's take any additional data that we feel is pertinent to discuss.

Then we will go through a process with the stakeholders at each of these public sessions. We will do a blue sky vision session which is to start with this open acreage and just start laying out what would this really look like. Then we would move into concept setting of what this—you know a little more detail given some of these contextual markers and then finally what is the use prioritization. Are we still consistent with jobs, with dining, with local grocery, with all of these things; what fits in there within that? Then additionally, we've added one more piece that I think is very, very important in this process since we're already you know almost 90-days in; we're looking at another 60-day process. External developers calling and inquiring about this site has not stopped. There are interested parties that are inquiring at various levels and various interest levels to this site. Then we would like to add in a process that is vetting of any new unsolicited proposals that we feel are able to be brought into this discussion, if any, that are at a point where they can be discussed in any detail and in vetted against this so that the public has an input process in that piece and can evaluate a real proposal or a real idea of a proposal against their blue sky strategy and the vision when we come back. Then we would take that create feedback and a summary of the project taking all this together. Then we would develop a stakeholders summary draft of all of this information collected from the stakeholder meetings and then we would bring it back to the Commission for a full commission presentation. What is the timeline on this 60-day aggressive thorough process? I'm jumping ahead here.



A couple of things, some considerations to be had on this are land use, the services on the site, the development process as we would look at it. What is the realistic timeframe to bring developments to bear? What are the alternatives to the site and then finally connectivity?

So then the goals will be to arrive at a majority consensus on the following, what are the next steps. The next steps could include further study of the site. It can include a master planning development of the site. It could include a direct solicitation of other developers or it could include moving forward to negotiate with a current developer that may be out there that has already reached out to us to develop a project. So, any one of those is sort of what a majority consensus could include.

Then we would look at the prioritization of the project elements on site. That includes the south side; the north side and how all that would work together in a master plan process and then look at the desired timing of development. Are stakeholders willing to wait five years, ten years or do they want something more immediate. What is the timeframe that is comfortable and agreeable to people that we could try to work towards?

And then finally if public amenities are desired, as I mentioned, many public amenities were thrown out there from rec facilities to sports facilities to waterparks to ice skating, to all of those things. If we do that we would like to start identifying what are the sources of funding for those public amenities if those are sought.

So then what does the timing look like? We would like to move forward by August 11th with creating this initial stakeholder invitation list, getting invitations out the week of August 14th then between September 5th and September 29th is when we would plan and host these stakeholder sessions, four of them to the public. In October we would be back before the Commission in a public forum to present our findings to the Commission. With that, that is the end of our public engagement plan.

Mayor Holland said we had asked the Administrator after the last proposal came before and was withdrawn by the developer, we had asked the Administrator's Office to come up with a process plan for public feedback. That is what has been presented today and what I want to do is check with the Commission to see if this is in keeping with what you had hoped it would be. If there are changes you'd like to see in it, but we want to come out with a consensus tonight about our next steps moving forward so we can get at if this plan is completely not what the Commission wants then we can send them back to the drawing board. Let's get some feedback from the Commission to see where you are.

Commissioner Walters asked are we planning to hire a professional facilitation firm to conduct these meetings. **Mr. Stephens** said yes, Commissioner. What we're looking at is myself and Rob Richardson would coordinate that and we would bring on an outside facilitator to work with us to host these. **Commissioner Walters** asked what would the outside facilitator do if you guys are going to be coordinating. **Mr. Stephens** said they would assist in coordinating just the process at the roundtables and the assemblage of the data as we move forward with that. That's our plan.

Mayor Holland asked are there any other questions or comments about this. Do people feel generally good about this? I see a couple thumbs up.

Commissioner Bynum said I just have a question a couple slides back. One of the stumbling blocks I think in the first round of community meetings that we held was there was a lot of frustration around the inability to name the occupant. I know that that is around confidentiality issues. I'm wondering if for the public's purposes you could explain why sometimes it is we've got to keep things like that confidential and secondarily given that, how would we deal with vetting of new unsolicited proposals. **Mr. Stephens** said that's a very good question Commissioner and from a historic perspective, as many developers such as Lane4; I'll use them as the example since they are the most present example, many of them as they are soliciting projects, they are developing or bringing projects to bear, they've identified a tenant. They may have a LOI but most of those tenants are unwilling to go public with their tenancy because they're also leveraging potentially one, two or three other locations that they are considering.

Many of them feel they would lose their negotiating ability should they come out specifically saying this is the site, this is all we're doing, this is the only place we want to be. Many times they will pull that back.

I will tell you here, as I've said we have heard from several people. Some have been simply is this site available for development, thumbs up or thumbs down so there is really no plan. Some are a little bit further down the road that have brought us a little bit more. I can speak a little bit to potentially one of them that's maybe a little further down the road in this process should it get to the point of strong public engagement. They have indicated that they are an interested party that would be willing to go public pretty early in the process to say this is who we are, this is what we want to do on this site and this is how we would like to move forward. Tonight, I don't want to say that because they are not that far the road in committing to this but if—when it gets to that point, if they are still a very interested party, I do know of one party that has indicated they would be willing to be public and be named and I think that would be a positive for the community.

Commissioner Philbrook said I want to thank the Administration for coming forward with this detailed opportunity for us because I know it's pretty much a quagmire or at least it was. I haven't had a chance to sit and mull over this and I'm a muller. I'm one of those people I don't like to go yeah this is great, no this is perfect. I like to think about it so I appreciate what you've put forward and I just haven't had time to think about it long enough to say oh yes, this is wonderful so I'll just put that out there. **Mr. Bach** said and Commissioner, I would offer that as you mull it over and think about it and any of you if there are other thoughts in the process that you would like us to consider and work into it, please give me a call or Jon and work through it. **Commissioner Philbrook** said so it's not written in stone yet. **Mr. Bach** said now this is the process we'll start down the road with, but as you can see as Jon's laid it out you know our key one is we're going to go through and start setting up these different public meetings and looking at different stakeholder groups. It would probably be in the really two three and four. The first one's more of just that public invite group to start with. **Commissioner Philbrook** said so basically this is just a loose concept of the direction we're going to go and we can make some changes in it. **Mr. Bach** said well, I'd probably define it a little tighter than loose. **Commissioner Philbrook** said okay, mediocre. **Mr. Bach** said this is the process we're going to work with but we're still open to your input and ideas recognizing you just see it now. **Commissioner Philbrook** said yes. I would appreciate that because I know I'm definitely going to get some input from others.

Mayor Holland said one of the key areas too that I think is important that we have this visioning before we consider another proposal. I don't want another developer to bring a proposal forward and we haven't—and we're not talking about the proposal, we're talking about the vision for Indian Springs. I think I want to make sure we've got our vision for Indian Springs down and then we can talk about proposals that fit that. The good news is and this is one of the fears last time is the whole argument of a bird in the hand, we hate to lose a development. We do have other properties that that development could use, the previous one. We have a lot of property that we're working on developing for commercial, even light commercial. It is encouraging to know that that one hadn't been gone a week and people started inquiring again about this site. That says something about how robust of a site this is, particularly for FlexTech and Light Industrial. When word got out that that was a possibility, the proposals started coming and so we're going to need to decide is that what we want and if it is proposals will come. If we want something different we may have a tougher road to hoe to get there, but I think we need to hear the feedback from the community and if the community wants something different then what the proposals are then we need to go get them. Are there any other comments or conversation about this? Mr. Bach, thank you. Mr. Stephens, thank you. I appreciate you working on this. That is not an item that we need to vote on.

Action: For information only.

<u>COMMISSIONERS' AGENDA</u>

No items

Mayor Holland said we are now adjourned as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 171201… LAND BANK BUSINESS

SYNOPSIS: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval.

Applications (yard extension unless noted otherwise)
2201 N. Hallock St. - Dan Gaines, III, property acquisition
2213 N. Hallock St. - Dan Gaines, III
1518 S. 8th St. - Diana Davila
1214 Orville Ave. - Larry Brown
3044 N. 32nd St. - John Randolph
3205 Wood Ave. - Andre Hampton
903 Osage Ave. - Oliver Small Engine
905 Scott Ave. - Carlos Nava, Jr.
2946 S. 36th St. - Brian Roberts
1872 N. 28th St. - Christian Castro-Perez

Donation to Land Bank
244 Highway Ave. from William & Emma Rehm Trust

On July 10, 2017, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Mayor Holland said all items are on the Consent Agenda. If any person in the audience tonight would like to come forward and remove an item, please come forward at this time. Let the record show no one is moving to remove an item. It is properly before us.

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

<u>PUBLIC ANNOUNCEMENTS</u>

No items

MAYOR HOLLAND

ADJOURNED THE MEETING AT 7:42 P.M.

July 27, 2017

Carol Godsil
Deputy Unified Government Clerk

tpl