STATE OF KANSAS) **PLANNING & ZONING AND**
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **AUGUST 30, 2018**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 30, 2018, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Walters, Commissioner Seventh 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; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Zach Flanders, Planner; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Emerick Cross, Commission Liaison; Jon Stephens, Director of Economic Development; and Captain Osvaldo Navarro, Sergeant-at-Arms.

Mayor Alvey called the meeting to order.

ROLL CALL: Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Alvey.

INVOCATION was given by Reverend Mike May of St. Luke's Lutheran Church (Retired).

Mayor Alvey recognized a couple of elected officials: Norm Scott, from the Board of Public Utilities, and Tyrone Garner, of the Kansas City, Kansas Community College Board of Trustees. Thank you for coming.

Mayor Alvey asked the Clerk if there are any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk,** said yes, Mayor, we do have two revisions. We have a revised management agreement for a downtown grocery store. It has been submitted for regular Consent Agenda Item No. 2. Then we have a memorandum of understanding with United Food and Commercial Workers District Union Local Two Public Safety Dispatch which has been added as Item No. 1 under the Administrator's Agenda.

I will also note that under the Planning and Zoning Consent Agenda, Item D1, Plan Review Application #PR-2018-18, Brian Hill with MKEC Engineering for a preliminary plan review for an elementary school at 8833 Waverly will be removed from tonight's agenda and rescheduled to the September 27 agenda.

MAYOR'S AGENDA

ITEM NO. 1 – 18384…PRESENTATION: WYANDOTTE COUNTY 4H SHOOTING SPORTS TEAM

Synopsis: Presentation of a signed Daisy BB Red Ryder to Mayor Alvey from the Wyandotte County 4H Shooting Sports Team who recently won first place at the Daisy BB Nationals match in Rogers, Arkansas.

Cindy Neath, 4-H, said we are the Wyandotte County 4H Shooting Sports Team. This group of wonderful kids went to the Daisy BB Nationals tournament on June 30 and they came home with the first-place prize. Mayor Alvey was wonderful enough to come visit us during our home match this year. In honor of our win, we would like to present to him a signed Daisy Red Ryder BB Gun. There is no ammo in the box. **Mayor Alvey** said congratulations.

Action: Presentation was made.

ITEM NO. 2 – 18385…VOTING DELEGATES: KANSAS ASSOCIATION OF COUNTIES (KAC) CONFERENCE

Synopsis: Designation of Commissioner Philbrook as voting delegate and Commissioner Burroughs and Bridgette Cobbins as alternate voting delegates for the Kansas Association of Counties (KAC) 43rd Annual Conference to be held in Overland Park, KS.

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

ITEM NO. 3 – 18392…BUDGET REVISION: CONVICTION INTEGRITY UNIT

Synopsis: The Unified Government 2018 Amended and 2019 Approved Budget set aside funding for a Conviction Integrity Unit within the District Attorney's Office to be held in a special account until authorization for expenditure by the full Commission. Per Commission action, this funding was to be held until an opinion from the AG was provided. That opinion has been provided, thus this action is submitted to allow the District Attorney to move forward as planned by the Commission in the fourth quarter (October 1) of this year. Request submitted by Kathleen VonAchen, Chief Financial Officer.

Mayor Alvey said on July 19 of this year, District Attorney Dupree came in front of the budget meeting asking for funds for the Conviction Integrity Unit. On July 30, the subject matter was discussed again. At that time, the Commission decided to put it into a contingency fund. I'll entertain a motion to move that money from the contingency fund back into the budget of the District Attorney.

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

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Mayor Alvey said 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'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting followed by the items on the Planning and Zoning Consent Agenda.

Carol Godsil, Deputy UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

PLANNING AND ZONING AGENDA

Carol Godsil, Deputy UG Clerk, asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda.

Commissioner Philbrook said I want to report contact for Vacation Alley Petition #A-2018-5 with proponents.

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

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the Planning and Zoning Consent Agenda. If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

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

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 18375…CHANGE OF ZONE APPLICATION #3166 – KENNETH MILLER

Synopsis: Change of zone from A-G Agriculture District to R-1 Single Family District to divide lots with existing residential homes at 13120 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant has applied for a change of zone, preliminary plat, and final plat to create five single family lots and a larger, agriculturally zoned lot. The proposed subdivision includes a replat of Miller Acres and 17.49 acres of unsubdivided property for a total of 20.62 acres. This application has been submitted in conjunction with zoning variance petition #2292 to create a lot that has a depth that exceeds three times the width (approved by the Board of Zoning Appeals on August 13, 2018.) The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3166, subject to:

Urban Planning and Land Use Comments

Subject to approval, a $50 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

1. Items that require plan revision or additional documentation before engineering can recommend approval: None
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: Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition #3166, subject to the stipulations**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18376…SPECIAL USE PERMIT #SP-2018-63 – ANDREW MORGANS WITH MARKNOLOGY LLC

Synopsis: Home occupation special use permit for an Airbnb at 616 Elizabeth Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to operate an Airbnb at his primary residence, 616 Elizabeth Avenue. Mr. Morgans lives in the house and rents one bedroom through Airbnb. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-63, subject to:

Urban Planning and Land Use Comments

1. How long has the business been in operation?

   Applicant Response: April 23, 2018.
2. Were neighbors consulted prior to opening the business?

   Applicant Response: No.
3. Do you have a business license?

   Applicant Response: No.

4. Have you paid appropriate lodging taxes?

   Applicant Response: Yes, as far as I am aware.

5. How many rooms are rented?

   Applicant Response: One, unless I am out of town or it is specifically requested by a traveler, then it is two.

6. What is the maximum number of people that will be staying at any one time?

   Applicant Response: If one bedroom is occupied – 2 people. If two bedrooms are occupied – 4 people. We have a note in our Airbnb that it is a two car maximum. We also have video cameras installed to be able to see how many guests are at our place.

7. What is the maximum number of vehicles and where will they park?

   Applicant Response: There is street parking available. Also, there is a brand-new parking pad/slab in my backyard.

   Staff Response: While parking is available on both sides of the street, onstreet parking is often a source of concern and conflict for neighbors. To minimize this concern, renters shall be restricted to two vehicles – one parked in the rear and the other parked on the street.

8. How often are guests in the residence?

   Applicant Response: This depends. Sometimes my guests are only here from 4:00 PM and gone by 11:00 AM. I have quite a few visitors that stay in my one bedroom because it is a great bnb to grab a night of sleep on a road trip. My longest guest stayed here five days total. With respect to day-to-day hours, most of the travelers are out in the city the majority of the day and rarely at my residence.

9. Do you have a rental license from the Unified Government for the facility?

   Applicant Response: No.

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

    Applicant Response: The guests have complete access to my common areas to include my kitchen, laundry room, and bathroom. Aside from that, they have a bedroom which has a queen bed.

11. How often are you at the property? How often do you travel? Staff has concerns that if you're out of town and an issue arises for neighbors, you are not physically there to address the situation.

Applicant Response: I am at the property often and travel several times a month. I have met all of my immediate neighbors and introduced myself. I create a contact guide for any one that needs to reach me, or my staff at my company and even included a Spanish speaking contact number. I am also going to be participating at the Strawberry Hill Association meetings after our meeting with the neighbors, which I think the next one is in August. So that will give me some face time with anyone else that would like my contact information. I believe I can get the local police officers' contact information.

I also met Drocky, who seems to be the local neighborhood watch leader, and knows everything about the neighborhood. He came to the house to meet me although he was not at the meeting.

12. Who is the point person for any issues that may arise?

    Applicant Response: Points of Contact in Case of Emergency*:*

    • Spanish:

    o Sebastian Brunos – (913) 747-8270 (employee)

    • English:

    o Andrew Morgans – (816) 447-8963

    o Veronika Morgans – (816) 522-0539 (sister to Andrew)

    o Brian Glasser – (702) 845-6296 (co-host for when I am out of town*)*

13. Do your neighbors have your contact information?

    Applicant Response: Yes, they do.

14. In addition to no parties and events, as associated with Airbnb and other website bookings, no outside visitors, and only overnight guests who have a reservation are permitted to stay.

    Applicant Response: This is correct, no one other than who has committed to stay is allowed. I do have overnight guests myself, but that is not an Airbnb issue.

15. Weekday and weekend quiet time shall be at 10:00 PM.

    Applicant Response: My guest rules are attached to this email but pasted below.

<u>Business License Comments</u>

If approved, applicant will need to file the occupation tax application with our office for the business activity.

<u>Public Works</u> Comments: None

<u>Stipulations for Approval</u>

1. Host will maintain a safe environment including:
    a. Working smoke detectors in each bedroom plus each level of the unit/house.
    b. GFCI outlets are required in bathrooms.
    c. Double keyed locks are not allowed.
    d. Copper cannot be used for gas supply lines.
    e. Windows must be operable, not blocked or boarded.
    f. Handrails are required at sets of 4 or more stairs/risers.
    g. Hot water tank and furnace must be vented properly and operational.
    h. Electric panel and circuits must be safe.
2. Host will obtain a business license with the City for the property.
3. The maximum number of guests is limited to four people (not including an infant/child).
4. Only one additional (guest) car is permitted.
5. Quiet hours begin daily at 10:00 PM.
6. Approval is for one year because while the applicant lives in the home, he intends on renting the entire residence (two bedrooms) when he is out of town.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2018-63 for one year, subject to the stipulations**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 18377…SPECIAL USE PERMIT #SP-2018-65 – JOSEPH COLLINS WITH STRAWBERRY HILL BREWING COMPANY

Synopsis: Special use permit for a drinking establishment and microbrewery operation at 601 Central Avenue, submitted by Robin Richardson, Director of Planning The applicant has applied for a special use permit to operate a microbrewery and drinking establishment at 601 Central Avenue. The property includes a 975-foot area for the bar and seating area as well as production space, bathrooms, and other ancillary space. The property also has a one-bedroom apartment on the second floor and one parking spot for the apartment tenant. The Planning Commission voted 8 to 0 to recommend approval of Special Use

Permit Application #SP-2018-65, subject to:

Urban Planning and Land Use Comments

1. A variance for parking will be required to operate this business. This application has been submitted with zoning variance petition #2290 for the number of parking spaces.
2. See information related to hours, security, and operations of the business in the additional information attached to this report.
3. Must comply with City Codes related to security.
4. If live entertainment (karaoke, comedy, bands) is ever added, a special use permit for live entertainment must be obtained prior to events.

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): Vehicles shall not be parked in the Right of Way of Central Avenue in front of the property.
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 McKiernan, to approve Special Use Permit #SP-2018-65 for two years, subject to the stipulations**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 18378…SPECIAL USE PERMIT #SP-2018-67 – ROBERT DIMOND JR. WITH D.A. GROUP, INC.

Synopsis: Special use permit for the expansion of an existing automotive repair business at 1017 Merriam Lane, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval for his client to operate an automotive business at 1017 Merriam Lane. The operator would share the space with the existing automotive repair business at this location. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-67 subject to:

Urban Planning and Land Use Comments

1. Subject to approval, this special use permit shall be valid for two years.

2. Please provide a more detailed description of the use and what the operation will entail.

   Applicant Response: The business entails routine automotive maintenance, the diagnosis and repair of passenger vehicles, typically involving the replacement of various parts and assemblies. No body work is performed at this operation. Vehicles are stored after business hours either in the shop or in a fenced enclosure on the property.

3. The parking lot shall be restriped and resurfaced, as the paving material has become degraded.

4. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

5. No displays on the sidewalk, this includes signs, pennants, attention attracting devices, etc.

6. The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business.

<u>Business License Comments</u>

Will this be a co-occupying business activity? Yorkies Foreign Car Service has filed the occupation tax and has been operating at this location since 1985 and is currently renewed for this calendar year. Anders Automotive has filed an occupation tax application and has been operating at 1031 Merriam since 2013.

Public Works <u>Comments</u>

1. Items that require plan revision or additional documentation before engineering can recommend approval:
   a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
   b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
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: **Commissioner Kane made a motion, seconded by Commissioner McKiernan to approve Special Use Permit #SP-2018-67 for two years, subject to the stipulations**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

VACATION APPLICATION

ITEM NO. 1 – 18379…VACATION APPLICATION #A-2018-5 - WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of an alley between 444 Shawnee Road, 411 Stine Avenue, 1417 South 5th Street and 448 Shawnee Road, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of the owner, Blair Thedinger, wants to vacate portions of the alley that is behind Mr. Thedinger's residence to consolidate the parcels he owns into one parcel. The Planning Commission voted 8 to 0 to recommend approval of Alley Vacation Application #A-2018-5, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, a $50 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners' meeting.
2. Subject to approval, following the Board of Commissioners' meeting, contact the GeoSpatial Services Department to consolidate the lots for land use purposes except 444 Shawnee Road and 448 Shawnee Road because there are two existing single-family homes.
3. Per Jennifer Taylor with AT&T: AT&T has buried facilities in the alley between 1417 South 5th Street and 415 Stine Avenue, which is listed under the vacation application. We will need a utility easement in order to maintain our facilities. This may apply to other utilities as well. Please verify and confirm all utilities.

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. Applicant to confirm with other utilities if utility easements exist in the alley.

b. The County Surveyor makes separate technical review of the vacation and survey exhibit documents and submits comments directly to the preparer of the survey. Provide revised vacation and survey exhibit documents in accordance with County Surveyor comments

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 McKiernan, to approve Vacation Application #A-2018-5, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 18380…PLAN REVIEW PETITION #PR-2018-18 – BRIAN HILL WITH MKEC ENGINEERING (BRUNE ELEMENTARY)

Synopsis: Preliminary Plan Review for an elementary school at 8833 Waverly Avenue, submitted by Robin Richardson, Director of Planning.

Action: **Previously removed from the agenda and rescheduled to the September 27, 2018 agenda.**

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 18328…ORDINANCE

Synopsis: An ordinance rezoning property at 950 and 952 Kansas Avenue (#3163) from C-3 Commercial District to MP-1 Planned Light Industrial and Industrial Park District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-31-18,** "An ordinance rezoning property hereinafter described located at approximately 950 and 952 Kansas Avenue in Kansas City, Kansas, by changing the same from its present zoning of C-3 Commercial District to MP-1 Planned Light Industrial and Industrial Park District." **Commissioner**

Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 18333…ORDINANCE

Synopsis: An ordinance vacating an alley between 609 and 631 Central Avenue (#A-2018-3), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-32-18,** "An ordinance vacating a tract of a land being a part of Whipple's Addition To Riverview, located between 609 and 631 Central Avenue, Kansas City, Kansas." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 18334…ORDINANCE

Synopsis: An ordinance vacating a utility easement at 4807 North 124th Court (#U/E-2018-4), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-33-18,** "An ordinance vacating all that part of a 10 feet wide Utility Easement located on Lots 6 and 7, Canaan Lake West, Phase 1, located at approximately 4807 North 124th Court, Kansas City, Kansas." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

PLANNING AND ZONING NON-CONSENT AGENDA

No items

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the regular Consent Agenda. If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Doug Bach, County Administrator, said I'd like to set aside Item No. 2, a Management Agreement for the downtown grocery store for a presentation.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all items, excluding the set-aside.** Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 1 – 18389…COMMUNICATION: PROPOSED HOLIDAY SCHEDULE

Synopsis: A communication submitting a proposed 2019 holiday schedule, submitted by Bridgette Cobbins, UG Clerk.

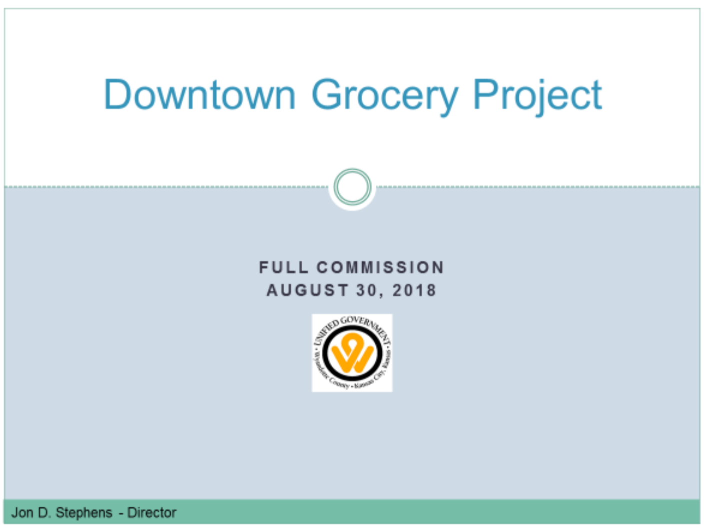
Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were nine "Ayes," Markley. Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 18351…RESOLUTION: MANAGEMENT AGREEMENT FOR DOWNTOWN GROCERY STORE

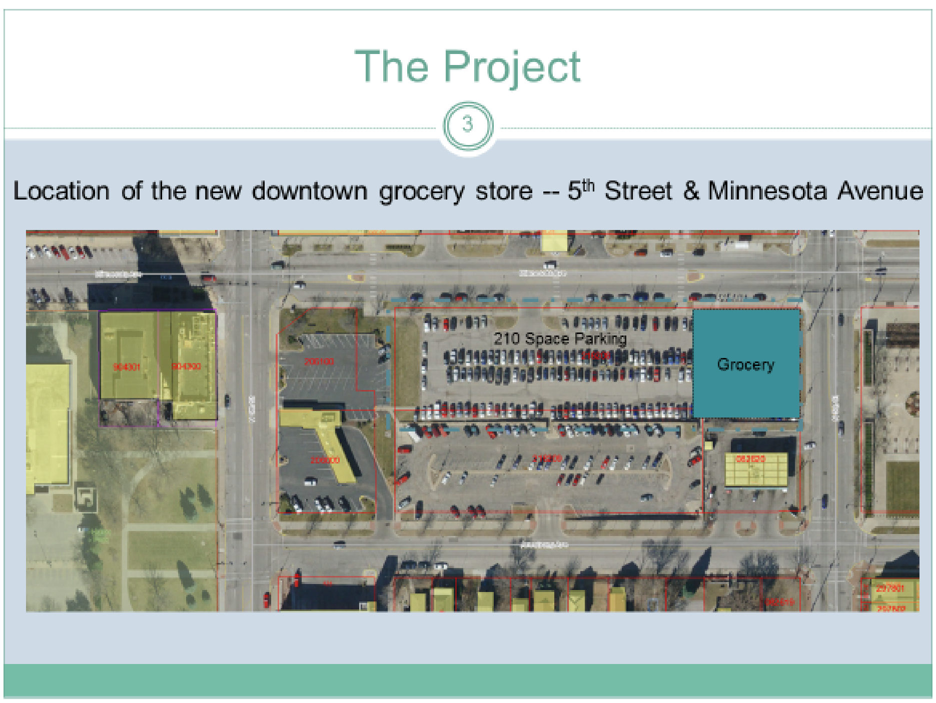
Synopsis: A resolution authorizing the approval of a Management Agreement with Community Mercantile (the Merc) for a downtown grocery store (5^{th} & Minnesota Avenue), submitted by Jon Stephens, Economic Development Director. On August 20, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Doug Bach, County Administrator, said we are very proud to come forward tonight with a management agreement for a downtown grocery store with MERC grocer. I'm going to recognize our Economic Development Director Jon Stephens to come forward this evening to make a presentation regarding this item.

Jon Stephens, Economic Development Director, said I'm very proud to bring before you tonight the downtown grocery project that was presented last Monday night at the Economic Development & Finance Standing Committee and advanced to tonight. As Mr. Bach said, the three resolutions that were considered that were on Consent, the management agreement with the Merc Co-op. I wanted to take a moment to recognize several staff members, the general manager and board members of the Merc. I wanted to recognize them in their attendance here tonight and their continued work in the community in advance of this meeting.

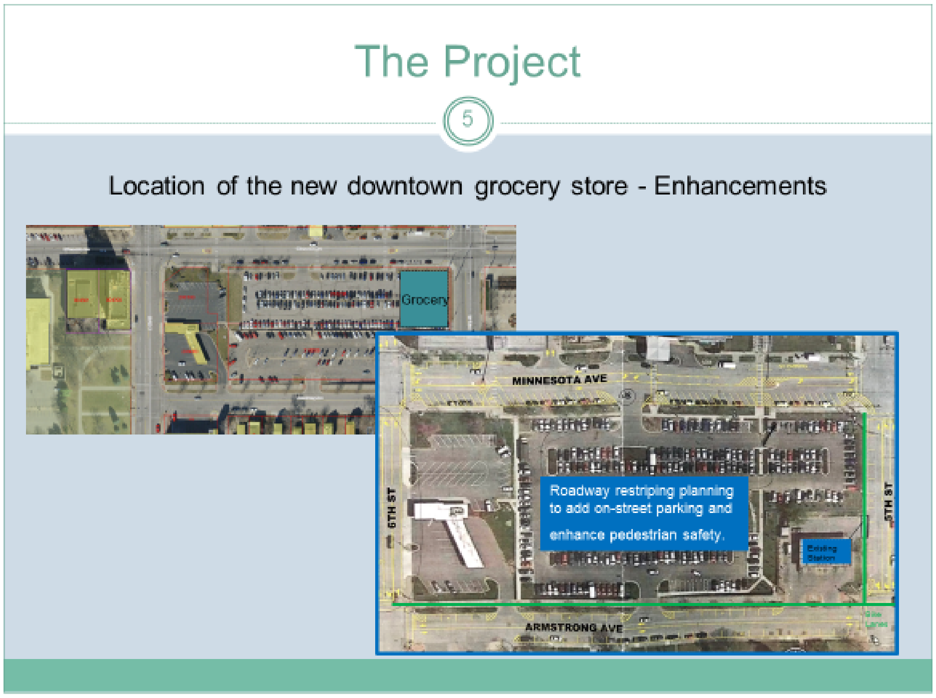


The resolution was advanced on the 20th from ED&F. It will be heard, if advanced tonight, on September 10th Planning Commission. The internal process on this would be to begin architectural design and engineering work immediately upon approval, and issue an RFP for the general contractor, and begin work with Public Works and BPU.

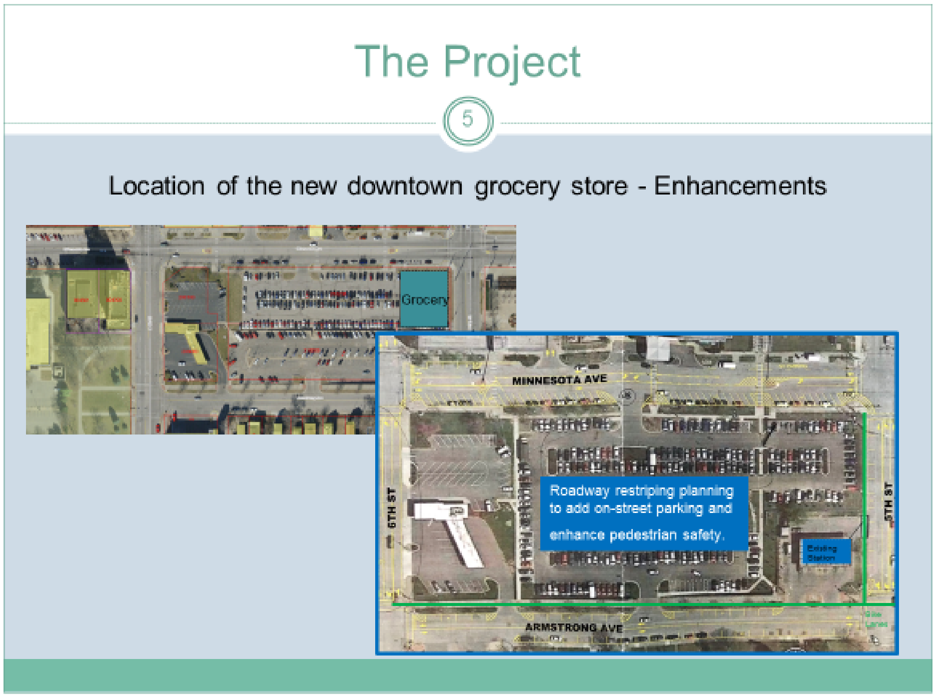


The general location of the grocery store is along Minnesota Avenue and 5th, on the corner you can see it recognized here. It is commonly referred to as the Reardon lot. That's a UG-owned parcel that's currently a parking lot. It will be built directly across the street from the KU Strawberry Hill Health Campus and along a major pedestrian transit and multi modal corridor.

This is an image of the Merc Co+op in Lawrence; their founding location, other location. I think it's important to highlight that it's a place to shop, gather, eat, and learn by offering real foods and sustainable products at reasonable prices through cooperative ownership and responsible commence. We think that they are a fantastic partner for KCK and our neighborhoods.

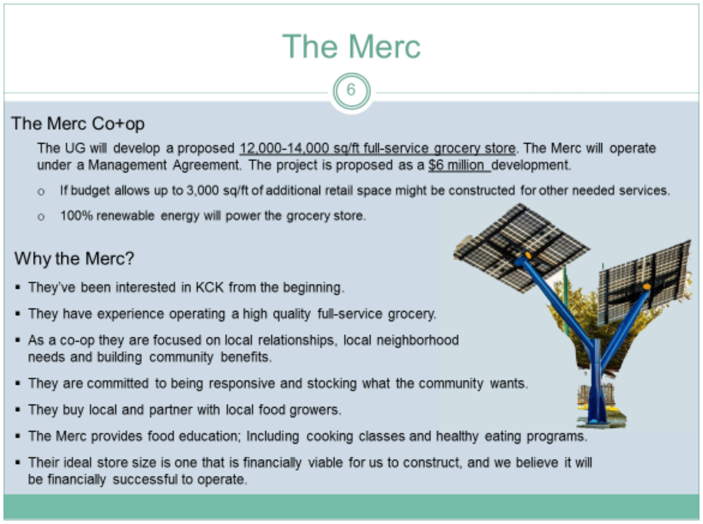


Another piece of this would be parking. As we look at the continued growth and evolution of downtown and connecting into the northeast communities: the Strawberry Hill neighborhoods, and points north, south, and west, we've taken a look at our roadway improvements around all four sides of this and looked at adding, through simply a centerline change, adding approximately 110 on-street parking spaces. There had been some questions about parking and accessibility to this grocery. We're looking at how we make sure to address that.



So the plan before you is to develop and construct a 12,000 – 14,000 sq. ft. full-service grocery store that the Merc Co+op will operate under a management agreement with the Unified Government. It's proposed as a total up to $6M development. If budget allows and there's interest and a need for services within the neighborhoods and the community, we have talked to the architects about offering additional square footage for retail if that is a necessity and there is a need for things such as potentially a pharmacy or other elements that might be desirable and available to the community.

I'm also proud to announce that in discussions with the BPU, they have agreed and committed to making this facility 100% renewable energy sourced. That's another very nice piece of this puzzle.



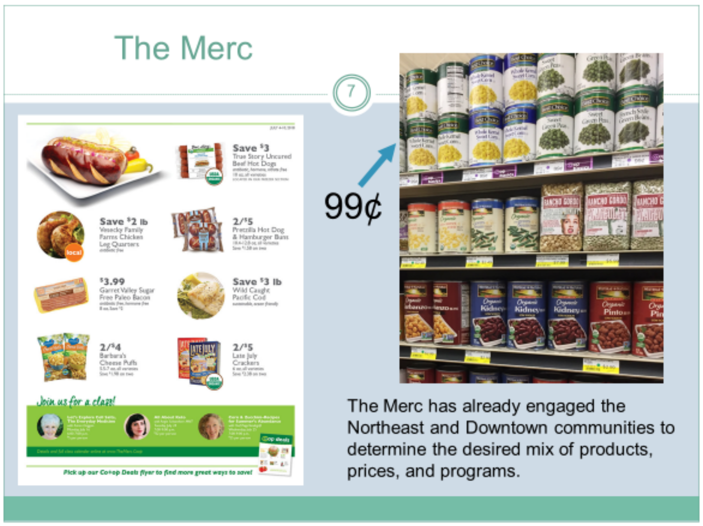
I think it's important for the community to understand why the Merc. After months of looking at grocers, years of looking at grocers and talking to grocers, months of working with the Merc, why the Merc? They've been interested in KCK from the beginning. They've been engaged in our community top to bottom. They've done their due diligence. They have a high degree of experience in operating a full-service grocery store. They are focused on local relationships, local neighborhood needs and building community benefits. They are committed to being responsive and stocking what the community wants.

I must also say, they have already been in the community talking to neighborhood leaders, engaging with the neighbors, and really discussing what products and how this store should be operated, the products that should be offered, and we think that they have made great progress, and we are confident they will continue to make more.

They buy local and partner with local food growers. Just a few weeks ago when I was at their Merc location in Lawrence, they had a sign up that there were 11,172, I believe, locally sourced products currently for sale on their shelves. That is impressive, and they already have relationships with growers and producers in Kansas City, Kansas, and Wyandotte County. I'm certain that they will deepen those relationships.

Another important one, especially after the special session talking about health outcomes, is they offer food education. Part of our management agreement, part of the design of this, will be a classroom space. A space for their health staff members to offer cooking classes, healthy eating classes, programs for hypertension, cooking for hypertension, cooking for diabetics. A lot of different classes. I don't even know all the different classes, but I know they offer a lot of great offerings for the community that we think will ultimately benefit the community on a day-to-day, week-to-week, and long-term basis.

Then, also, their ideal size is operating a 14,000 sq. ft. grocery store in a really, kind of a high-density, full-service way. It's one that's financially viable for the Unified Government to fund and construct and it's more of a full-service, I would say a city style and sized grocery store.



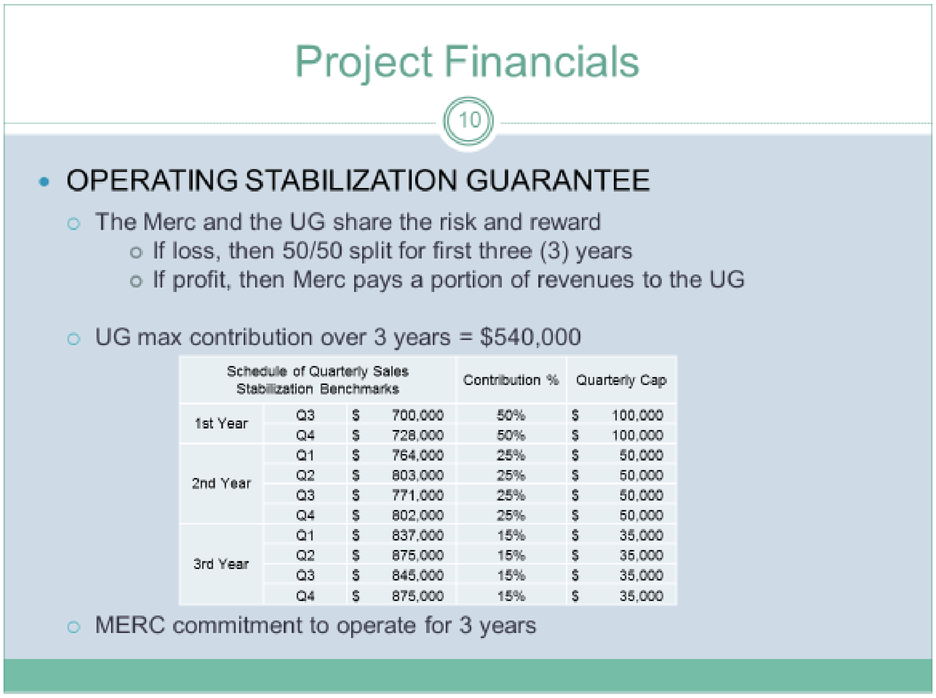
Other questions about how they promote, how they offer, and how they stock their products. I just want to highlight the assortment of food products. They've already been engaged in the community and discussing not just price points, but types of food, mix of food, and types of skews. These are some of their ads and an actual photo from their shelves.

The project, as we said, will be up to a $6M project, all inclusive. That is construction, fixtures, finish, grand opening and stabilization fund. The funding will be through direct UG use of the Hotel Revenue Fund, as well as sales and property tax TIF that is in the agenda tonight.

There will be no CID. A CID was considered, but here with Kansas having a 6.5% sales tax on food, it was really deemed that adding more burden on a sales tax at this location, in this offering, it was just not the ideal way to do this. We did not want to do that. In discussions within the Unified Government, as well as external, we determined not to pursue the CID for this project.

The project is designed to provide a long-term stable and successful grocery store with the stabilization fund model.

The project is designed so the building can be sold to a private entity, potentially sold to the Merc as a revenue model for them going forward, or we could continue a new-lease program.



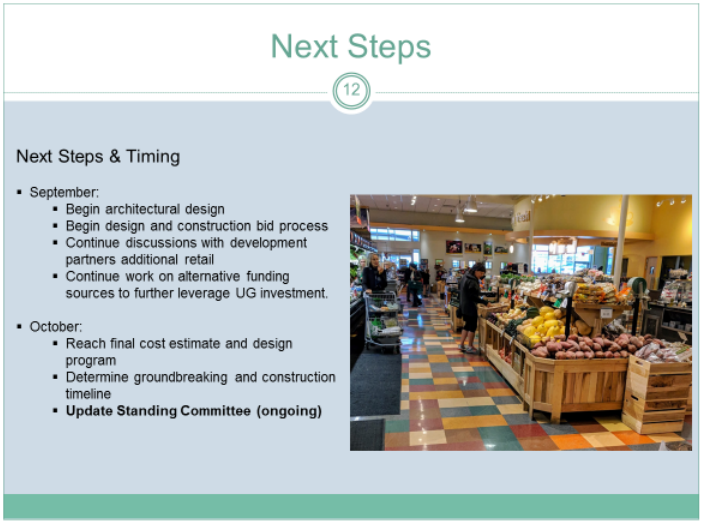
You can see a little bit of the funding sources. The estimated cost of construction, building this out, project contingency, as well as the potential stabilization guarantee. I must highlight the potential stabilization guarantee. This is codified in the system over a three-year model. After they open where they share, if there are losses below the agreed to quarterly sales benchmarks, we would share in coverage of those losses equally with the Merc and you see that they continue to decline as the store stabilizes and performs.

I must also highlight that if they open with great success and continue with great success from day one, those dollars will never be touched or utilized in this program.

Another picture of the inside within the management agreement. Proud to say that the Merc Board of Directors approved the management agreement on their end on August 6th. The agreement includes hours of operation to ensure that they are open and available to our citizens and our neighbors. The services that will be provided, the community benefits that they will provide, as well as the overall financial structure for operation.

The UG has vetted the location and assembled cost projections, and we have architects and engineers ready to begin work.

The options and opportunities. The project allows for us to proceed with design and construction of the grocery. We'll also continue to work with possible master developers. That's a large block. There's a lot of interest. There is burgeoning interest in projects that we can build onto, but there was really the belief that we must put this grocery stake in the ground for our citizens and for the potential future phases of development in downtown.



The next steps, as I wind up this presentation for you this evening, is if the Commission approves this project this evening, we will begin architectural design in the month of September. We will begin ground geotech survey, all of the assessments on the parcel, and we will continue discussion with other development partners considering potential retail, additional retail needs. As I mentioned, a pharmacy is another one that is scoring high on the public interest list. We'll continue to work with alternative funding sources to further leverage this UG investment.

By October, we believe we will be reaching final cost estimates and design program. We will be able to determine by the end of October the schedule for groundbreaking and a construction timeline, weather pending.

Then, I want to point out also, that we will continue to update standing committees in an ongoing manner related to the design, construction, and process as we go through this.

Commission Consent Agenda

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- **Item No. 1 – RESOLUTION:** MANAGEMENT AGREEMENT FOR DOWNTOWN GROCERY STORE
  - Authorize the execution of the Management Agreement with MERC
- **Item No. 2 – RESOLUTION:** PLANNING, DESIGN CONSTRUCTION AND STABILIZATION FUND FOR A DOWNTOWN GROCERY STORE
  - Authorize CAO to expend up to $6 million for planning, design and construction of a downtown grocery facility
- **Item No. 3 – RESOLUTION:** SET PUBLIC HEARING DATE FOR DOWNTOWN GROCERY REDEVELOPMENT DISTRICT
  - Set the public hearing date to establish the Downtown Grocery TIF District

The Project

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Questions & Answers

Mayor Alvey said thank you, Jon. Thank you for all of your team and thanks also to the team from the Merc for cooperating and putting together this deal. This is a key location in our community. I think the hope—I am confident that location, it's accessibility to downtown Kansas City, Missouri, and to other parts of the metro area, is going to bring in not just our residents, but folks from outside so we're very confident in that. In my estimation, this is going to be a financially sustainable project. It is already generating great interest in the downtown area as with the announcement by KU to locate there. A lot of really good things happening here, and I believe this is really going to take off.

Commissioner Kane asked do we have to have public comments. **Doug Bach, County Administrator,** said no. There's no public hearing on this. There is a public hearing scheduled by another approval for October 11 on the TIF District. **Commissioner Kane** said okay.

Commissioner Kane said they built these stores before so from start to finish, how long do you think it will take? **Mr. Stephens** said we believe if all goes as planned on the ground and the geotech, we're building from the ground up but on a slab site, I'm optimistic that if we have another mild winter, we're looking at 12 to 16 months of timing in this. **Commissioner Kane** asked when do you think this would start? **Mr. Stephens** said I think we're looking at probably fall of 2019. I will caveat. That is an incredibly aggressive timeline, but I do think given the style of construction and if we're able to move everything through as we anticipate, we're really hopeful that we can move this and have this opened and available in a matter of months, not years. **Commissioner Kane** said it would be the fall of '20 before it'd be done. **Mr. Stephens** said no. No, I'm saying we will look at having this building under construction by potentially spring of 2019, winter to spring 2018-2019 within 14 to 18 months total from today having that opened. **Commissioner Kane** said it's amazing to me that a grocery store has more importance than a fire station.

Commissioner Townsend said you already said; Mr. Bach already stated that there will be time for a public hearing. When will that date be set? **Mr. Bach** said we set it for October 11. **Commissioner Townsend** said October 11 for a public hearing. **Mr. Bach** said for the TIF district around this.

A woman in the audience asked is there a $75 membership fee.

Mr. Stephens said the cooperative model is a fully opened accessible with set price points for all users, all purchasers, at all times. The membership model that they've set is to participate as a member, and that's by choice. That does not impact your use of the grocery store, hours of the grocery store, or price points at the grocery store. **Mayor Alvey** said in other words, you do not have to purchase a membership. **Mr. Stephens** said you do not have to be a member to shop at the grocery store. Absolutely not.

Commissioner Townsend said with the presence of some of the Merc Board members here, I just wanted to express my appreciation for your willingness to come into our community and provide a much needed, much desired amenity as a grocery store here. We've been close before; we couldn't say the first time. I visited a Merc location, it was over a year again in Lawrence. I was not a member there. I did make a purchase. They didn't distinguish between who was and who was not. I would encourage start saving your money now so you can buy a membership. Once the store comes here, we want it to be our store. I'm encouraging everyone in the community to support it, to take care of it from what you purchase there to watching other eyes who may drop trash, five-finger discount. We don't want any of that going on. This is something we we've sought a long time and it is going to be a much needed, a much desired improvement. We, the people in KC here, are going to prove that to you as you come with faith to us. That's what I wanted to say while they're here. Thank you. We look forward to everyone here coming out who wants to make a comment at the public meeting, it's just not today. I did want to make that comment.

Commissioner Philbrook said I was extremely pleased that this has happened. I was very curious because I went up there too. I made a trip up to Lawrence to check out their facility. I have to tell you, it's one of the few times I've actually gone into a store and thought it was kind of fun to shop because I got to look at all the pictures of the different people that are growing the food or producing the food that you get to buy from. It makes it very personal. They have a lot of variety. They have a lot of things you don't see at our stores here. A lot of fun. I think there are—the people that live in Wyandotte County are so varied that they're going to be handling up here a lot of the same stuff that they're handling down there and that's very unusual produce. I'm really looking forward to seeing this. I will have a membership. I guarantee you. I did buy down there and the food and everything was great. Thank you very much for being here. I hope you're very successful here, and I'll do everything I can to help make this. I'll be down there.

Commissioner McKiernan said I will echo Commissioner Townsend's thanks for all the hard work that everyone has put in on this project.

Action: **RESOLUTION NO. R-36-18,** "A resolution authorizing the Mayor/CEO to enter into a grocery store management agreement with the Community Mercantile, Inc. (the Merc) to construct a 12,000 to 14,000 sq. ft. full-service grocery store located at 5th and Minnesota." **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to adopt the resolution**. Roll call was taken and there were ten "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Alvey.

ITEM NO. 3 – 18352…RESOLUTION: PLANNING, DESIGN, CONSTRUCTION AND STABILIZATION FUND FOR A DOWNTOWN GROCERY STORE

Synopsis: A resolution authorizing the County Administrator to enter into contracts for the planning, design, construction and stabilization reserve fund for a downtown grocery store, in an amount up to $6M, submitted by Jon Stephens, Economic Development Director. On August 20, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-37-18,** A resolution authorizing the County Administrator to enter into contracts for the planning, design, construction and stabilization reserve fund of a downtown grocery store, in an amount up to $6 Million dollars." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 4 – 18353…RESOLUTION: SET PUBLIC HEARING DATE FOR DOWNTOWN GROCERY REDEVELOPMENT DISTRICT (TIF)

Synopsis: A resolution setting a public hearing date of October 11, 2018, to consider the creation of a Downtown Grocery Redevelopment District located between 5th and 6th Street, Minnesota Avenue and Armstrong Avenue, submitted by Jon Stephens, Economic Development Director. On August 20, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-38-18,** "A resolution calling and providing for notice of a public hearing on the advisability of creating the Downtown Grocery Store Redevelopment District in the Unified Government of Wyandotte County/Kansas City, Kansas, pursuant to K.S.A. 12-1770 et seq." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution**. Roll call was taken and there were nine "Ayes," Markey, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 5 – 18388…PLAT: ROSEDALE MIDDLE SCHOOL

Synopsis: Plat of Rosedale Middle School located along Booth Avenue between Rainbow Blvd. and Southwest Blvd., being developed by USD #500 of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, Director of Engineering/County Surveyor, and Troy Shaw, County Engineer.

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

ITEM NO. 6 – 18354…NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Planning and Zoning Commission, Steve Neal, 8/30/18 to 3/31/20, submitted by Commissioner Murguia
Library Board, Pat Garmon, 8/30/18 to 3/31/20, submitted by Commissioner Murguia
Self-Supported Municipal Improvement District, Albert Deleon, 8/30/18 to 3/31/20, submitted by Commissioner Murguia
Advisory Commission on Human Relations & Disability Issues, Don Jolley, 8/30/18 to 3/31/22, submitted by Commissioner Kane
Golf Advisory Board, Jeff Manning, 8/30/18 to 3/31/18, submitted by Commissioner Kane
Housing Authority, Jacques Barber, 8/30/18 to 3/31/22, submitted by Commissioner Kane
Law Enforcement Advisory Board, Scott Mackey, 8/30/18 to 6/30/22, submitted by Commissioner Kane
Library Board, Angela Lawson, 8/30/18 to 3/31/22, submitted by Commissioner Kane
Planning and Zoning Commission, Jeff Carson, 8/30/18 to 3/31/22, submitted by Commissioner

Kane
UG Board of Park Commission, Craig Howell, 8/30/18 to 3/31/22, submitted by Commissioner Kane
Wyandotte/Leavenworth Area Wide Advisory Council on Aging, Deloris Pinkard, 8/30/18 to 3/31/20, submitted by Commissioner Kane

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

ITEM NO. 7 – MINUTES

Synopsis: Minutes from regular sessions of July 12 and 26, 2018; and special sessions of July 16, 19, 23, 26, and 30, 2018.

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

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 2, 9, 16, and 23, 2018.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

<u>ADMINISTRATOR'S AGENDA</u>

ITEM NO. 1 – 18391…RESOLUTION: MOU WITH UNITED FOOD & COMMERCIAL WORKERS DISTRICT UNION LOCAL TWO PUBLIC SAFETY DISPATCH DIVISION

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the United Food & Commercial Workers District Union Local Two Public Safety Dispatch Division, effective January 1, 2018 through December 31, 2019, submitted by Ken Moore, Chief Counsel. This represents the ninth of 12 union labor contracts to be ratified.

Doug Bach, County Administrator, said this is a blue sheet that was submitted as we finalized and received signature on our contract with United Food & Commercial Workers, which is our dispatcher's union. This contact is put together in accordance with the direction of the Commission regarding our labor negotiations. I would recommend approval.

Action: **RESOLUTION NO. R-39-18,** "A resolution authorizing that the County Administrator to execute a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the United Food & Commercial Workers District Union Local Two Public Safety Dispatch Division, effective January 1, 2018 through December 31, 2019." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution**. Roll call was taken and there were nine "Ayes," Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane.

<u>COMMISSIONERS' AGENDA</u>

ITEM NO. 1 – 18390…TRAVEL REQUEST: COMMISSIONER PHILBROOK

Synopsis: Request to travel to Wichita, KS, to attend the 2018 Workforce Innovation and Opportunity Conference, hosted by the Kansas Department of Commerce, the Kansas Board of Regents, and the Kansas Department for Children and Families, submitted by Commissioner Philbrook.

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

Mayor Alvey adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Land Bank Consent Agenda? If an item is not set-aside all items on the Consent Agenda will be voted on by one vote.

ITEM NO. 1 – 18349…LAND BANK BUSINESS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On August 20, 2018, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Applications for yard extension, unless noted otherwise
1710 State Ave. - Miguel Morales
4218 Orville Ave. - Maria Cervantes
2066 Springfield Blvd. - Jeanne Johnson
1108 Greeley Ave. - Rene Ojeda
1217 Georgia Ave. - Jovan Ledbetter
1052 Barnett Ave. - Joseph Sajiv
1873 N. 27th St. - Ioan Porta
259 S. Bethany St. - Jose Ordaz
2569 Cissna St. - Deborah Cunningham
1045 Waverly Ave. - Yvonne Porter
1334 Rowland Ave. - Teola Tillman
1223 Haskell Ave. - Christopher Connor
714 N. 10th St. - Mario Jimenez
710 N. 10th St. - Mario Jimenez, property acquisition
3443 N. 33rd St. - James Jackson, property acquisition
1959 Garfield Ave. - Phillip Fracul, property acquisition
3706 N. 37th St. - Albert Walker, property acquisition
610 Quindaro Blvd. - Paula Howard, property acquisition

1708 Walker Ave. - Kenia Cruz, property acquisition
4315 Ann Ave. - Jeffrey Bowker, property acquisition

Transfer to Land Bank
3815 Strong Ave. - Argentine Neighborhood Development Association (ANDA) (Property has a large drainage ditch which covers about half of the property, so it is not suitable for development. Work was to be done to the property by the city which would allow development of the property. ANDA would like to transfer this property to the Land Bank until this work can be completed.)

Donations to Land Bank (vacant lots), unable to maintain property to UG standards, unless noted otherwise
3100 Haskell Ave. - Henderson-Davis Holdings, LLC
912 New Jersey Ave. - Jura Williams
710 N. 78th St. - Mary Ellen Fielden, hoped for development in the area and selling it; doesn't believe a developer purchasing it will happen
3608 Garfield Ave. - Peggy Graham
1018 Washington Blvd. - Rachel Rozell, thought property was going to tax sale/Land Bank, no longer wants property
1028 Richmond Ave. - Rachel Rozell, thought property was going to tax sale/Land Bank, no longer wants property
2500 Park Dr. - Joseph Reye

(Commissioner Murguia recused herself.)

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY ADJOURNED THE MEETING

AT 7:40 P.M.

Carol Godsil
Deputy Unified Government Clerk

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