

**UPDATE
JANUARY 31, 2019 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY GIVEN BY REVEREND JARED ALTIC, WYANDOTTE
CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. MAYOR'S AGENDA**
- VI. REVISIONS TO THURSDAY, JANUARY 31, 2019 AGENDA
BLUE SHEET – STANDING COMMITTEE'S AGENDA**

Item No. 1 – Modifying the agreement to reflect a CPI increase in the amounts paid for street maintenance and emergency service in the unincorporated area of Loring for 2019.

- VII. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT AGENDA**
- X. NON-PLANNING CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

V. MAYOR'S AGENDA

1. APPOINTMENT AND RESOLUTION: MUNICIPAL COURT ADMINISTRATIVE JUDGE

Synopsis: Adopt a resolution appointing the Administrative Judge for the remainder of Judge Maurice Ryan's 4-year term, submitted by Ken Moore Chief Counsel.

Tracking #: 19577

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. #3174 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Change of Zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 19568

2. #3177 - ERIC NELSON WITH FAMILY TREE NURSERY

Synopsis: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District for Family Tree Nursery greenhouse plant production building at 13820 Donahoo Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 19569

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2018-96 - DR. KELLY MATHER WITH USD 500

Synopsis: Renewal of a Special Use Permit (#SP-2016-26 - expired 4/28/2018) for the Temporary Use of Land for modular classrooms at William White School at 2600 North 43rd Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19565

2. #SP-2019-2 - LINDA SIEMENS WITH CULTIVATE KC

Synopsis: Renewal of a Special Use Permit (#SP-2016-97) for the Temporary Use of Land for storage trailers and a cooler for the market farm training program

and community garden at 1900 North 1st Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)
Tracking #: 19566

C. VACATION APPLICATION

1. **A-2018-7 - WIL ANDERSON WITH BHC RHODES**

Synopsis: Vacation of an alley at 813 Barnett Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 19570

D. MASTER PLAN APPLICATION

1. **MP-2019-1 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Master Plan Amendment from Mixed Use to Business Park and Community Commercial for property at 4600 and 4602 Orville Avenue and 4601 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 19571

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. **#3159 - BRYAN RUOFF WITH 3F30 ARCHITECTS**

Synopsis: Change of Zone from C-1 Limited Business District to C-2 General Business District for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL TO CP-2 PLANNED GENERAL BUSINESS DISTRICT - 5/2 VOTE**)
Tracking #: 19567

B. SPECIAL USE PERMIT APPLICATION

1. **#SP-2018-19 - ZONING ENFORCEMENT STAFF - REVOCATION OF SPECIAL USE PERMIT**

Synopsis: Revocation of a Special Use Permit for the Temporary Use of Land to keep 2 storage container units on the site at 5401 State Avenue for failure to comply with the requirements set forth herein or established by the Unified Government Board of Commissioners as a condition for approval, submitted by

Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR REVOCATION)**
Tracking #: 19572

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JANUARY 31, 2019

#3177 - Eric Nelson with Family Tree Nursey
2018 - \$1,987.91

#A-2018-7 - Wil Anderson with BHC Rhodes for Ted Ehney
2018 - \$9,108.73
2017 - \$9,547.77
2016 - \$6,819.99

#SP-2018-19 - Jimmy Smith Revocation of SUP
2018 - \$3,325.66

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

X. REGULAR CONSENT AGENDA

1. PLAT: KING ESTATES

Synopsis: A plat of King Estates 2nd Plat, located along 124th Terrace north of Hollingsworth Road, being developed by Reginald B. King, submitted by Brent E. Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 19575

2. PLAT: DELAWARE PARK

Synopsis: Plat of Delaware Park, located along North 74th Drive south of State Avenue, being developed by NorthPoint Development, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 19576

3. MINUTES

Synopsis: Minutes from regular sessions of November 29 and December 13, 2018; and special sessions of December 13, 2018, and January 10, 2019.

Tracking #: MINUTES

4. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 10, 17, and 24, 2019.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

1. RESOLUTION: AGREEMENT WITH CITY OF BONNER SPRINGS

Synopsis: A resolution authorizing the Mayor to extend the agreement with the city of Bonner Springs, Kansas, for street maintenance and police services to the unincorporated area of Loring for an additional year, submitted by Misty Brown, Deputy Chief Counsel.

This was scheduled to appear before the Public Works & Safety Standing Committee, chaired by Commissioner Bynum, on January 28, 2019. It was requested and approved by the Mayor, to fast track to the January 31, 2019 full commission meeting.

Tracking #: 1953

2. RESOLUTION: AGREEMENT WITH KAW VALLEY DRAINAGE DISTRICT AND THE ARMY CORPS OF ENGINEERS

Synopsis: A resolution authorizing the Unified Government to enter into a Public Partnership Agreement with Kaw Valley Drainage District and the Army Corps of Engineers to secure free federal funds, submitted by Misty Brown, Deputy Chief Counsel. This does not commit the UG to anything more than already budgeted.

This was scheduled to appear before the Public Works & Safety Standing Committee, chaired by Commissioner Bynum, on January 28, 2019. It was requested and approved by the Mayor, to fast track to the January 31, 2019 full commission meeting.

Tracking #: 19556

XIII. ADMINISTRATOR'S AGENDA

1. RESOLUTION: SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2019-I

Synopsis: A resolution authorizing and directing the sale and delivery of General

Obligation Improvement Municipal Temporary Notes, Series 2019-1, estimated amount \$44.4 million, submitted by Kathleen VonAchen, Chief Financial Officer.

On November 8, 2018, the Commission adopted Resolution No. R-53-18 authorizing the sale of said notes and bonds.

Tracking #: 19557

2. **ORDINANCE AND RESOLUTION: SALE OF CITY GENERAL OBLIGATION BONDS, SERIES 2019-A**

Synopsis: Requesting approval of the following, submitted by Kathleen VonAchen, Chief Financial Officer.

- An ordinance authorizing and providing for the issuance of City General Obligation Improvement Bonds, Series 2019-A
- A resolution authorizing and directing the sale and delivery of City General Obligation Improvement Bonds, Series 2019-A, estimated amount \$18 million.

On November 8, 2018, the Commission adopted Resolution No. R-53-18, offering for sale said bonds and notes.

Tracking #: 19558

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK BUSINESS**

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

Applications

- 2441 S. 12th Ter. - Martin Lugo, property acquisition
- 2443 S. 12th Ter. - Martin Lugo, property acquisition
- 1612 S. Bethany St. - Mark O'Bryan, property acquisition
- 1614 S. Bethany St. - Mark O'Bryan, property acquisition
- 1620 S. Bethany St. - Mark O'Bryan, property acquisition
- 1628 S. Bethany St. - Mark O'Bryan, property acquisition
- 1630 S. Bethany St. - Mark O'Bryan, property acquisition
- 1632 S. Bethany St. - Mark O'Bryan, property acquisition

On January 14, 2019, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.
Tracking #: 181

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Staff Request for Commission Action

Tracking No. 19577

Full Commission Meeting Date: 1//31/19

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/28/2019	<u>Contact Name:</u> Kenneth Moore	<u>Contact Phone:</u> x5070	<u>Contact Email:</u> kjmoore@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Adopt a resolution appointing the Administrative Judge for the remainder of Judge Maurice Ryan's 4-year term, submitted by Ken Moore Chief Counsel.				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution				

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. That the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, hereby appoints _____ to the position of Municipal Court Administrative Judge, Division 1 for the remainder of the term of four years which began October 1, 2018, through September 30, 2022. Said appointment shall commence on the date mutually agreed by the parties.

2. That the County Administrator is hereby authorized and directed to negotiate an agreement, and the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/CEO and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, regarding the terms and conditions of said appointment as Municipal Court Administrative Judge.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF JANUARY 2019.**

Unified Government Clerk

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JANUARY 31, 2019**

XII. STANDING COMMITTEE AGENDA

UPDATED ITEM

Item No. 1 – 1953.... RESOLUTION: AGREEMENT WITH CITY OF BONNER SPRINGS

Synopsis: The agreement with the city of Bonner Springs, Kansas was modified upon request to reflect a CPI increase in the amounts paid for street maintenance and emergency service in the unincorporated area of Loring for 2019.

The amount for street maintenance was changed from \$106,651.13 to \$109,370.38, and the amount for emergency service was changed from \$27,329.35 to \$28,016.16.

The Public Works and Safety standing committee approved the agreement with the above listed modifications.

ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT

THIS ADDENDUM is made and entered into this ____ day of _____, 2019, by and between the Unified Government County/Kansas City, Kansas, the City of Bonner Springs, Kansas, adding additional terms to the Interlocal Cooperation Agreement entered into by and among the parties and the City of Edwardsville and dated May 16, 1996, and to the 1997, 1998, 1999, 2001, 2002, 2003, 2007, 2013, and 2018 Addenda to the Agreement.

WHEREAS, the parties wish to amend certain provision of the Agreement and addenda.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 8 of the Agreement is amended to read as follows:

8. Street Maintenance. Bonner Springs will provide for a one (1) year period street maintenance, traffic control signs and devices, snow removal, right-of-way mowing, pavement markings and guardrail maintenance for the Loring area, the unincorporated areas of Delaware township south of Bonner Springs. The Unified Government agrees to pay in each fiscal year \$109,370.38 beginning in fiscal year 2019. Bonner Springs shall perform, pursuant to its ordinances and state laws, noxious and general weed control within the Loring area, as well as within Bonner Springs. The Unified Government agrees to provide storage and sale of weed control chemicals. The Unified Government does further agree to use whatever authority is has under Kansas law to assist Bonner Springs in the above noted responsibilities. The Unified Government will be responsible for property maintenance of Unified Government owned properties in Bonner Springs and the Loring Area.

2. Paragraph 10 of the Agreement is amended to read as follows:

10. Emergency Services. Bonner Springs will provide police, fire, and ambulance services to the Loring area for a one (1) year period, beginning January 1, 2019 for the annual sum of \$28,026.16.

3. Paragraph 11 of the Agreement is amended to read as follows:

11. Payments. All annual payments to be made pursuant to this agreement shall be made no later than March 1, 2019.

4. The Interlocal Cooperation Agreement dated 1996, subsequent addenda and their terms re incorporated herein.
5. All other provisions of the Interlocal Cooperation Agreement and the 1998 addendum shall remain as previously agreed to, consistent with this addendum.

IN WITNESS WHEREOF, the parties hereto have executed the above and foregoing Addendum the day and year and written above.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

David Alvey
Mayor/CEO

Attest:

Unified Government Clerk

Date: _____

(Seal)

CITY OF BONNER SPRINGS, KANSAS

By: _____
Jeff Harrington
Mayor

Attest:

Amber McCullough, City Clerk

Date: _____

(Seal)

Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: City Staff

Date: January 31, 2019

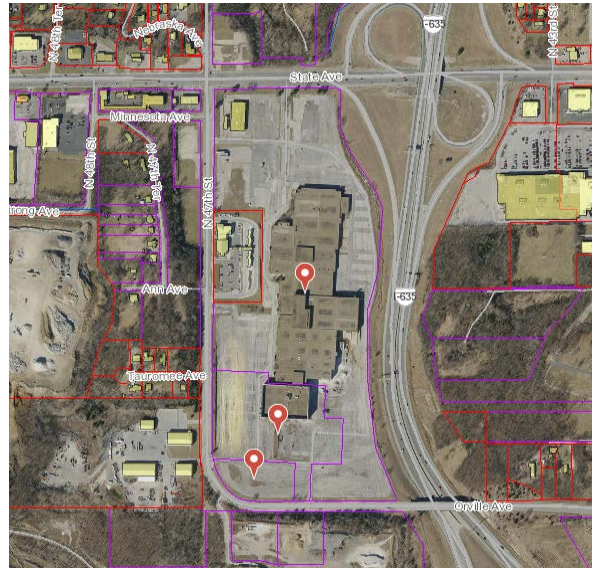
Re: **Petitions #3174 and MP-2019-1**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Representative
Polsinelli PC
6201 College Boulevard, Suite 500
Overland Park, KS 66211

Requested Actions:
Change of Zone from
BP Planned Business Park, CP-1 Planned
Limited Business District and CP-3 Planned
Commercial Districts to CP-0 Planned
Nonretail Business, CP-2 Planned General
Business and MP-1 Planed Light Industrial
and Industrial Park Districts



Master Plan Amendment from Mixed-Used (City-Wide Master Plan) to Business Park and Community Commercial (City-Wide Master Plan)

Date of Application: October 26, 2018

Purpose: To plat eight (8) commercial lots and rezone to build a 234,716 square foot distribution/food service center and office and retail buildings

Property Location: 4600 Orville Avenue, 4602 Orville Avenue and 4601 State Avenue

Commission Districts: 1. Commissioner At-Large: Melissa Bynum
2. District Commissioner: Jane W. Philbrook

Existing Zoning: BP Planned Business Park, CP-1 Planned Limited Business and CP-3 Planned Commercial Districts

Surrounding Zoning:

North:	C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts
South:	M-3 Heavy Industrial District
East:	None (Interstate 635)
West:	C-1 Limited Business, CP-2 Planned General Business, R-1 Single Family and MP-1 Planned Light Industrial and Industrial Park Districts

Existing Uses:

North:	Behavior health center and undeveloped land
South:	Undeveloped land
East:	Interstate 635
West:	Undeveloped land, gas station, single family homes and road sign manufacturer

Total Tract Size: 49.2 acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Mixed Use (seeking an amendment to Community Commercial and Business Park).

Major Street Plan: The Major Street Plan classifies State Avenue, 47th Street and Orville Avenue as Class A Thoroughfares.

Advertisement: The Wyandotte Echo – Change of Zone - November 15, 2018 and Master Plan Amendment – December 20, 2018
Letters to Property Owners – Change of Zone – November 14, 2018, December 14, 2018 and January 23, 2019; Master Plan Amendment: December 14, 2018 and January 23, 2019; Plat – November 14, 2018 and December 14, 2018; Plan Review – November 14, 2018 and December 14, 2018

Public Hearings: December 10, 2018, January 14, 2019 and January 31, 2019

Public Opposition: No one appeared at either City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, final plan review and master plan amendment to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is primary commercial in nature as State Avenue is the major commercial corridor in the city. There is some residential to the west. The eastern boundary is I-635.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and their uses are set out above. The proposed uses are compatible with them. The increase in heavy truck traffic on 47th Street could be a concern to the residences.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

Removal of the restrictions should not detrimentally affect nearby property so long as there are few after hours trucks.

4. The length of time the property has remained vacant as zoned.

The property has been vacant since 2012.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is not reasonably necessary for the convenience and welfare of the public. If designed to comply with the guidelines, the proposed uses will not substantially injure the appropriate use, visual quality or marketability of nearby property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

With coordination with the Public Works Department, traffic and parking demand will be reviewed to determine if the proposed uses will adversely affect road capacity, safety or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use will comply with the proposed master plan amendment from Mixed-Use to Business Park and Community Commercial.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

The proposed use should not cause environmental harm.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by Midtown Patrol, District #442

e. *Fire*

Fire service is provided by Fire Station #11

f. *Transit*

Kansas City ATA provides service along State Avenue, Route #101.

g. *Schools*

Kansas City, Kansas USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The proposed use will have a positive economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

With revisions, the proposed uses are capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development is of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise or other adversity.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

With coordination with the Public Works Department, streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Lots and building will be arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development will be designed with due regard to topography, so that any

remaining natural features of the land are protected and enhanced.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2018. According to the applicant, 75 individuals were in attendance and expressed concern existing vacant pad sites on the former Indian Springs Mall site in addition to other businesses who may relocate to this site and leave their previous site vacant elsewhere in the city.

KEY ISSUES

Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 recommend **APPROVAL** of Master Plan Amendment #MP-2019-1.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3174, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. **Submit a design criteria manual for the overall center.**

Applicant Response: Design criteria has been submitted.

Staff Response: Applicant submitted what is basically the same design criteria as was used for some auto dealers. .

2. **Submit retaining wall elevations and calculations as required for a final plan review.**

Applicant Response: Calculations have been submitted.

Staff Response: Wall material must be integrally colored to match building.

3. Any proposed wind turbines must comply with the wind turbine ordinance.

Applicant Response: Acknowledged.

4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street.

Applicant Response: The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.

Staff Response: Additional sidewalks may be required to meet the code.

5. Over the road trucks shall not be parked on the property overnight.

Applicant Response: Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

Staff Response: Response acknowledged

6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit.

Applicant Response: A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: Acknowledged

Building Architecture:

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation.

Applicant Response: See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review requires building elevations for all proposed buildings.

Applicant Response: Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

Staff Response: A design manual has been submitted.

3. Please provide four-sided color renderings of the food distribution center for the final plan review.

Applicant Response: See attached four-sided color renderings, along with the building design narrative.

4. All roof mounted units must be screened by the parapet of the building.

Applicant Response: Combination of parapet and unit-specification screening will be utilized for the food service building.

Staff Response: Comment remains.

5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Acknowledged.

6. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

7. All concrete shall be integrally colored – no paint.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

8. The material palette is very bland and should be updated to provide a high-quality and interesting appearance.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-0 Planned Nonretail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:
 - a. Lot 2 – 106 trees
 - b. Lot 3 – 26 trees
 - c. Lot 4 – 22 trees
 - d. Lot 5 – 32 trees
 - e. Lot 6 – 16 trees
 - f. Lot 7 – 17 trees
 - g. Lot 8 – 23 trees

In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

Applicant Response: Acknowledged.

2. Per the Commercial Design Guidelines:
 - a. The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - b. Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
 - c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Applicant Response: The applicant agrees that the non-industrial buildings should follow the Commercial Design Guidelines.

3. All landscaping must be irrigated.

Applicant Response: Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Established Management Plan.

Staff Response: In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

Applicant Response: Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot.

Applicant Response: See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan.

Applicant Response: See enclosed lighting plan.

Staff Response: Comment remains.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Applicant Response: Acknowledged.

9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Acknowledged.

10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: This is a district requirement of MP-1 Planned Light Industrial and Industrial Park District.

11. The BPU transformer pad and generator depicted on sheet Z01 shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building façade.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

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

1) Please coordinate with UG public works regarding restriping of N 47th Street and Orville Avenue.

2) The south-west driveway shall include an extended median and /or throat into the site to physically prohibit vehicles from using the opposite lanes of the driveways.

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

4) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents 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:

1) None

Staff Conclusion:

The applicant has responded to Planning and Planning Engineering staffs' comments; however, staff would like to continue to work with the applicant on the remaining issues:

- (1) A 4-foot internal sidewalk and landscape buffer with pedestrian lighting must be depicted on the site plan.
- (2) Resolve remaining Engineering reviews and utility conflicts.
- (3) Incorporate masonry materials (i.e. stone, brick and/or cast stone) on the entry, office and mezzanine area of the south façade.
- (4) In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions #3174 and #MP-2019-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 10, 2018 City Planning Commission Minutes
January 14, 2019 City Planning Commission Minutes
Applicant Response Letter
Building Design Narrative
Neighborhood Meeting Minutes
GeoSpatial Services Department Comment Letter
Master Plan Community Commercial Land Use Designation
Master Plan Business Park Land Use Designation
Zoning Map
Preliminary Plat
Final Plat
Site Plan
Utility Plan
Landscape Plan
Truck Turning Template
Photometric Plan
Floor Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 10, 2018	
Rezoning	(Held Over)	
	January 14, 2019	January 31, 2019
	Approval	
Master Plan		
Amendment	January 14, 2019	January 31, 2019

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment #MP-2019-1, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment #MP-2019-1, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3174 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3174 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 10, 2018 City Planning Commission Minutes:

Hearing Starts At 1:15:47:

CHANGE OF ZONE APPLICATION #3174 – CURTIS PETERSON WITH POLSINELLI

– **SYNOPSIS:** Change of Zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

KC FOODIE PARK – SYNOPSIS: Preliminary and Final Plat for one (1) industrial lot on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

PLAN REVIEW APPLICATION #PR-2018-36 – CURTIS PETERSEN WITH

POLSINELLI – SYNOPSIS: Final Plan Review for a mixed-use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, and final plan review to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 10, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018 for the change of zone application; and
7. The Notices to property owners dated November 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Curt Peterson, applicant, Polsinelli, 6201 College Boulevard, Suite 500, Overland Park, Kansas 66211

The Commission granted Mr. Peterson an additional five (5) minutes at 1:33:44

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:54:16: Planning Director Richardson stated that he will address the issues that the Mr. Peterson brought up. The Master Plan amendment needs to be published for the agenda next month so holding all the applications over until January 14, 2019 would be a good idea. Over the next month the staff will do the calculations for the truck parking and inoperable storage. With regard to the bike lane and sidewalk he believes that the applicant is asking for a 5' wide sidewalk (instead of 12' wide) and bike lane. In this case he believes that would meet the requirements of the trail network. With regard to a sidewalk and trail in the parking lot for the large building, it just needs to be landscaped and curbed so people can walk down there. Over the next month they will work on that to see if it is possible. This is a very large site so he is sure that 5' can be squeezed out of that. Ten feet with landscaping would be good but staff will work with the applicant over the next month. Staff believes that the color of the buildings needs some highlights as it is very bland. Some color on the office building would be great (he understands the white panel portion) as it would set it off from the other buildings. Director Richardson stated that he understands the downspout issue. To do that requires large roofs and the slope of the roof is very tricky. He showed how other large buildings have had to bring it down the middle (Wal-Mart is an example) and the staff will work with the applicant's designers on this issue. He stated that Mr. Peterson stated that the site for the food storage building is twice as long as it is wide. Actually the building is square and rotating the building would be a matter of utility and dirt moving and that is an issue that can be discussed with regard to private/public partnership/financing. With regard to irrigation, the applicant did not show any pictures that had zero scape and those are all bright green fields and there is a difference between the pictures the Commission has seen and what zero scape would look like. Depending on how it is done, without irrigation, it does not stay green like it would if it was irrigated. It has a different look to it especially during the establishment period. People that have had large areas of this have started with irrigation and then they do not have to use that any more once it is established. He further stated that getting it established is very difficult and it is more than a one page explanation on how to do that. The property behind Wal-Mart is supposed to be zero scape natural areas and it is still not established correctly. You have to have someone that knows what the weeds look like to remove them; it is very hard to get this established. He stated that the staff will talk further with them on this issue but is going to support irrigation. They have requested a planned district zoning which requires a design guideline, which they have submitted, and it was sent to the Planning Commission. The staff will have comments on those guidelines and preliminary plan over the next month. With these comments about working with the applicant, the staff recommends holding over this

application. He further stated that the staff is very excited about this project. With regard to the restaurant pad sites staff hopes that is not just moving the restaurants from 38th and State Avenue to this area as that does not benefit the community. These should be new restaurants.

The Commission had additional questions for the applicant regarding ownership of the businesses that will be on the property.

Motion and Vote starts at 2:04:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3174, KC Foodie Park Plat and Plan Review #PR-2018-36 until the January 14, 2019 meeting for the master plan amendment to be published and to resolve the issues identified by the staff:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Neal	Aye
Reasons	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Pauley	Not Present

Motion to HOLD OVER Passed: 7 to 0

January 14, 2019 City Planning Commission Minutes:

Hearing Starts At 1:26:40:

MASTER PLAN AMENDMENT #MP-2019-1 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Mixed Use to Business Park and Community Commercial for property at 4600 and 4602 Orville Avenue and 4601 State Avenue.

CHANGE OF ZONE APPLICATION #3174 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Change of Zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

KC FOODIE PARK – SYNOPSIS: Preliminary and Final Plat for one (1) industrial lot on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

PLAN REVIEW APPLICATION #PR-2018-36 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Final Plan Review for a mixed-use development

(distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, final plan review and master plan amendment to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018 for the change of zone application and December 20, 2018 for the master plan amendment; and
7. The Notices to property owners dated November 14, 2018 and December 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Serda stated that he had contact with Bren Starner with Kansas City Area Transportation with regard to this application.

Recording Secretary Parker stated that these applications were heard in detail at last month's meeting and were held over until the meeting tonight for the master plan amendment to be filed and for staff and the applicant to discuss the remaining issues to be resolved.

Present in Support:

- ❖ Curt Peterson, applicant, Polsinelli, 6201 College Boulevard, Suite 500, Overland Park, Kansas 66211

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:48:50: Planning Director Richardson stated that the staff and applicant are down to one issue (screening of parapet at the different levels) and the staff would recommend approval subject to the stipulations in the staff report as presented. Director Richardson showed the Commission of the areas of the parapets. He stated that the applicant will do perspective elevations when they come in for building permit and the parapet will be the appropriate height.

Planning Commissioner Carson asked if there is a cost estimate concerning adding the parapets? Mr. Peterson stated that it is strictly design and aesthetics and there has not been a cost associated with them.

Motion and Vote starts at 1:53:23:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment #MP-2019-1;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed:6 to 0

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Changes of Zone Application #3174;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning:

- 1. Submit a design criteria manual for the overall center.**

Applicant Response: Design criteria has been submitted.

Staff Response: Applicant submitted what is basically the same design criteria as was used for some auto dealers. .

- 2. Submit retaining wall elevations and calculations as required for a final plan review.**

Applicant Response: Calculations have been submitted.

Staff Response: Wall material must be integrally colored to match building.

- 3. Any proposed wind turbines must comply with the wind turbine ordinance.**

Applicant Response: Acknowledged.

- 4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street.**

Applicant Response: The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.

Staff Response: Additional sidewalks may be required to meet the code.

- 5. Over the road trucks shall not be parked on the property overnight.**

Applicant Response: Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

Staff Response: Response acknowledged

- 6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit.**

Applicant Response: A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

- 7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.**

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: Acknowledged

Building Architecture:

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation.

Applicant Response: See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review requires building elevations for all proposed buildings.

Applicant Response: Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

Staff Response: A design manual has been submitted.

3. Please provide four-sided color renderings of the food distribution center for the final plan review.

Applicant Response: See attached four-sided color renderings, along with the building design narrative.

4. All roof mounted units must be screened by the parapet of the building.

Applicant Response: Combination of parapet and unit-specification screening will be utilized for the food service building.

Staff Response: Comment remains.

5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Acknowledged.

6. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

7. All concrete shall be integrally colored – no paint.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

8. The material palette is very bland and should be updated to provide a high-quality and interesting appearance.

Applicant Response: See enclosed building design narrative.

Staff Response: Comment remains.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-0 Planned Nonretail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:
 - a. Lot 2 – 106 trees
 - b. Lot 3 – 26 trees
 - c. Lot 4 – 22 trees
 - d. Lot 5 – 32 trees
 - e. Lot 6 – 16 trees
 - f. Lot 7 – 17 trees
 - g. Lot 8 – 23 trees

In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

Applicant Response: Acknowledged.

2. Per the Commercial Design Guidelines:
 - a. The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - b. Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.

- c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Applicant Response: The applicant agrees that the non-industrial buildings should follow the Commercial Design Guidelines.

3. All landscaping must be irrigated.

Applicant Response: Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Established Management Plan.

Staff Response: In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

Applicant Response: Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot.

Applicant Response: See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan.

Applicant Response: See enclosed lighting plan.

Staff Response: Comment remains.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Applicant Response: Acknowledged.

9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Acknowledged.

10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: This is a district requirement of MP-1 Planned Light Industrial and Industrial Park District.

11. The BPU transformer pad and generator depicted on sheet Z01 shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building façade.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Please coordinate with UG public works regarding restriping of N 47th Street and Orville Avenue.
 - 2) The south-west driveway shall include an extended median and /or throat into the site to physically prohibit vehicles from using the opposite lanes of the driveways.
 - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 4) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents 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:

1) None

Staff Conclusion:

The applicant has responded to Planning and Planning Engineering staffs' comments; however, staff would like to continue to work with the applicant on the remaining issues:

- (1) A 4-foot internal sidewalk and landscape buffer with pedestrian lighting must be depicted on the site plan.
- (2) Resolve remaining Engineering reviews and utility conflicts.
- (3) Incorporate masonry materials (i.e. stone, brick and/or cast stone) on the entry, office and mezzanine area of the south façade.
- (4) In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **APPROVE KC Foodie Park Preliminary and Final Plat;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE Final Plan Review #PR-2018-36:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations

Date: 11/26/2018

RE: Applicant's response to staff's comments received on 11/19/2018

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Submit a design criteria manual for the overall center. **Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.**
2. Submit retaining wall elevations and calculations as required for a final plan review. **Response: Retaining wall elevations and calculations will be submitted by 12/5/2018, per conversation with City staff.**
3. Per the Mixed-Use Design Guidelines: Do we need to comply with MXD Guidelines:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
 - b. Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
 - c. Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.

Response: The applicant agrees that the non-industrial buildings should meet the Mixed-Use and/or Commercial Design Guidelines.

4. Any proposed wind turbines must comply with the wind turbine ordinance. **Response: Acknowledged.**

5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street. **Response: The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.**

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6. Over the road trucks shall not be parked on the property overnight. Response: Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit. Response: A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

8. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit. Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Building Architecture:

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation. Response: See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review require building elevations for all proposed buildings. Response: Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

3. Per the Mixed-Use Design Guidelines:

a. A minimum of 75% of buildings should have a zero-foot setback.

b. Primary building façades should be parallel to the sidewalk.

c. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.

d. Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement, but the percentage of masonry

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becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.

The building elevations proposed distribution/food storage center do not meet the City-Wide Master Plan Mixed-Use Design Guidelines or the Commercial Design Guidelines. The material palette does not include any masonry materials. Please revise and resubmit elevations that comply with these two sets of guidelines. **Response:** Please see enclosed building design narrative.

4. Please provide four-sided color renderings of the food distribution center for the final plan review. **Response:** See attached four-sided color renderings, along with the building design narrative.

5. All roof mounted units must be screened by the parapet of the building. **Response:** Combination of parapet and unit-specification screening will be utilized for the food service building.

6. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. **Response:** Acknowledged.

7. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. **Response:** See enclosed building design narrative.

8. All concrete shall be integrally colored – no paint. **Response:** See enclosed building design narrative.

9. The material palette is very bland and should be updated to provide a high-quality and interesting appearance. **Response:** See enclosed building design narrative.

10. While it has site design impacts the truck loading docks should not face I-635. **Response:** The applicant would appreciate further discussion with City staff prior to addressing this comment.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-0 Planned Nonretail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:

- a. Lot 2 – 106 trees
- b. Lot 3 – 26 trees

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- c. Lot 4 – 22 trees
- d. Lot 5 – 32 trees
- e. Lot 6 – 16 trees
- f. Lot 7 – 17 trees
- g. Lot 8 – 23 trees

In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

Response: Acknowledged.

2. Per the Mixed-Use Design Guidelines:

- a. On site-parking will be located behind the buildings.
- b. Landscape is required to screen all parking areas and service entries.
- c. Trees are required in the public right-of-way along street, at a minimum of one (1) shade tree every forty (40) feet.

Response: The applicant agrees that the non-industrial buildings should follow the Mixed-Use and/or Commercial Design Guidelines.

3. All landscaping must be irrigated. Response: Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Establishment Management Plan.

4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. Response: Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. Response: Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot. Response: See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

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7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan. **Response: See enclosed lighting plan.**
8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **Response: Acknowledged.**
9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. **Response: Acknowledged.**
10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation. **Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.**

Signage:

1. Shall comply with the sign ordinance. **Response: Acknowledged.**

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) 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. **Response: Acknowledged.**
- 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Response: Acknowledged.**
- 3) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments. **Response: Acknowledged.**

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

- 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None

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Scavuzzo Building Design Narrative

Attached please find information relating to the Distribution Center aesthetic. This includes elevation illustrations as well as photos of real projects using these materials.

The exterior of the distribution center utilizes a combination of precast concrete wall panels, as well as composite insulated metal panels (IMP). The IMP is a requirement of a cold storage facility to meet the energy code requirements of the International Energy Conservation Code (IECC). Wall systems utilized in cold storage must be light in color to reflect any heat gain present in the environmental conditions, and must maintain the building envelope thermal integrity in temperatures swings exceeding 100-degrees of temperature differential. The current color scheme utilizes white panels, with accents colors in grey, and green glass in anodized aluminum frames. I have included a brochure for the wall panels we typically use for reference.

The roof system is a thermoplastic roof membrane, white in color to minimize the heat gain previously described. Roof insulation thicknesses exceed the building code requirements by 20-30% in order to maximize the energy efficiency of the refrigeration system. The roof is drained via scuppers and downspouts, with the downspouts being collected and the water piped away from the building. Downspouts are NOT located inside the wall assembly, but are surface mounted to the exterior as the introduction of water into a temperature controlled environment is not good design practice. Any issues related to the introduction of water into the facility are minimized and the building safety and thermal integrity are maintained.



Elevation showing combination of concrete wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing combination of architectural wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing combination of concrete wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing insulated metal panels at the refrigerated storage components. Use of non-contrasting color downspouts to limit the effect on the building elevation.

**KC Foodie Park / Petition #3174 and PR-2018-36
November 28, 2018 Neighborhood Meeting**

Attendance:

Curtis Petersen, Polsinelli PC
Amy Grant, Polsinelli PC
Rich Scavuzzo, CEO Scavuzzo's Inc.
Robert Ulliman, Primus Builders
Michael Jones, Primus Builders
Casey Colbern, BartWest
Approximately 75 individuals – see attached sign-in sheet

The meeting began at 6:10 p.m. Curtis Petersen and Rich Scavuzzo provided a brief introduction of the design team and explained Scavuzzo's business history. Rich Scavuzzo shared that the company has been in operation for approximately 100 years through 5 generations of family members.

Mr. Petersen explained that the team's goal for the evening was to share the Scavuzzo's vision for the former Indian Springs Mall site and then provide a Q&A session and hear feedback from those attending tonight's meeting. Mr. Petersen indicated that the project team has taken months to evaluate the property and has reviewed the public survey results compiled by the Unified Government for this site. He stated that the team is aware of the various challenges to developing the site and that no proposal, including this one, will please everyone. Our goal is to provide clear channels of communication regarding Scavuzzo's vision for the property.

Rich Scavuzzo then explained his vision for the property, which is to have a complex that is centered around food. The project team strongly believes that a food based complex will drive passion to revitalize the area and hopefully spread prosperity along State Avenue. The project will be centered around food, restaurants, retail/food distribution, and c-store/convenience store concepts. Of course, this is not to say that the project will not have something outside of that, but overall focus is food based businesses.

Rich Scavuzzo explained that the company is currently based in Kansas City, KS and is looking to expand its operations. Scavuzzo's proposed expansion has received interest from other communities but they are most interested in staying in Kansas City, Kansas. Rich Scavuzzo further explained that a good amount of its personnel live in Kansas City, KS and that he sees a lot of opportunities with this site – opportunities that include giving back to the community and building something that the community can be proud of. For example, Scavuzzo's currently provides an after school work program with Wyandotte High. Approximately five high school kids are engaged in the training program. Our company also provides training programs where individuals begin as warehouse personnel and are then trained to secure a Class A truck driver's license, which provides a good annual income.

Mr. Petersen then walked through the site plan. The site is approximately 50 acres in size and is broken up into three areas of development. Starting with State Avenue, you will see approximately three pad sites for development. Mr. Petersen indicated that this portion of the plan is very conceptual and

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flexible as to building form and potential tenants. Mr. Petersen explained that Area Real Estate Advisors will be responsible for marketing and securing tenants for the pad sites. Mr. Petersen then introduced JD Christie, Adam Blue and Scott Miller with Area Real Estate Advisors.

Mr. Christie explained that the company is a brokerage firm that specializes in pad site development such as this. These pad sites are a critical component of the overall project and that although they are relatively new to the development team, they are excited about the opportunities for this site. Mr. Christie also explained that the 2018 retail landscape means that the entire site cannot be developed with retail/commercial uses. The pad sites along State Avenue are primed for development and can be filled with restaurants and retailers that do not currently exist in this area. Adam Blue then explained that they are just starting to evaluate the site but he is very encouraged, thus far. He understands that retail is the most tangible use for most neighbors and they take that very seriously. They look forward to hearing ideas and opinions from those attending tonight as to what types of uses are desired.

Rich Scavuzzo then explained that the vision for the second tier of buildings would include restaurants and retail/food based service, including home delivery type tenants. Rich explained that Scavuzzo's currently partners with those types of customers now and looks forward to trying to bring some of those businesses to the site.

Rich Scavuzzo then explained that the vision for the office building would be to move the Scavuzzo's National Headquarters to the site. The office building would likely be 4-stories in height with the ground floor including a test kitchen, conference rooms and potentially a culinary institute use. One goal is to help the next generation of culinary experts begin their careers in Kansas City, Kansas and potentially progress from the culinary institute to become qualified candidates to work at the restaurants within the project. The office building will also likely include leases to other tenants that are Scavuzzo's clients.

Next, Rich Scavuzzo explained that the proposed food service center will be a state-of-the-art facility with net zero energy consumption. In other words, the facility will produce enough energy to match the energy it consumes. To accomplish this, Scavuzzo's is currently working with the Unified Government and BPU to provide a solar array south of Orville Avenue. Rich then explained that the company is exploring the possibility of having the facility LEED certified by providing sustainable opportunities through landscaping, building design, etc. Rich also indicated that the design team has taken special care to situate the building in a manner to limit truck noise to the highway side of the building.

Mr. Petersen also indicated that the design team is evaluating the ability to provide a trail/sidewalk system around the site. This is a very tentative concept at this time and may also include the possibility of providing some type of park area within the development or nearby. Again, these discussions are very preliminary with the Unified Government.

Next, Mr. Petersen discussed timing of construction. Of course, a 50 acres site will include phased development. Mr. Scavuzzo stated that the desire is to immediately start with the pad sites along State Avenue with the food service center at the south end of the site. Next, would be the retail/commercial buildings south of the pad sites and finally the headquarters office building.

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Next, Rich Scavuzzo explained that the goal of Scavuzzo's is to inspire a sense of belonging and that this starts with its employees. We think of our business as a "community" and that we want employees to join the family. Our goal is to engage with employees and to help individuals build their careers. For example, current entry level positions begin at just under \$20/hour. Our goal is that by the time we open the new facility, entry level jobs will begin at just over \$20/hour. Those entry level positions offer training that could lead to employees earning approximately \$50-\$60,000 a year, if desired, as part of our driver training program.

Question/Comment: This is beautiful plan but do you know the history of Indian Springs? Most white folks moved out west and left the rest of us here to try and build businesses. We are looking to make money as well. Were we thought about when you developed this plan? More specifically, were African-Americans considered with this plan? Or is it this just a "this is our family is and this what we are going to do project"?

Response: Scavuzzo's is a race neutral/race blind company. Our goal is to serve everyone in and around the neighborhood.

Comment: Good, because we want to be part of this new community/family as well. Look around the room, at the black folks in the room. We need community and want to be included.

Response: Agreed. Creating job is the first step to providing opportunities and all are welcome at Scavuzzo's.

Questions/Comment: This was a good presentation. It seems like you are incubating jobs within the project. We also need projects and support of local, small businesses in this area. What we do not need is a high turnover rate. We want family-owned business to succeed and need support of small businesses. We may need more community conversations about what this looks like for this project. You need to do a better job of getting the word out so that more people know what you are proposing with your project.

Questions/Comment: We need you to be committed to supporting and providing local businesses opportunities within this project? How are you planning to engage local businesses?

Response: We currently have over 500 current, local restaurant customers.

Question/Comment: This is my first opportunity to see this proposal. I was also part of City's community meetings in 2017. As a developer I have looked at development of this property. I like your plan – it fits well on the site. However, several things need to happen: (1) you need to engage the 200-300 people who attended the City meetings a year ago to get their input on this plan; (2) there was an unsolicited proposal/commitment from City staff to require any developer to come back and have real conversations with the public about development of this site; (3) you need to take a holistic approach to this development – it does not appear to be holistic in terms of what it can bring to the neighborhood.

Response: We are trying to take a holistic approach with the UG. We understand that the UG has control of the other two corners at 47th and State Avenue.

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Question: How will you pay for all of this?

Response: We are trying to focus on planning first but yes we will discuss a public/private partnership with the UG. In this environment, with this type of project, we will need the UG to help with infrastructure improvements. The UG will not be writing checks but will need to help through incentive tools to make this viable.

Question: Is your list of 500 local customers available to public?

Response: No, but we can publish some of the key customers that we will be targeting for this project.

Question/Comment: I was under the impression that this would be a grocery store site?

Response: Please keep in mind that the northern portion of this site is very conceptual and flexible. A grocery store may be possible but no tenants have yet been identified.

Question: Will you keep your current facility or abandon it with this project?

Response: We are moving all distribution services to this site but will maintain other operations at our current facility.

Question: Are you anticipated TIF for financing?

Response: We are not certain on incentives yet, but, yes TIF is one of the tools being evaluated.

Question: This is a question for your broker. How do you see the pad rental rates for this site compared to rental rates for vacant properties already located along State Avenue? We do not want another mini-mart to be front and center along State Avenue. What can we realistically expect this to support?

Response: As far as rental rates, we are not prepared to speak to that just yet. If you look at the dynamics of the site, access, population, and traffic counts, the site is an excellent candidate for several tenants. As Mr. Scavuzzo indicated we are going to target local restaurants that are currently customers of Scavuzzo but we are unable to speak to economics yet. This site provides a lot of opportunity.

Comment: My concern is that there are existing vacant pads sites in this area and we do not want to end up with additional vacant pads that do not meet the community's needs. We also do not want business being shuffled around within the City leaving other places vacant to move to this location.

Response: Considering State Avenue will be the front door for our business we will take special care to have it look nice and have successful businesses located there.

Question: What kind of traffic patterns will need to change for trucks?

Response: We are in the process of doing a traffic study right now. We do not anticipate many improvements. We will likely restripe 47th/Orville and make some improvements to the intersection. We are also looking at possibly adding bike lanes.

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Question: We want quality placement of business and beautification, along with solid economic dollars for this site.

Response: You made good point on doing this the right way, the responsible way. The worst thing we could do is try to do the project all at once or too quickly and have it fail. We will be very systematic in order to have success.

Question: Have you had people inquire about restaurants for this site? There is a reason that people go to the Legends. They go there to eat and enjoy other entertainment opportunities. What will bring people to this site to do anything other than eat? If you get this project off the ground – you need to come up with something besides KC Foodie Park for the name.

Response: We have had a lot of conversations with our existing customers. So far, all of them are excited/interested in the site. Do you have suggestion for entertainment concepts?

Comment: Movie Theater or Bowling Alley.

Question: You indicated that the UG owns the land today. Will you buy or lease it from them?

Response: We do not know yet – we will discuss this at the same time as incentives.

Question: Will you own the buildings if you lease the property? Yes, however, Scavuzzo does not anticipate constructing or owning the pad site properties.

Question: Who are Scavuzzo's competitors?

Response: Sysco and US Foods.

Question: You indicated that you may have a culinary institute. Would you consider doing an incubator for local restaurant developments?

Response: That is actually kind of our niche. We currently help independent's develop plans and open restaurants.

Question: Who exactly did you speak with in developing your concept plan?

Response: We have been working on this for about two years now and have spoken with many people about the project.

Question: Can you provide that Kansas City, Kansas people are given first priority for employment?

Response: There will be a focus on that as well as a focus on using local contractors/building suppliers.

Comment: I represent the KC Chamber of Commerce and we have over 500 local businesses as members of the Chamber. I would be happy to share that information with you and to assist with those connections.

Question: What are your next steps?

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Response: We will have our Planning Commission meeting next. It is possible that additional community meetings may be held. We fully realize that not everyone will be excited about the proposed plan but hope that everyone is informed about the project.

Rich Scavuzzo commented that he is currently trying to fill several positions and that we do not need to wait to get this project built before hiring new employees. We have openings right now and would like to give those opportunities to the community. We have competitive starting wages along with 401k and good medical coverage.

Question: How many more people are you planning to employ with this expansion?

Response: We expect to double our employees. We currently have 100-105 people employed and would hope to be around 200 people once the expansion is complete. This only applies to the food service side. Obviously, there will be additional jobs with the other office and retail/restaurant portions of the project.

The meeting concluded at 7:15 p.m.

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GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: November 9, 2018
RE: **KC FOODIE PARK**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Bartlett & West

And we have determined the following:

Takes all of CIC-TAS Parcels:
914508 & 914508

Takes part of CIC-TAS Parcel:
914507

Owners-of-Record:
Unified Government of WYCO/KCK

Jurat Signature:
None

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

The legal description has a typographical error of "it's" instead of "its."

2) Flood Plain Note

There is not mention of the current Flood Plain FIRM.

3) Corner Ties

There are no ties to corners found.

4) Dedication

There is no name listed in the dedication or in the approvals area.

After the dedication, the ownership statement needs to be revised to not say "owner of the Unified Government."



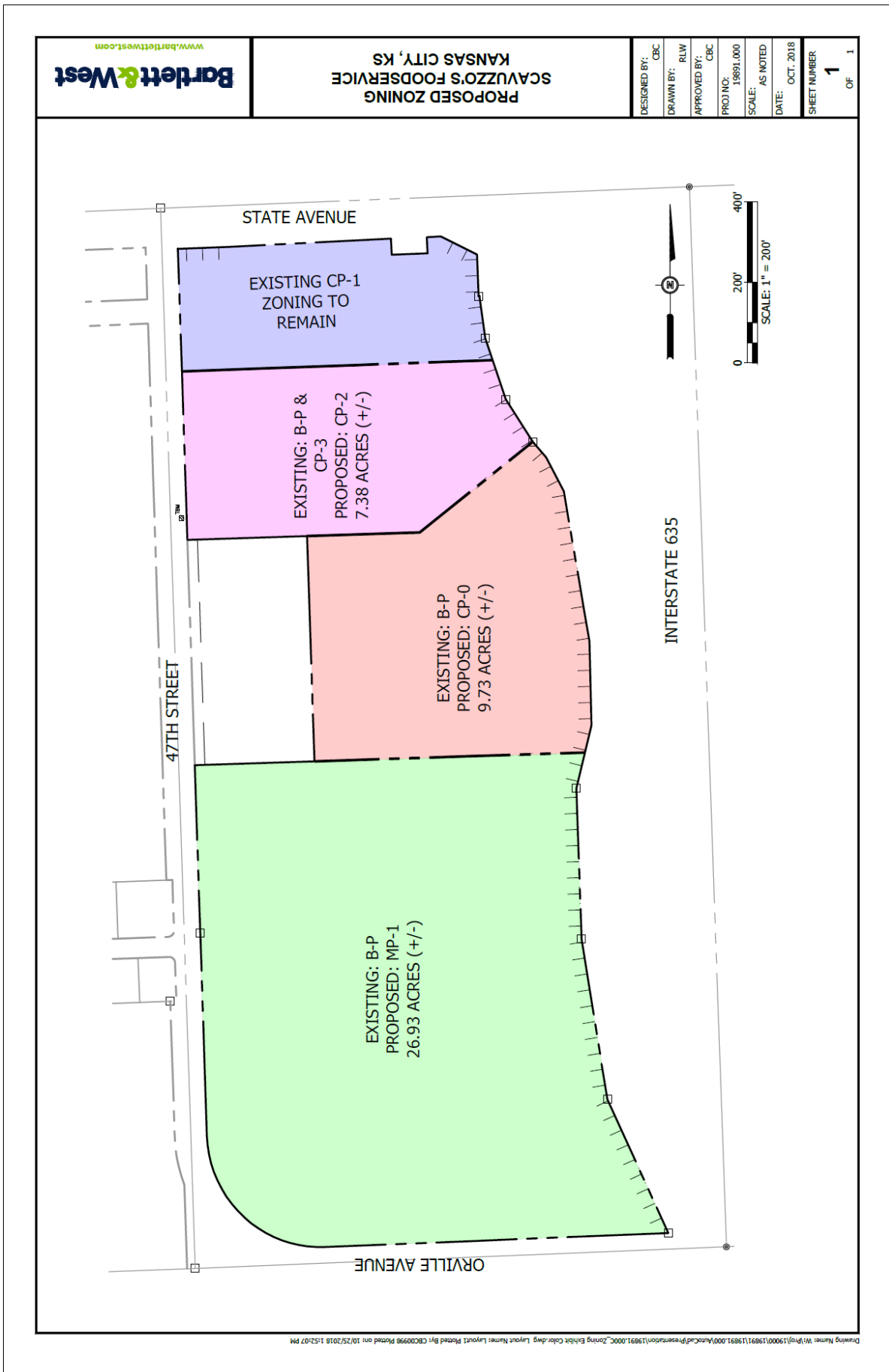
Community Commercial: These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers.

- Allowed Uses:
 - Grocery stores
 - Medium-sized (25,000 to 75,000 square feet) box stores
 - Commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.
 - Car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards.
- Discouraged Uses:
 - Industrial uses
 - Business parks
- Required Infrastructure:
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
 - Minimum 8-foot sidewalk/trail along arterial road.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
- Design Guidelines:
 - All developments must meet the minimum guidelines outlined in the *Commercial Design Guidelines (Ordinance 0-50-06)*.
- Recommended Density:
 - Maximum Floor to Area Ratio: 0.25
 - The anchor store and associated pad sites should be less than a combined 250,000 square feet.
- Green Principles:
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent developments and neighborhoods.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared driveways, access and parking.
 - Integration of transit stops.
- Cultural Principles:
 - Incentives should be provided for:
 - Grocery stores east of I-635 and south of I-70.
 - Small-scale, locally owned businesses.



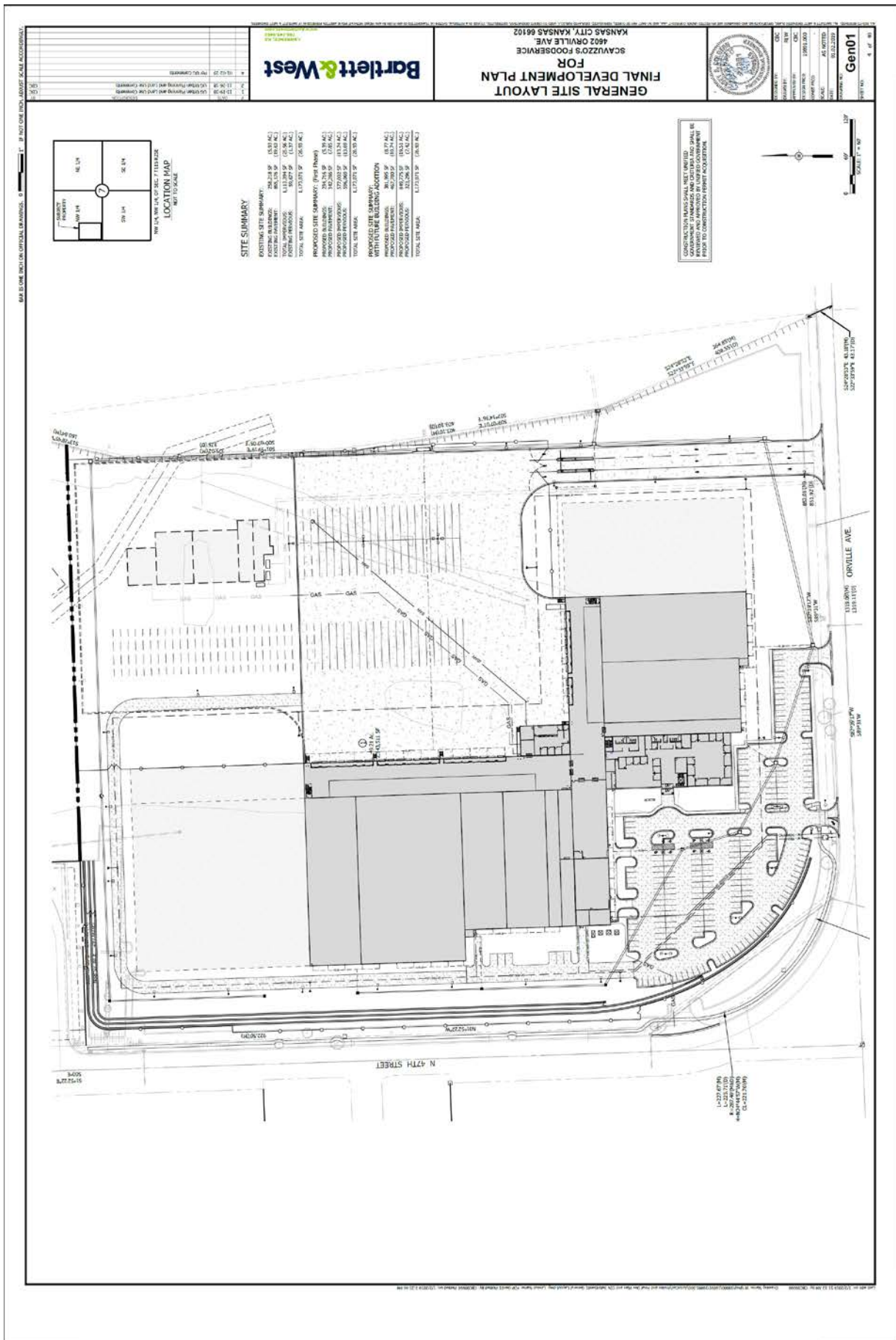
Business Park: Allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities.

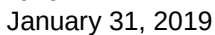
- Allowed Uses:
 - Warehouse (nonhazardous materials)
 - Distribution (nonhazardous materials)
 - Business/research parks
 - Related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc.
 - Medical facilities
- Discouraged Uses:
 - Heavy industrial uses
 - Single-family residential uses
- Required Infrastructure:
 - Access to central sewer.
 - Access to major highway and/or Class A or B thoroughfare or boulevard.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Recommended Density:
 - Maximum Floor to Area Ratio: 0.5
- Green Principles:
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction.
 - Energy Star qualified buildings.
 - Businesses that use local materials.
 - Enhanced bicycle and pedestrian trails including landscape buffers from roads, service entries, as well as amenities including site furniture, trash receptacles, lighting, etc.
 - Trail connections and pedestrian amenities along riparian corridors and water bodies.
 - Use of Best Management Practices (BMPs) for storm water management including on-site detention facilities.
 - Consolidated access with adjoining properties.
 - Shared parking.
 - Integration of transit stops.
- Cultural Principles:
 - Incentives should be provided for:
 - Industries that employ a large percentage of local residents and/or provide job training programs.



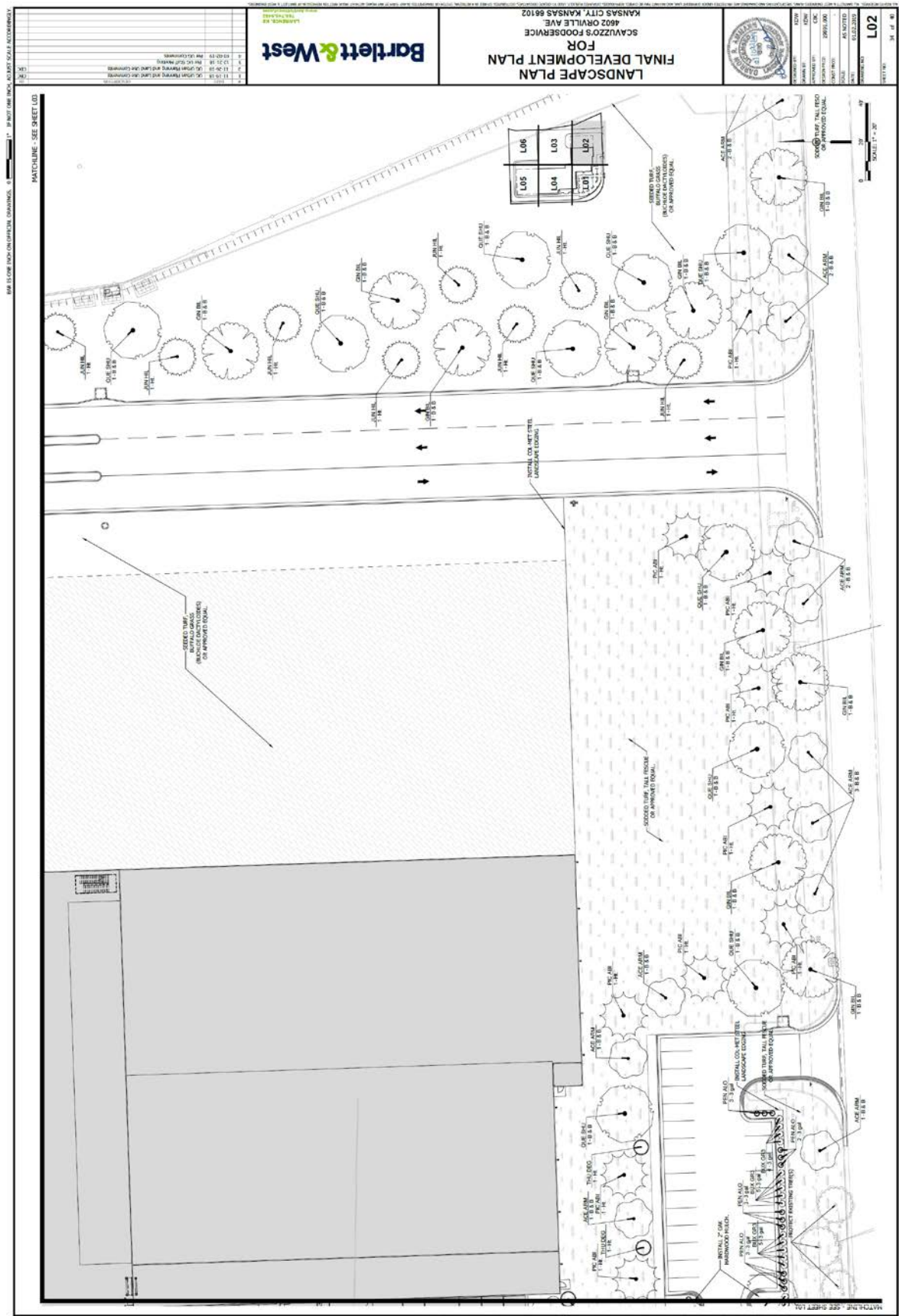
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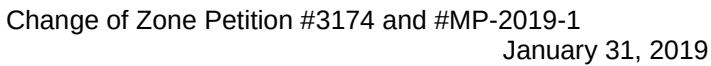


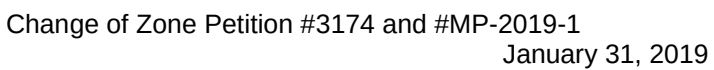


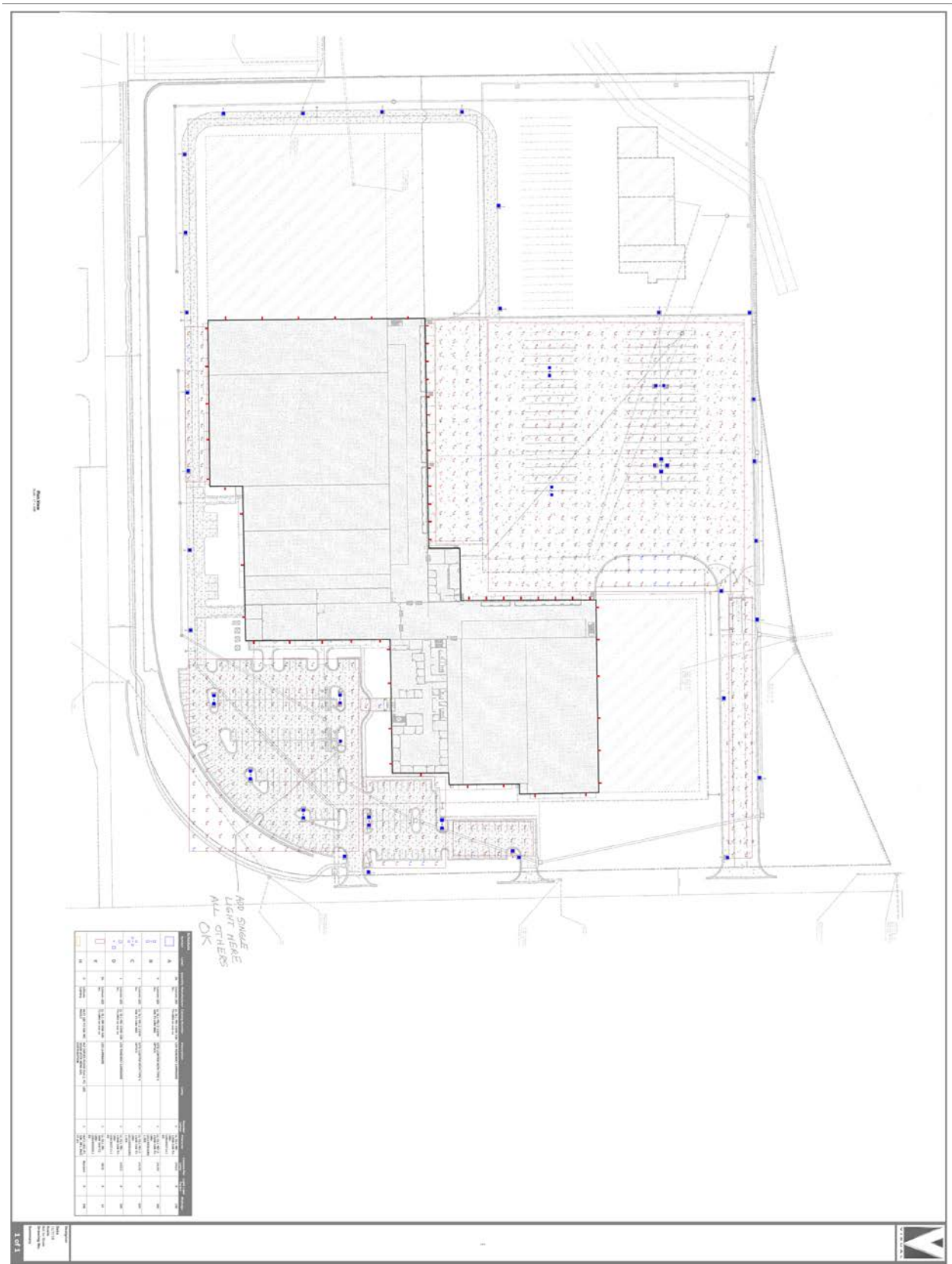












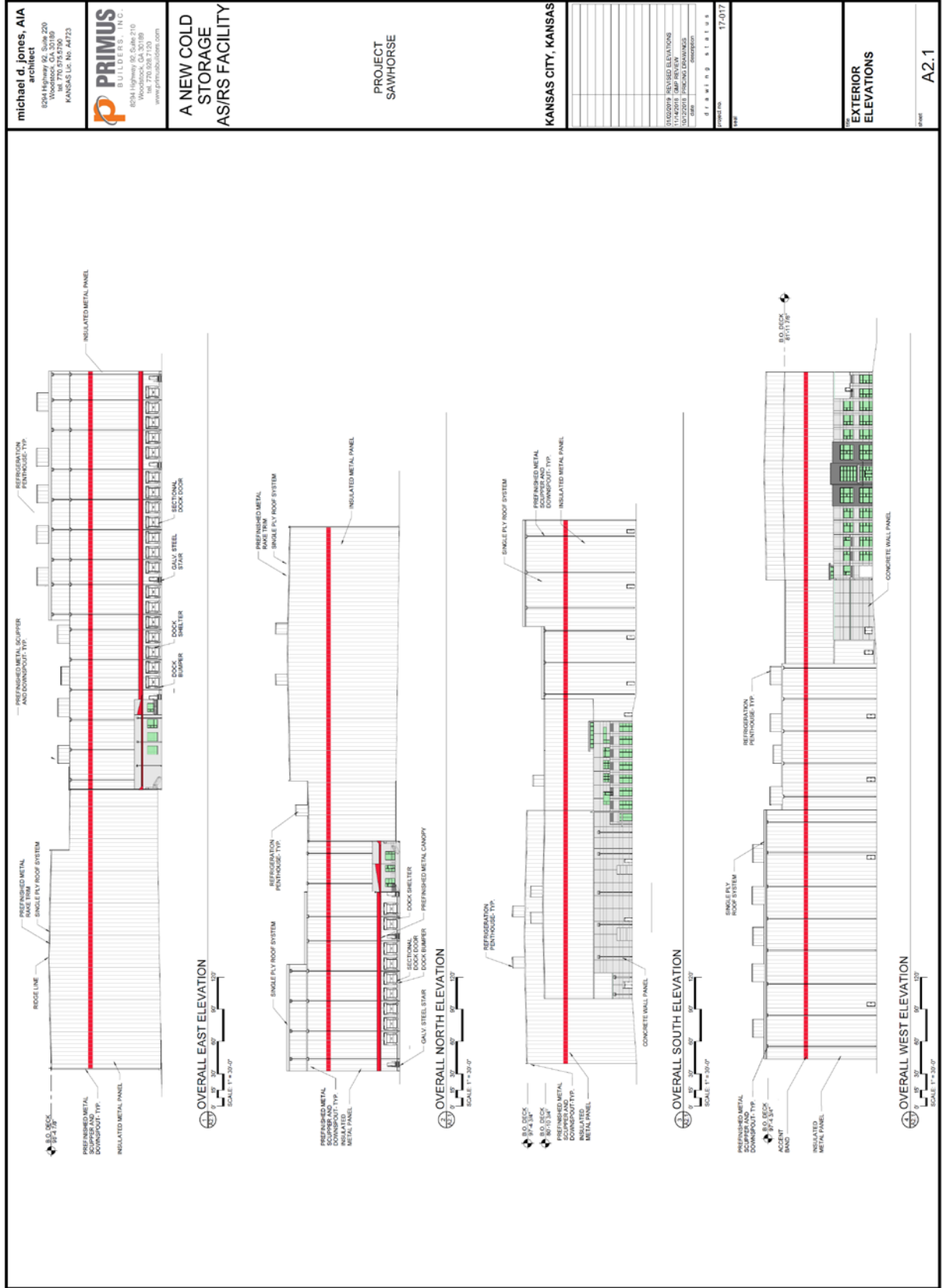




Figure 1. Proposed rendering of Scavuzzo distribution/cold storage facility (provided by the applicant).



Figure 2. Proposed rendering of Scavuzzo distribution/cold storage facility (provided by the applicant).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: **Petition #3177**

GENERAL INFORMATION

Applicant:

Eric Nelson

Status of Applicant:

Representative
Daniel Foster, PLA with Schlagel &
Associates, PA
14920 West 107th Street
Lenexa, KS 66215

Requested Actions:

Change of Zone from
A-G Agriculture District (WYCO) to A-G
Agriculture District (City)

Date of Application:

November 29, 2018

Purpose:

To build and operate a plant production greenhouse for Family Tree Nursery

Property Location:

13820 Donahoo Road



Commission Districts: 1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Michael Kane

Existing Zoning: A-G Agriculture District (WYCO)

Surrounding Zoning:

North:	A-G Agriculture District (WYCO)
South:	A-G Agriculture, R-1 Large Lot Single Family and R-1A Suburban Residential Districts (WYCO)
East:	A-G Agriculture District (WYCO)
West:	None (K-7 Highway)

Existing Uses:

North:	Farmland
South:	Daycare, single family homes and vacant agricultural research buildings
East:	Farmland
West:	K-7 Highway

Total Tract Size: 20.94 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Commercial District.

Major Street Plan: The Major Street Plan classifies K-7 Highway as a Class A Thoroughfare and Donahoo Road as a Parkway.

Advertisement: The Wyandotte Echo – December 20, 2018
Letters to Property Owners – December 14, 2018 and January 23, 2019

Public Hearings: January 14, 2019 and January 31, 2019

Public Opposition: No one appeared in opposition at the January 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Nelson with Family Tree Nursery wants to rezone the property from A-G Agriculture District (WYCO) to A-G Agriculture District (City) to reduce the side yard setbacks to build a 422,335 square foot plant production greenhouse on 20.90 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is comprised of single-family homes and large lot agricultural farmland along Donahoo Road.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and their uses of properties nearby is set out above. The proposed use is compatible with the surrounding properties.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of the restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality or marketability of nearby property as the public will not purchase plant and trees directly from this site.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use will not increase traffic in ways that would adversely affect road capacity, safety, or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use conforms to the Master Plan.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

If constructed correctly, the stormwater quality measures will not cause environmental harm.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Water service

Available

b. Sanitary sewer service

Not available

c. Storm water control

To be designed to meet City Code

d. Police

Police service is provided by West Patrol, District #224

e. Fire

Fire service is provided by Station #8

f. Transit

Kansas City ATA does not provide transit service near the property.

g. Schools

Piper USD 203

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 2, 2019. According to the applicant, those in attendance were not in opposition of the applicant's proposal.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3177, subject to:

Urban Planning and Land Use Comments:

1. The applicant is rezoning the property from A-G Agriculture District (WYCO) to A-G Agriculture District (City) to build a 422,335 square foot greenhouse. The side yard, interior setback for A-G (WYCO) is one hundred (100) feet from the property line. The applicant has proposed to build their greenhouse fifty (50) feet from the side yard, interior (east) property line, therefore they are rezoning the property to A-G Agriculture District (City) which has a fifty (50) foot side yard interior, setback.
2. Please provide a narrative on how this location will be similar and/or different from the current plant production greenhouse at 97th and Wolcott Drive?

Applicant Response: Like the Wolcott location, this is a production greenhouse to grow plants that will be shipped to retail locations throughout the metropolitan area. The same products grown at Wolcott will be grown at this location. This site will have the same seasonal cycle as Wolcott with April and May being the busiest time. The greenhouses will have a more modern, organized, and uniform appearance than Wolcott. The first phase is similar in size to Wolcott.

3. How many truck deliveries will there be per day? Will trucks be kept overnight in the parking lot?

Applicant Response: During the busy season mid-April to Mid-June incoming 2-3 trucks, outgoing 15 trucks. Rest of the time, incoming 2-3 truck per week, outgoing 5-6 trucks. Two 26' box trucks will be on site overnight.

4. Since plans have been submitted to the Development Review Committee, if there are additional comments that are issued by various departments, the building permit set (construction drawings) shall be revised.

Applicant Response: The owner understands this requirement.

5. Will you be storing manure or compost on site, if so, where will those bins be on site?

Applicant Response: No manure or compost. Potting soil will be on palettes stored inside.

6. All utilities servicing the building shall be underground.

Applicant Response: All utilities are proposed to be undergrown except those that are existing primary electrical lines/

7. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Lights will have cutoff fixtures.

8. In the future, a final plan review shall be submitted for the second phase of development, which includes an additional parking lot and a 44,000 square foot building.

Applicant Response: The second phase will probably be the 133,740 square foot expansion of the production greenhouse.

9. Will there be any retail sales?

Applicant Response: Not in this phase.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

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

1) None

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3177 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 14, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	January 14, 2019	January 31, 2019
Rezoning	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3177 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3177, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 14, 2019 City Planning Commission Minutes:

Hearing Starts At 1:57:37

CHANGE OF ZONE APPLICATION #3177 – ERIC NELSON WITH FAMILY TREE NURSERY – SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District for Family Tree Nursery greenhouse plant production building at 13820 Donahoo Road. **Detailed Outline of Requested Action:** The applicant, Eric Nelson with Family Tree Nursery wants to rezone the property from A-G Agriculture District (WYCO) to A-G Agriculture District (City) to reduce the side yard setbacks to build a 422,335 square foot plant production greenhouse on 20.90 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018; and
7. The Notices to property owners dated December 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (Planner Commissioner Carson stated that his father lives within the 200' notice area and he has had conversations with him about this application.)

Present in Support:

- ❖ Jeff Skidmore, Schlagel and Associates, 4920 West 107th Street, Lenexa, Kansas 66215
- ❖ Eric Nelson, applicant, 5421 North 97th, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:03:10: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:04:00:

On motion by Mr. Connelly, seconded by Ms. Pauley, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3177:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye

Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to RECOMMEND APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. The applicant is rezoning the property from A-G Agriculture District (WYCO) to A-G Agriculture District (City) to build a 422,335 square foot greenhouse. The side yard, interior setback for A-G (WYCO) is one hundred (100) feet from the property line. The applicant has proposed to build their greenhouse fifty (50) feet from the side yard, interior (east) property line, therefore they are rezoning the property to A-G Agriculture District (City) which has a fifty (50) foot side yard interior, setback.
2. Please provide a narrative on how this location will be similar and/or different from the current plant production greenhouse at 97th and Wolcott Drive?

Applicant Response: Like the Wolcott location, this is a production greenhouse to grow plants that will be shipped to retail locations throughout the metropolitan area. The same products grown at Wolcott will be grown at this location. This site will have the same seasonal cycle as Wolcott with April and May being the busiest time. The greenhouses will have a more modern, organized, and uniform appearance than Wolcott. The first phase is similar in size to Wolcott.

3. How many truck deliveries will there be per day? Will trucks be kept overnight in the parking lot?

Applicant Response: During the busy season mid-April to Mid-June incoming 2-3 trucks, outgoing 15 trucks. Rest of the time, incoming 2-3 truck per week, outgoing 5-6 trucks. Two 26' box trucks will be on site overnight.

4. Since plans have been submitted to the Development Review Committee, if there are additional comments that are issued by various departments, the building permit set (construction drawings) shall be revised.

Applicant Response: The owner understands this requirement.

5. Will you be storing manure or compost on site, if so, where will those bins be on site?

Applicant Response: No manure or compost. Potting soil will be on pallets stored inside.

6. All utilities servicing the building shall be underground.

Applicant Response: All utilities are proposed to be undergrown except those that are existing primary electrical lines/

7. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Lights will have cutoff fixtures.

8. In the future, a final plan review shall be submitted for the second phase of development, which includes an additional parking lot and a 44,000 square foot building.

Applicant Response: The second phase will probably be the 133,740 square foot expansion of the production greenhouse.

9. Will there be any retail sales?

Applicant Response: Not in this phase.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

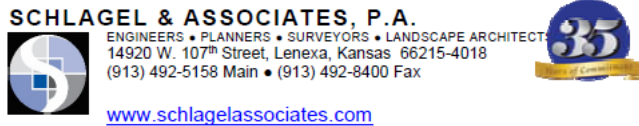
Toy, Byron

From: Dan Foster <df@schlagelassociates.com>
Sent: Friday, January 04, 2019 1:05 PM
To: Toy, Byron
Subject: 17-059 RE: Family Tree Nursery - Staff comment responses

We did not understand that we needed to respond to those since it was a staff report. Here are the responses.

1. Like the Wolcott location, this is a production greenhouse to grow plants that will be shipped to retail locations throughout the metropolitan area. The same products grown at Wolcott will be grown at this location. This site will have the same seasonal cycle as Wolcott with April and May being the busiest time. The greenhouses will have a more modern, organized, and uniform appearance than Wolcott. The first phase is similar in size to Wolcott.
2. During busy season Mid April to Mid June incoming 2-3 outgoing 15
Rest of time incoming 2-3 a week outgoing 5-6
Two 26' box trucks will be on site overnight
3. The owner understands this requirement.
4. No manure or compost Potting soil will be on palettes stored inside.
5. All utilities are proposed to be underground except those that are existing primary electrical lines.
6. Lights will have cut off.
7. The second phase will probably be the 133,740 s.f. expansion of the production greenhouse
8. Not in this phase.

Daniel G. Foster, PLA
Principal / Landscape Architect
Direct 913-322-7142



From: Toy, Byron [mailto:btoy@wycokck.org]
Sent: Friday, January 04, 2019 12:40 PM
To: Dan Foster
Subject: Family Tree Nursery - Draft Staff Report

Dan,

I received the neighborhood meeting documents, but I did not see a response to the questions/comments in the draft staff report. I am trying to finalize the report, which is due today. Below are the original comments:



SCHLAGEL & ASSOCIATES, P.A.

Engineers • Planners • Surveyors • Landscape Architects

NEIGHBORHOOD MEETING MINUTES

Application No.: COZ 3177

Date: January 2, 2019

Location: Cabelas, 10300 Cabela Drive, Kansas City, KS

Meeting called to order at 6:00 pm

INTRODUCTIONS:

Eric Nelson (owner) began the meeting by explaining the project and the current status of the project.

QUESTIONS & ANSWERS:

1. Why is the meeting now if work has been completed on the site?
Eric explained that we had met with the City staff over a year ago on the project. At that time the City staff had stated we could proceed with obtaining permits, since the proposed use is allowed in the AG district. We obtained a land disturbance permit and site development permit and had completed grading while the building plans were being completed. When we filed for a building permit a year later, the City staff stated we needed to rezone from AG WYCO to AG UG.
2. What uses are allowed in the area?
We discussed the uses shown on the City future land use plan.
3. Are you going to use public water? Several neighbors are on wells.
Eric stated we will be using public water. We will use the pond and a well for a backup. The neighbors said they did not have any concerns about using a well.
4. What kind of trucks and traffic?
Eric stated that most of the trucks would be box trucks. The busiest time will be March through May. There will only be 30 employees so not much traffic.
5. Is the entrance going to be where the current curb cut is located?
Eric explained that we would keep the current curb cut but will be constructing a new entrance near the center of the property.
6. What is the timing for the stop light at K-7 and Donahoo the City promised would be installed several years ago?
Eric stated he did not know about the timing of any stop light.
7. What is the timing for the proposed interchange?
Eric stated he did not know the timing for the interchange. He explained the general design we obtained from KDOT.
8. Will the greenhouses be the same as Wolcott?
Eric explained that it will be the same size but the greenhouses will be all the same green house and be much nicer. They will have more features that will make the production of plants easier.
9. Will there be any impact on Jerrys Nursery? Have you talked to Jerrys Nursery?
This project is for production of plants that are for greenhouses in other areas of the metro. The current phase does not include any retail sales.

14920 West 107th Street • Lenexa, Kansas 66215 • (913) 492-5158 • Fax: (913) 492-8400



SCHLAGEL & ASSOCIATES, P.A.

Engineers • Planners • Surveyors • Landscape Architects

Continued Meeting Minutes – Family Tree Nursery

10. What is the small building near Donahoo?

Eric explained that it could be more production greenhouses or potentially a retail nursery. However, there are no plans to construct a retail nursery any time in the foreseeable future.

11. Lots of concern about the high taxes. Did not like tax increases this past year. Do not want any more tax increases.

12. Did you look the Farmland Property?

Eric stated he had looked at other properties in the area before. He did not look at the Farmland Property at the time he was looking and bought the current property.

Meeting adjourned at 7:15 pm

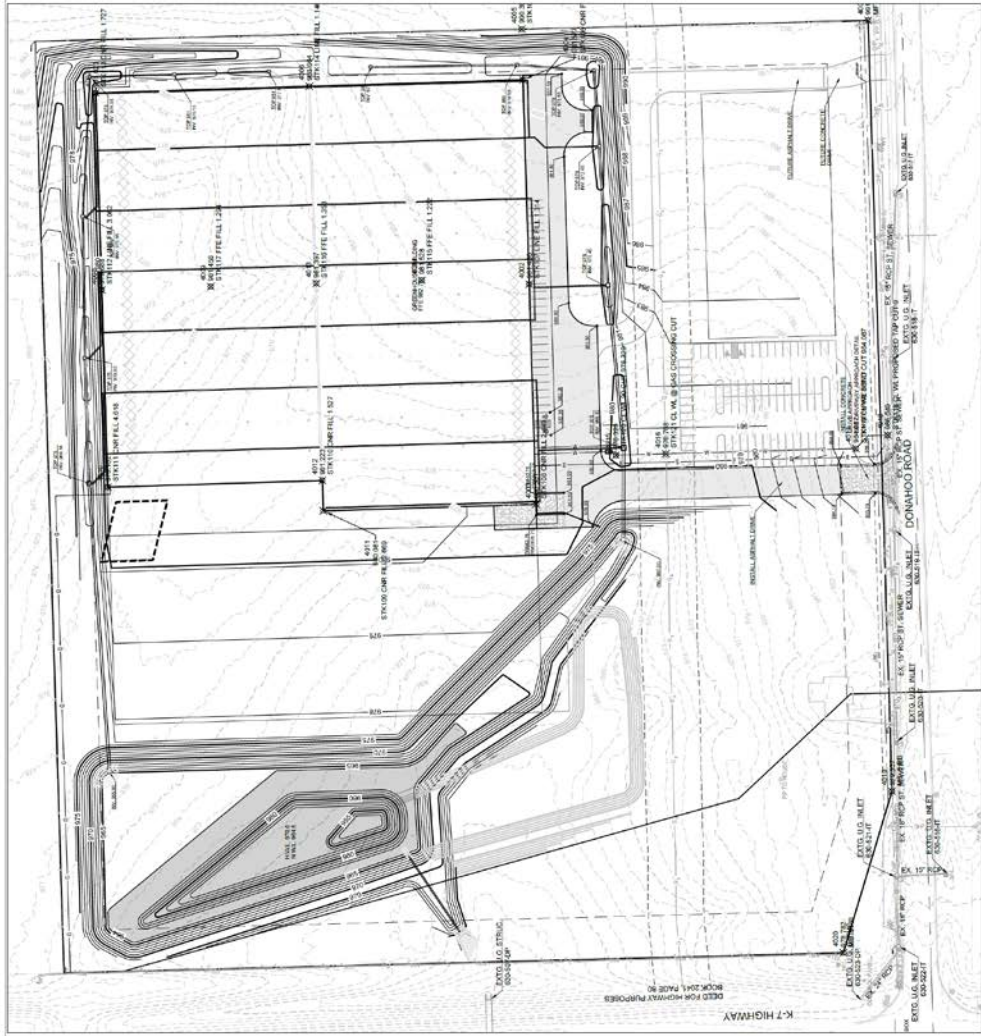
Minutes Taken by:

SCHLAGEL & ASSOCIATES, P.A.

Daniel G. Foster, PLA

14920 West 107th Street • Lenexa, Kansas 66215 • (913) 492-5158 • Fax: (913) 492-8400











ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR AT THE SITE.

[illegible]

1

PROJECT TITLE

DATE	10/21/10	SCALE	7.5:1
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RM DRAWN BY	A4.2
DH CHECKED BY	
1218 PROJECT NO.	





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: Petition #SP-2018-96

GENERAL INFORMATION

Applicant:
Dr. Kelli Mather

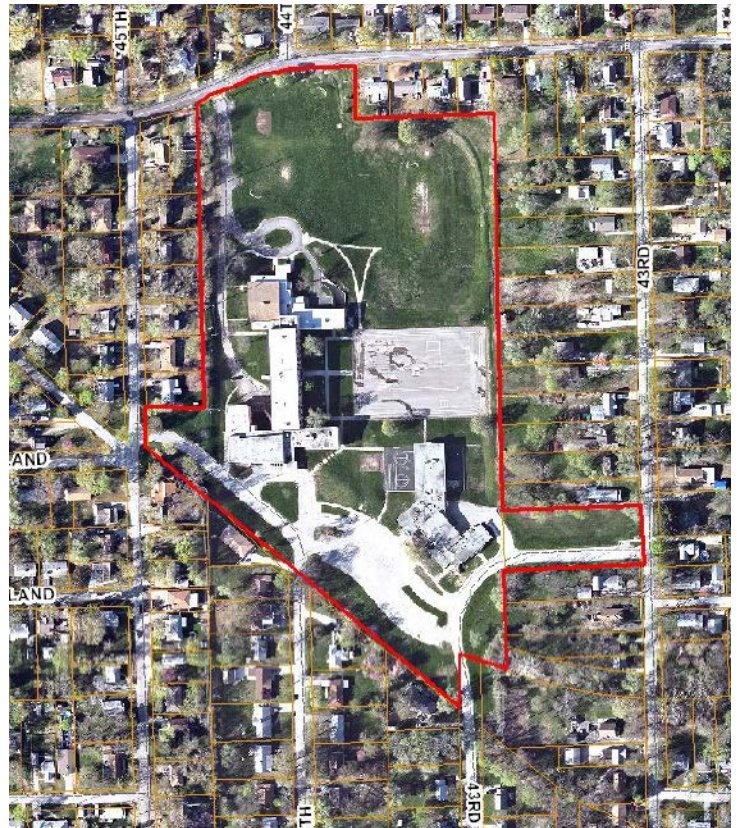
Status of Applicant:
Representative
USD 500
2010 North 59th Street
Kansas City, KS 66104

Requested Action:
Renewal of Special Use Permit

Date of Application:
October 10, 2018

Purpose:
To continue using a modular
classroom for William A. White
Elementary School

Property Location:
2600 North 43rd Terrace



Commission Districts: 1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Gayle Townsend

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Single family homes
South: Single family homes
East: Single family homes
West: Single family homes

Total Tract Size: 18.3 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Public/Semi-Public

Major Street Plan: The City-Wide Master Plan classifies North 43rd Terrace, Haskell and Georgia Avenues as local streets

Advertisement: The Wyandotte Echo – November 15, 2018
Letters to Property Owner – November 14, 2018, December 4, 2018 and January 23, 2019

Public Hearings: January 14, 2019 and January 31, 2019

Public Opposition: No one appeared in opposition at the January 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dr. Kelli Mather for USD 500 wants to continue using a modular classroom at William A. White Elementary School at 2600 North 43rd Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single-family homes around the perimeter of the school.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The modular classroom is temporary in nature and will not be on the property long-term. As a result, the use of this modular is compatible with the nearby properties.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of the restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The continued use will not result in an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The continued use is reasonably necessary for the convenience of those students

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The noise associated with the classroom is no different than what currently exists on site.

9. *Whether the proposed use will pollute the air, land or water.*

This is not expected to be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not expected to be an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is significant.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not expected to be an issue.

PREVIOUS ACTIONS

#SP-2013-33 APPROVED, valid for two years

#SP-2016-26 APPROVED, valid for two years

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 19, 2018. According to the applicant, no one attended the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-96, subject to:

Urban Planning and Land Use Comments:

- 1. Subject to approval, this special use permit shall be valid for two (2) years.**
- 2. How long is the modular classroom anticipated to be in use as the new elementary school was will be under construction in 2019?**

Staff Response: While the applicant did not respond to this comment, staff concludes that the modular classroom will be used prior to the construction of New West Elementary School, which will be completed within the two (2) year cycle of the special use permit.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**

- 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2018-96** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 14, 2019 City Planning Commission Minutes
Neighborhood Meeting Minutes
Zoning Map
Aerial Map
Pictures of property

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 14, 2019	January 31, 2019
Special Use	Approval	

STAFF CONTACT: **Hannah Kroll**
 hkroll@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-96** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-96**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 14, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2018-96 – DR. KELLY MATHER WITH USD 500 – SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-26 – expired 4/28/2018) for the Temporary Use of Land for modular classrooms at William White School at 2600 North 43rd Terrace. **Detailed Outline of Requested Action:** The applicant, Dr. Kelli Mather for USD 500 wants to continue using a modular classroom at William A. White Elementary School at 2600 North 43rd Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?” (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Huey asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly requested that Special Permit Application #SP-2019-2 be removed from the Consent Agenda.

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye

Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. How long is the modular classroom anticipated to be in use as the new elementary school was will be under construction in 2019?

Staff Response: While the applicant did not respond to this comment, staff concludes that the modular classroom will be used prior to the construction of New West Elementary School, which will be completed within the two (2) year cycle of the special use permit.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
- B) Items that are conditions of approval (stipulations):
1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None

Meeting Minutes

Brian L. Draper
Assistant Director of Physical Properties
2220 N. 59 St Suite 220 KCK. 66104
Office: 913-627-3861
Cell: 913-209-1167

Application Number: **SP 2018-96**

Date and Location: **19 December 2018/ 2600 North 43rd Terrace Kansas
City Kansas 66104**

Meeting called to order at **5:30 pm**

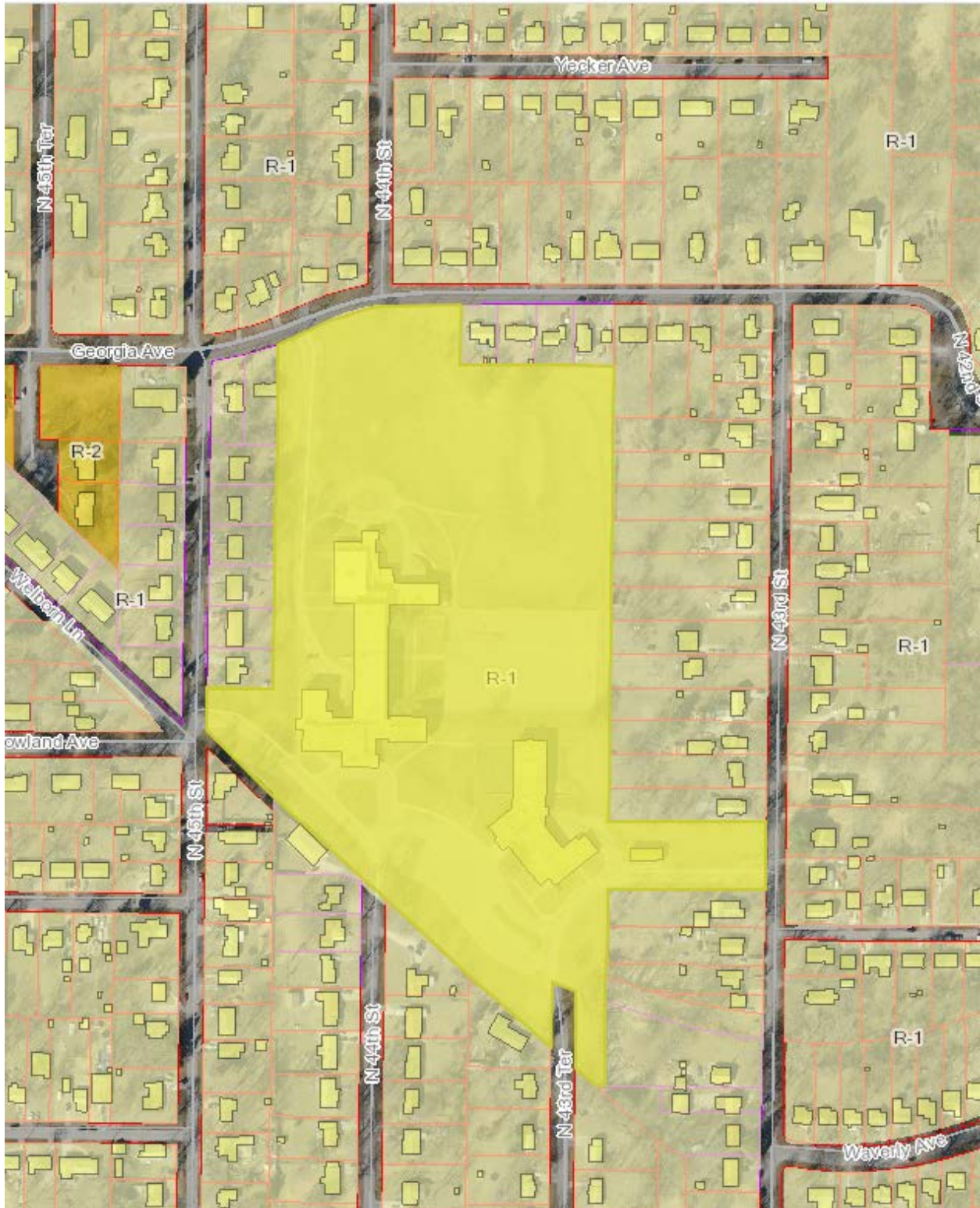
Names of people in attendance: **Brian Draper**

Introductions:

No one attended

Meeting adjourned at: **6:30 pm**

Minutes taken by: **Brian Draper**











Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: Petition #SP-2019-2

GENERAL INFORMATION

Applicant: Linda Siemens

Status of Applicant:

Applicant
Cultivate KC
4223 Gibbs Rd
Kansas City, KS 66106

Requested Action:

Renewal of Special Use Permit

Date of Application:

November 20, 2018

Purpose:

To keep six storage containers and a moveable high tunnel on the property for an urban farming program.

Property Location:

1900 North 1st Street

Existing Zoning: RP-5 Planned Apartment District



Existing Surrounding Zoning: **North:** RP-5 Planned Apartment District
South: RP-5 Planned Apartment District
East: M-3 Heavy Industrial District
West: RP-5 Planned Apartment District

Existing Uses: **North:** Multi-family housing
South: Multi-family housing
East: Vacant land
West: Vacant land

Total Tract Size: 29.58 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Medium Density Residential.

Major Street Plan: The City-Wide Master Plan classifies 1st Street and Richmond Avenue as local roads.

Advertisement: The Wyandotte Echo – December 20, 2018
Letters to Property Owner – December 14, 2018 and January 23, 2019

Public Hearings: January 14, 2019 and January 31, 2019

Public Opposition: No one appeared in opposition at the January 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Linda Siemens of Cultivate Kansas City, is requesting renewal of a special use permit to continue the placement of two shipping containers along with four additional containers and a moveable high tunnel on the property to be used as a cooler and storage as part of Cultivate KC's urban farming and farmers market program.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised primarily of vacant lots and multi-family housing. To the east of the site are several vacant industrial zoned lots.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses are set out above. There are no compatibility issues with nearby properties.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of the restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is not expected to increase vehicular traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not necessary for the convenience and welfare of the public however it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The containers are used as part of the Cultivate KC urban farming program, which offers a benefit to the community by teaching farming skills and providing income for low-income members of the community. A hardship would be created for those who participate in the program. There would be no loss of public health, safety or welfare if approved.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

This is a renewal of #SP-2016-97, which was approved for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 20, 2018. No one other than Cultivate KC staff was in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-2, subject to:

Urban Planning and Land Use Comments:

1. Approval for 2 (two) years.
2. When were the four additional storage containers, mentioned in the update letter, placed on site? When do you anticipate having them removed?

Applicant Response: One of the containers was placed there in 2013, and another one placed right beside it, in 2016. There are no immediate plans to remove these, as they are providing secure storage for necessary program equipment. (Other storage attempts have resulted in loss by theft.) They were considered “non-permanent” since they are not anchored down. If Juniper Gardens Training Farm ceases programming, they will be removed.

The others were placed there in the Spring of 2018, moved from our previous Gibbs Road Farm location. They are there temporarily until the completion of a Scaling Up Farm at another currently undetermined

location, at which time they will be moved. We anticipate approximately one to two years.

Staff Note: The approval of this special use permit application would be for all six (6) temporary storage containers on site.

NOTE TO APPLICANT: Additional containers may not be placed without an additional special use permit.

3. Please provide photographs from 3rd Street.

Applicant Response: These photographs were taken on 1/2/19 from two different areas of 3rd Street. Although much of 3rd Street is residential housing, these were taken from two of the more open areas in between the housing.



Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None.
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-2 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 14, 2019 City Planning Commission Minutes
Zoning Map
Aerial Image
Update Letter
Conservation District Comments
Neighborhood Meeting Affidavit, Sign-in and Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 14, 2019	January 31, 2019
Special Use	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-2 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-2**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 14, 2019 City planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-2 – LINDA SIEMENS WITH CULTIVATE KC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-97) for the Temporary Use of Land for storage trailers and a cooler for the market farm training program and community garden at 1900 North 1st Street. **Detailed Outline of Requested Action:** The applicant, Linda Siemens of Cultivate Kansas City, is requesting renewal of a special use permit to continue the placement of two shipping containers along with four additional containers and a moveable high tunnel on the property to be used as a cooler and storage as part of Cultivate KC's urban farming and farmers market program.

Present in Support:

- Katherine Kelley, Executive Director of Cultivate KC, 300 East 39th Street, Kansas City, Missouri

Planning Commissioner Connelly stated that he would like to hear the presentation.

Present in Opposition:

- No one appeared

Staff Recommendation: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2019-2:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present

Neal Not Present
Reasons Not Present
Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Approval for 2 (two) years.
2. When were the four additional storage containers, mentioned in the update letter, placed on site? When do you anticipate having them removed?

Applicant Response: One of the containers was placed there in 2013, and another one placed right beside it, in 2016. There are no immediate plans to remove these, as they are providing secure storage for necessary program equipment. (Other storage attempts have resulted in loss by theft.) They were considered “non-permanent” since they are not anchored down. If Juniper Gardens Training Farm ceases programming, they will be removed.

The others were placed there in the Spring of 2018, moved from our previous Gibbs Road Farm location. They are there temporarily until the completion of a Scaling Up Farm at another currently undetermined location, at which time they will be moved. We anticipate approximately one to two years.

Staff Note: The approval of this special use permit application would be for all six (6) temporary storage containers on site.

NOTE TO APPLICANT: Additional containers may not be placed without an additional special use permit.

3. Please provide photographs from 3rd Street.

Applicant Response: These photographs were taken on 1/2/19 from two different areas of 3rd Street. Although much of 3rd Street is residential housing, these were taken from two of the more open areas in between the housing.



Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

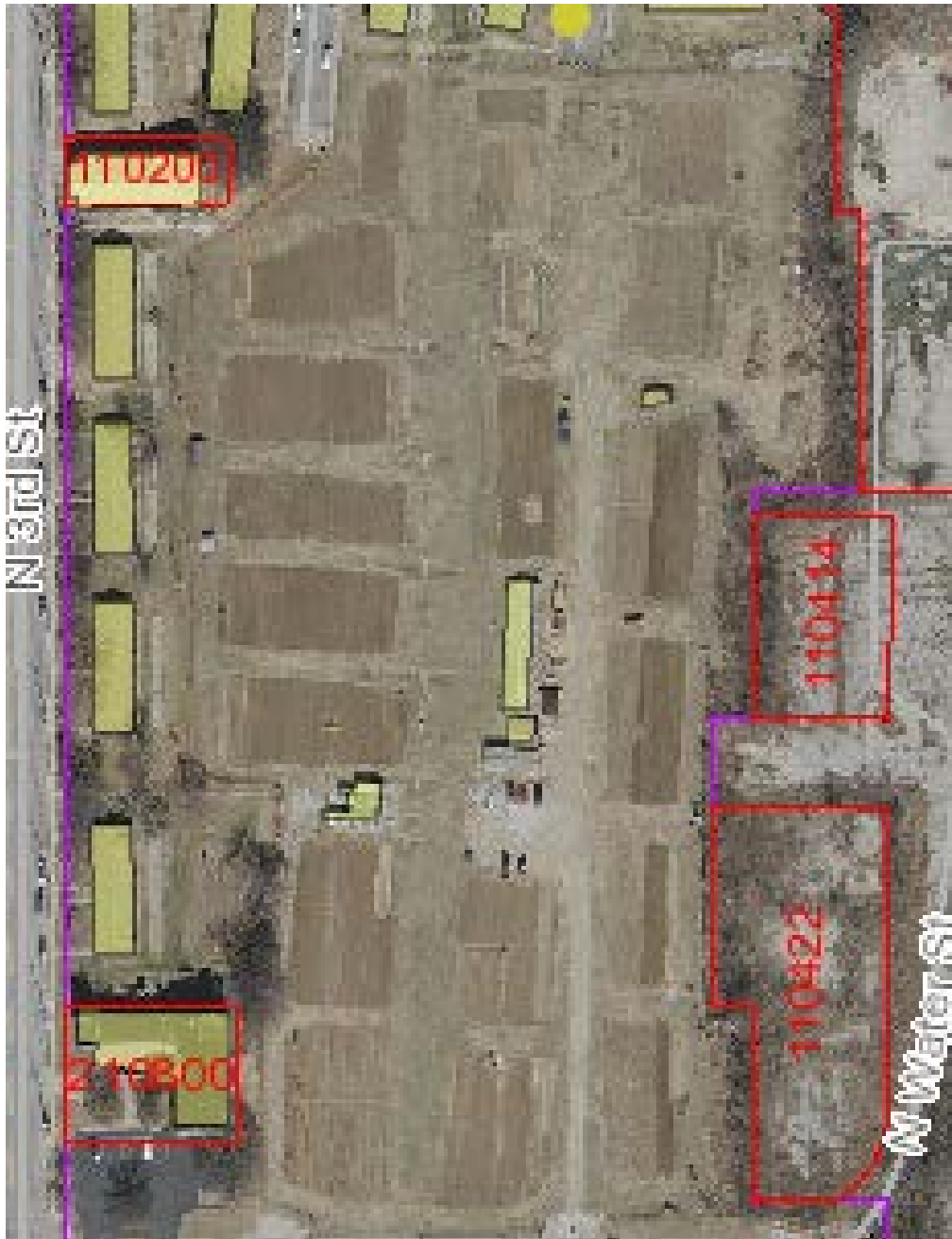
B) Items that are conditions of approval (stipulations):

1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None







300 E. 39th Street, Ste. 4B
Kansas City, MO 64111
www.cultivatekc.org

2018 BOARD OF DIRECTORS

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& Corporate Reputation
Sprint

November 26, 2018

Urban Planning and Land Use Development
701 North 7th Street, Room 423
Kansas City, KS 66101

Dear Department of Urban Planning and Land Use Development,

Attached is our application to renew SP-2012-13 (SP-14402-00031), for two storage containers used for cold storage and seed/supply storage.

Please note four additional storage containers used for farm equipment storage and a movable high tunnel, which are not permanently placed and therefore not part of this application.

Please do not hesitate to contact me with any questions.

Sincerely,

Linda Siemens
Director of Finance & Administration
Cultivate KC
913-203-0927

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

December 18, 2018

RE: SP 2019-2 Linda Siemens with Cultivate Kansas City community garden and storage trailer 1900 North 1st Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP 2019-2 Linda Siemens with Cultivate Kansas City community garden and storage trailer 1900 North 1st Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type that was identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- This site has a lot of bare soil exposed all winter long. Soil erosion can be a problem. Soil needs to be mulched to protect the area. A vegetative filter strip is needed to slow down runoff and help collect any soil before it leaves the property.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Linda Siemens, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP-18402-00081.
2. That I conducted a neighborhood meeting on 12/20/2018.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Linda Siemens
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of December, 2008.

My commission expires 23rd of July, 2002.

ALEJANDRA HUDSON
NOTARY PUBLIC - STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES: 07-23-2022
COMMISSION# 18657514

Aleandra Hudson
Notary Public

Neighborhood Meeting: December 20, 2018, 6:00 p.m.
held by Cultivate Kansas City at Juniper Gardens Training Farm office
1979 N 2nd St, Kansas City KS 66101
Sign-In Sheet

Name

Address

City, State, Zip

Semra Fetahovic Cultivate Kansas City

Lida Jemir Cultivate Kansas City



300 E. 39th Street, Ste. 4B
Kansas City, MO 64111
www.cultivatekc.org

Neighborhood Meeting Minutes:

Application Number: SP-18402-00081
Date: December 20, 2018, 6:00 p.m.
Location: Juniper Gardens Training Farm Office
1979 N 2nd St, Kansas City KS 66101

Meeting was not called to order, as there was no one outside of Cultivate Kansas City employees in attendance.

Names of people in attendance: Linda Siemens, Director of Finance & Administration; Semra Fetahovic, Manager, Juniper Gardens Training Farm

Linda Siemens and Semra Fetahovic were available to answer questions until 6:30 p.m. At that time, the meeting was adjourned.

Minutes taken by: Linda Siemens, Director of Finance & Administration

Note: On 12/19/18, Patricia Watkins from 1701 Pomona Place, Bowie MD, 20716 phoned for more information regarding the letter. Linda Siemens explained that the property was owned by the Kansas City, Kansas Housing Authority and that Cultivate Kansas City operated a training farm on the property. Ms. Siemens explained further that the application was to continue the use of two storage containers on the property. There were no further questions.

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: Vacation Petition #A-2018-7

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative
BHC Rhodes
712 State Ave
Kansas City, Kansas
66101

Requested Actions:
Vacation of an alley

Date of Application:
April 3, 2018

Purpose: The vacation application is for a 20 foot wide alley

Property Location: 813
Barnett Avenue



Existing Zoning: R-1(B) Single Family District

Surrounding Zoning: **North:** CP-0 Planned Nonretail Business District
 South: R-1(B) Single Family District
 East: R-1(B) Single Family District
 West: R-1(B) Single Family District

Existing Uses: **North:** Single Family Houses and 8th Street Park
 South: Single Family Houses
 East: Proposed Unified Government Parking Lot
 West: Single Family Houses

Total Tract Size: 1.1 acres

Master Plan Designation: The Downtown Master Plan designates this property as Public/Semi Public and Urban Residential

Major Street Plan: The City-Wide Master Plan designates Barnett Avenue as a Collector Street. 8th Street is a local street.

Advertisement: The Wyandotte Echo – April 19, 2018
 Letters to Property Owners – April 17, 2018, April 23, 2018, June 1, 2018, July 3, 2018, August 8, 2018, November 1, 2018, December 2, 2018 and January 23, 2019

Public Hearings: January 14, 2019 and January 31, 2019

Public Opposition: No one appeared in opposition at the January 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson, has submitted a change of zone application, master plan amendment, and vacation application in order to redevelop the former Central Elementary School building as offices and to redevelop the existing school yard as a parking lot. **NOTE: There was also a variance application submitted that was withdrawn which affected the change of zone and master plan amendment. Therefore, those applications could not be heard by the City Planning Commission.**

The vacation application is for a 20 foot wide alley that appears to be vacated in the Unified Government's parcel map, but research by the surveyor indicated that this action is necessary to ensure that the alley is actually vacated.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

- 1. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

The development is of such a character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

- 2. *The extent to which utilities and public services are available and adequate to serve the proposed use.***

- a. *Water service***

Existing

- b. *Sanitary sewer service***

Existing

- c. *Storm water control***

To be designed to city code.

- d. *Police***

Police service is provided by East Patrol, District #115

- e. *Fire***

Fire service is provided by Station #1

- f. *Transit***

This area is well served by transit with the 7th and Minnesota transit center within 4 blocks

- g. *Schools***

Kansas City, Kansas USD 500

- h. *Streets***

See item #6 above

- 3. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

The streets in the area provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future and use building uses.

4. **Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.**

The buildings, lots, blocks, parcels, and streets are arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

5. **Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.**

The development pattern is designed with due regard to topography.

6. **Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.**

Adequate sites are provided for schools, parks, playgrounds, and other community services.

7. **Vacation will not create utility conflicts.**

The vacation will not create utility conflicts.

KEY ISSUES

None

STAFF COMMENTS AND SUGGESTIONS

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Alley Vacation Application A-2018-7.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

Although this alley is shown as vacated already on the UG parcel map, property research indicates that this action is necessary to ensure this alley is vacated.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **#A-2018-7** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 14, 2019 City Planning Commission Minutes
Alley Vacation Exhibit
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Vacation	January 14, 2019	January 31, 2019
	Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#A-2018-7** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#A-2018-7**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 14, 2019 City Planning Commission Minutes:

Hearing Starts At 2:41:11:

ALLEY VACATION APPLICATION #A-2018-7 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Vacation of an alley at 813 Barnett Avenue. **Detailed Outline of Requested Action:** The Applicant, Wil Anderson, has submitted a vacation application for a 20 foot wide alley that appears to be vacated in the Unified Government's parcel map, but research by the surveyor indicated that this action is necessary to ensure that the alley is actually vacated.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 19, 2018; and
7. The Notices to property owners dated April 17, 2018, April 23, 2018, June 1, 2018, July 3, 2018, August 8, 2018, November 1, 2018 and December 2, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

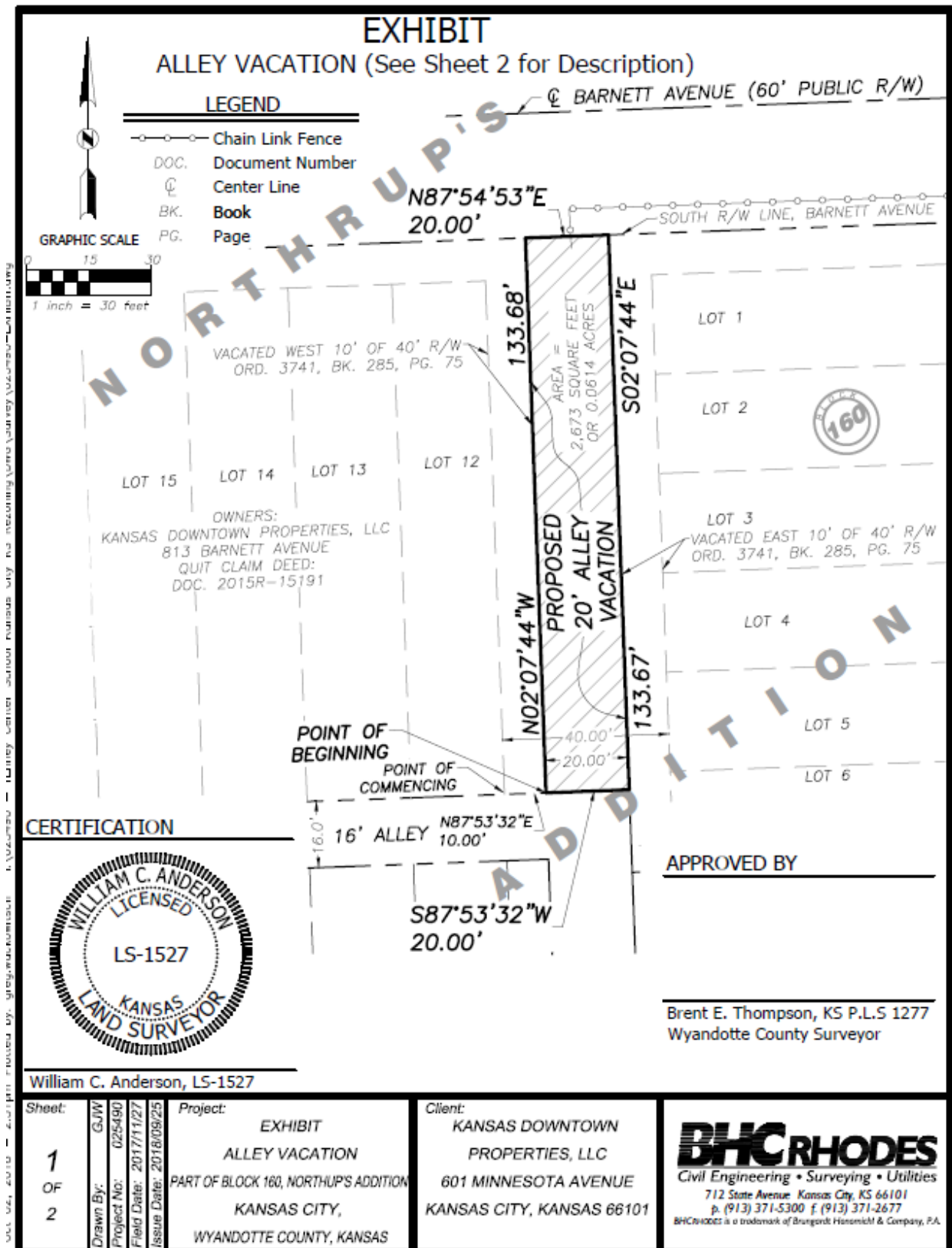
Staff Recommendation starts at 2:43:15: Planning Director Richardson stated that the staff recommends approval.

Motion and Vote Starts at 2:43:22:

On motion by Ms. Pauley, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL of Alley Vacation Application #A-2018-7:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present

Reasons Not Present
 Motion to recommend APPROVAL Passed: 6 to 0















Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: Petitions #3174 and MP-2019-1

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Representative
Polsinelli PC
6201 College Boulevard, Suite 500
Overland Park, KS 66211

Requested Actions:
Change of Zone from
BP Planned Business Park, CP-1 Planned
Limited Business District and CP-3 Planned
Commercial Districts to CP-0 Planned
Nonretail Business, CP-2 Planned General
Business and MP-1 Planned Light Industrial
and Industrial Park Districts



Master Plan Amendment from Mixed-Used (City-Wide Master Plan) to Business Park and Community Commercial (City-Wide Master Plan)

Date of Application: October 26, 2018

Purpose: To plat eight (8) commercial lots and rezone to build a 234,716 square foot distribution/food service center and office and retail buildings

Property Location: 4600 Orville Avenue, 4602 Orville Avenue and 4601 State Avenue

Commission Districts: 1. Commissioner At-Large: Melissa Bynum
2. District Commissioner: Jane W. Philbrook

Existing Zoning: BP Planned Business Park, CP-1 Planned Limited Business and CP-3 Planned Commercial Districts

Surrounding Zoning:

North:	C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts
South:	M-3 Heavy Industrial District
East:	None (Interstate 635)
West:	C-1 Limited Business, CP-2 Planned General Business, R-1 Single Family and MP-1 Planned Light Industrial and Industrial Park Districts

Existing Uses:

North:	Behavior health center and undeveloped land
South:	Undeveloped land
East:	Interstate 635
West:	Undeveloped land, gas station, single family homes and road sign manufacturer

Total Tract Size: 49.2 acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Mixed Use (seeking an amendment to Community Commercial and Business Park).

Major Street Plan: The Major Street Plan classifies State Avenue, 47th Street and Orville Avenue as Class A Thoroughfares.

Advertisement: The Wyandotte Echo – Change of Zone - November 15, 2018 and Master Plan Amendment – December 20, 2018
Letters to Property Owners – Change of Zone – November 14, 2018, December 14, 2018 and January 23, 2019; Master Plan Amendment: December 14, 2018 and January 23, 2019; Plat – November 14, 2018 and December 14, 2018; Plan Review – November 14, 2018 and December 14, 2018

Public Hearings: December 10, 2018, January 14, 2019 and January 31, 2019

Public Opposition: No one appeared at either City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, final plan review and master plan amendment to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is primary commercial in nature as State Avenue is the major commercial corridor in the city. There is some residential to the west. The eastern boundary is I-635.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and their uses are set out above. The proposed uses are compatible with them. The increase in heavy truck traffic on 47th Street could be a concern to the residences.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

Removal of the restrictions should not detrimentally affect nearby property so long as there are few after hours trucks.

4. The length of time the property has remained vacant as zoned.

The property has been vacant since 2012.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is not reasonably necessary for the convenience and welfare of the public. If designed to comply with the guidelines, the proposed uses will not substantially injure the appropriate use, visual quality or marketability of nearby property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

With coordination with the Public Works Department, traffic and parking demand will be reviewed to determine if the proposed uses will adversely affect road capacity, safety or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use will comply with the proposed master plan amendment from Mixed-Use to Business Park and Community Commercial.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

The proposed use should not cause environmental harm.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by Midtown Patrol, District #442

e. *Fire*

Fire service is provided by Fire Station #11

f. *Transit*

Kansas City ATA provides service along State Avenue, Route #101.

g. *Schools*

Kansas City, Kansas USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The proposed use will have a positive economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

With revisions, the proposed uses are capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development is of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise or other adversity.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

With coordination with the Public Works Department, streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Lots and building will be arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development will be designed with due regard to topography, so that any

remaining natural features of the land are protected and enhanced.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2018. According to the applicant, 75 individuals were in attendance and expressed concern existing vacant pad sites on the former Indian Springs Mall site in addition to other businesses who may relocate to this site and leave their previous site vacant elsewhere in the city.

KEY ISSUES

Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 recommend **APPROVAL** of Master Plan Amendment #MP-2019-1.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3174, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. **Submit a design criteria manual for the overall center.**

Applicant Response: Design criteria has been submitted.

Staff Response: Applicant submitted what is basically the same design criteria as was used for some auto dealers. .

2. **Submit retaining wall elevations and calculations as required for a final plan review.**

Applicant Response: Calculations have been submitted.

Staff Response: Wall material must be integrally colored to match building.

3. Any proposed wind turbines must comply with the wind turbine ordinance.

Applicant Response: Acknowledged.

4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street.

Applicant Response: The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.

Staff Response: Additional sidewalks may be required to meet the code.

5. Over the road trucks shall not be parked on the property overnight.

Applicant Response: Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

Staff Response: Response acknowledged

6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit.

Applicant Response: A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: Acknowledged

Building Architecture:

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation.

Applicant Response: See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review requires building elevations for all proposed buildings.

Applicant Response: Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

Staff Response: A design manual has been submitted.

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Applicant Response: See attached four-sided color renderings, along with the building design narrative.

4. All roof mounted units must be screened by the parapet of the building.

Applicant Response: Combination of parapet and unit-specification screening will be utilized for the food service building.

Staff Response: Comment remains.

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6. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

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1. Based on the landscaping requirements in the CP-0 Planned Nonretail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:
 - a. Lot 2 – 106 trees
 - b. Lot 3 – 26 trees
 - c. Lot 4 – 22 trees
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 - e. Lot 6 – 16 trees
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In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

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 - a. The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - b. Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
 - c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Applicant Response: The applicant agrees that the non-industrial buildings should follow the Commercial Design Guidelines.

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Applicant Response: Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Established Management Plan.

Staff Response: In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

Applicant Response: Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot.

Applicant Response: See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan.

Applicant Response: See enclosed lighting plan.

Staff Response: Comment remains.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Applicant Response: Acknowledged.

9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Acknowledged.

10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: This is a district requirement of MP-1 Planned Light Industrial and Industrial Park District.

11. The BPU transformer pad and generator depicted on sheet Z01 shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building façade.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

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

1) Please coordinate with UG public works regarding restriping of N 47th Street and Orville Avenue.

2) The south-west driveway shall include an extended median and /or throat into the site to physically prohibit vehicles from using the opposite lanes of the driveways.

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

4) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents 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:

1) None

Staff Conclusion:

The applicant has responded to Planning and Planning Engineering staffs' comments; however, staff would like to continue to work with the applicant on the remaining issues:

- (1) A 4-foot internal sidewalk and landscape buffer with pedestrian lighting must be depicted on the site plan.
- (2) Resolve remaining Engineering reviews and utility conflicts.
- (3) Incorporate masonry materials (i.e. stone, brick and/or cast stone) on the entry, office and mezzanine area of the south façade.
- (4) In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions #3174 and #MP-2019-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 10, 2018 City Planning Commission Minutes
January 14, 2019 City Planning Commission Minutes
Applicant Response Letter
Building Design Narrative
Neighborhood Meeting Minutes
GeoSpatial Services Department Comment Letter
Master Plan Community Commercial Land Use Designation
Master Plan Business Park Land Use Designation
Zoning Map
Preliminary Plat
Final Plat
Site Plan
Utility Plan
Landscape Plan
Truck Turning Template
Photometric Plan
Floor Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 10, 2018	
Rezoning	(Held Over)	
	January 14, 2019	January 31, 2019
	Approval	
Master Plan		
Amendment	January 14, 2019	January 31, 2019

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment #MP-2019-1, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment #MP-2019-1, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3174 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3174 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 10, 2018 City Planning Commission Minutes:

Hearing Starts At 1:15:47:

CHANGE OF ZONE APPLICATION #3174 – CURTIS PETERSON WITH POLSINELLI

– **SYNOPSIS:** Change of Zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

KC FOODIE PARK – SYNOPSIS: Preliminary and Final Plat for one (1) industrial lot on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

PLAN REVIEW APPLICATION #PR-2018-36 – CURTIS PETERSEN WITH

POLSINELLI – SYNOPSIS: Final Plan Review for a mixed-use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, and final plan review to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 10, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018 for the change of zone application; and
7. The Notices to property owners dated November 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Curt Peterson, applicant, Polsinelli, 6201 College Boulevard, Suite 500, Overland Park, Kansas 66211

The Commission granted Mr. Peterson an additional five (5) minutes at 1:33:44

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:54:16: Planning Director Richardson stated that he will address the issues that the Mr. Peterson brought up. The Master Plan amendment needs to be published for the agenda next month so holding all the applications over until January 14, 2019 would be a good idea. Over the next month the staff will do the calculations for the truck parking and inoperable storage. With regard to the bike lane and sidewalk he believes that the applicant is asking for a 5' wide sidewalk (instead of 12' wide) and bike lane. In this case he believes that would meet the requirements of the trail network. With regard to a sidewalk and trail in the parking lot for the large building, it just needs to be landscaped and curbed so people can walk down there. Over the next month they will work on that to see if it is possible. This is a very large site so he is sure that 5' can be squeezed out of that. Ten feet with landscaping would be good but staff will work with the applicant over the next month. Staff believes that the color of the buildings needs some highlights as it is very bland. Some color on the office building would be great (he understands the white panel portion) as it would set it off from the other buildings. Director Richardson stated that he understands the downspout issue. To do that requires large roofs and the slope of the roof is very tricky. He showed how other large buildings have had to bring it down the middle (Wal-Mart is an example) and the staff will work with the applicant's designers on this issue. He stated that Mr. Peterson stated that the site for the food storage building is twice as long as it is wide. Actually the building is square and rotating the building would be a matter of utility and dirt moving and that is an issue that can be discussed with regard to private/public partnership/financing. With regard to irrigation, the applicant did not show any pictures that had zero scape and those are all bright green fields and there is a difference between the pictures the Commission has seen and what zero scape would look like. Depending on how it is done, without irrigation, it does not stay green like it would if it was irrigated. It has a different look to it especially during the establishment period. People that have had large areas of this have started with irrigation and then they do not have to use that any more once it is established. He further stated that getting it established is very difficult and it is more than a one page explanation on how to do that. The property behind Wal-Mart is supposed to be zero scape natural areas and it is still not established correctly. You have to have someone that knows what the weeds look like to remove them; it is very hard to get this established. He stated that the staff will talk further with them on this issue but is going to support irrigation. They have requested a planned district zoning which requires a design guideline, which they have submitted, and it was sent to the Planning Commission. The staff will have comments on those guidelines and preliminary plan over the next month. With these comments about working with the applicant, the staff recommends holding over this

application. He further stated that the staff is very excited about this project. With regard to the restaurant pad sites staff hopes that is not just moving the restaurants from 38th and State Avenue to this area as that does not benefit the community. These should be new restaurants.

The Commission had additional questions for the applicant regarding ownership of the businesses that will be on the property.

Motion and Vote starts at 2:04:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3174, KC Foodie Park Plat and Plan Review #PR-2018-36 until the January 14, 2019 meeting for the master plan amendment to be published and to resolve the issues identified by the staff:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Neal	Aye
Reasons	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Pauley	Not Present

Motion to HOLD OVER Passed: 7 to 0

January 14, 2019 City Planning Commission Minutes:

Hearing Starts At 1:26:40:

MASTER PLAN AMENDMENT #MP-2019-1 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Mixed Use to Business Park and Community Commercial for property at 4600 and 4602 Orville Avenue and 4601 State Avenue.

CHANGE OF ZONE APPLICATION #3174 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Change of Zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

KC FOODIE PARK – SYNOPSIS: Preliminary and Final Plat for one (1) industrial lot on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

PLAN REVIEW APPLICATION #PR-2018-36 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Final Plan Review for a mixed-use development

(distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli has filed a change of zone, preliminary and final plat, final plan review and master plan amendment to subdivide the properties into eight (8) lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
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5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018 for the change of zone application and December 20, 2018 for the master plan amendment; and
7. The Notices to property owners dated November 14, 2018 and December 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Serda stated that he had contact with Bren Starner with Kansas City Area Transportation with regard to this application.

Recording Secretary Parker stated that these applications were heard in detail at last month's meeting and were held over until the meeting tonight for the master plan amendment to be filed and for staff and the applicant to discuss the remaining issues to be resolved.

Present in Support:

- ❖ Curt Peterson, applicant, Polsinelli, 6201 College Boulevard, Suite 500, Overland Park, Kansas 66211

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:48:50: Planning Director Richardson stated that the staff and applicant are down to one issue (screening of parapet at the different levels) and the staff would recommend approval subject to the stipulations in the staff report as presented. Director Richardson showed the Commission of the areas of the parapets. He stated that the applicant will do perspective elevations when they come in for building permit and the parapet will be the appropriate height.

Planning Commissioner Carson asked if there is a cost estimate concerning adding the parapets? Mr. Peterson stated that it is strictly design and aesthetics and there has not been a cost associated with them.

Motion and Vote starts at 1:53:23:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment #MP-2019-1;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed:6 to 0

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Changes of Zone Application #3174;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Submit a design criteria manual for the overall center.

Applicant Response: Design criteria has been submitted.

Staff Response: Applicant submitted what is basically the same design criteria as was used for some auto dealers. .

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Applicant Response: Acknowledged.

10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.

Applicant Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.

Staff Response: This is a district requirement of MP-1 Planned Light Industrial and Industrial Park District.

11. The BPU transformer pad and generator depicted on sheet Z01 shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building façade.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Please coordinate with UG public works regarding restriping of N 47th Street and Orville Avenue.
 - 2) The south-west driveway shall include an extended median and /or throat into the site to physically prohibit vehicles from using the opposite lanes of the driveways.
 - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 4) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents 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:

1) None

Staff Conclusion:

The applicant has responded to Planning and Planning Engineering staffs' comments; however, staff would like to continue to work with the applicant on the remaining issues:

- (1) A 4-foot internal sidewalk and landscape buffer with pedestrian lighting must be depicted on the site plan.
- (2) Resolve remaining Engineering reviews and utility conflicts.
- (3) Incorporate masonry materials (i.e. stone, brick and/or cast stone) on the entry, office and mezzanine area of the south façade.
- (4) In native planting areas (non-irrigated areas), trees shall be water bagged for two (2) years.

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **APPROVE KC Foodie Park Preliminary and Final Plat;**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE Final Plan Review #PR-2018-36:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations

Date: 11/26/2018

RE: Applicant's response to staff's comments received on 11/19/2018

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Submit a design criteria manual for the overall center. **Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.**
2. Submit retaining wall elevations and calculations as required for a final plan review. **Response: Retaining wall elevations and calculations will be submitted by 12/5/2018, per conversation with City staff.**
3. Per the Mixed-Use Design Guidelines: Do we need to comply with MXD Guidelines:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
 - b. Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
 - c. Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.

Response: The applicant agrees that the non-industrial buildings should meet the Mixed-Use and/or Commercial Design Guidelines.

4. Any proposed wind turbines must comply with the wind turbine ordinance. **Response: Acknowledged.**

5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street. **Response: The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.**

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6. Over the road trucks shall not be parked on the property overnight. **Response:** Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit. **Response:** A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

8. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit. **Response:** The applicant would appreciate further discussion with City staff prior to addressing this comment.

Building Architecture:

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation. **Response:** See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review require building elevations for all proposed buildings. **Response:** Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

3. Per the Mixed-Use Design Guidelines:

a. A minimum of 75% of buildings should have a zero-foot setback.

b. Primary building façades should be parallel to the sidewalk.

c. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.

d. Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement, but the percentage of masonry

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becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.

The building elevations proposed distribution/food storage center do not meet the City-Wide Master Plan Mixed-Use Design Guidelines or the Commercial Design Guidelines. The material palette does not include any masonry materials. Please revise and resubmit elevations that comply with these two sets of guidelines. **Response:** Please see enclosed building design narrative.

4. Please provide four-sided color renderings of the food distribution center for the final plan review. **Response:** See attached four-sided color renderings, along with the building design narrative.

5. All roof mounted units must be screened by the parapet of the building. **Response:** Combination of parapet and unit-specification screening will be utilized for the food service building.

6. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. **Response:** Acknowledged.

7. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. **Response:** See enclosed building design narrative.

8. All concrete shall be integrally colored – no paint. **Response:** See enclosed building design narrative.

9. The material palette is very bland and should be updated to provide a high-quality and interesting appearance. **Response:** See enclosed building design narrative.

10. While it has site design impacts the truck loading docks should not face I-635. **Response:** The applicant would appreciate further discussion with City staff prior to addressing this comment.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-0 Planned Nonretail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:

- a. Lot 2 – 106 trees
- b. Lot 3 – 26 trees

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- c. Lot 4 – 22 trees
- d. Lot 5 – 32 trees
- e. Lot 6 – 16 trees
- f. Lot 7 – 17 trees
- g. Lot 8 – 23 trees

In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

Response: Acknowledged.

2. Per the Mixed-Use Design Guidelines:

- a. On site-parking will be located behind the buildings.
- b. Landscape is required to screen all parking areas and service entries.
- c. Trees are required in the public right-of-way along street, at a minimum of one (1) shade tree every forty (40) feet.

Response: The applicant agrees that the non-industrial buildings should follow the Mixed-Use and/or Commercial Design Guidelines.

3. All landscaping must be irrigated. Response: Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Establishment Management Plan.

4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. Response: Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. Response: Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot. Response: See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

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7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan. **Response: See enclosed lighting plan.**
8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **Response: Acknowledged.**
9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. **Response: Acknowledged.**
10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation. **Response: The applicant would appreciate further discussion with City staff prior to addressing this comment.**

Signage:

1. Shall comply with the sign ordinance. **Response: Acknowledged.**

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) 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. **Response: Acknowledged.**
- 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Response: Acknowledged.**
- 3) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments. **Response: Acknowledged.**

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

- 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None

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Scavuzzo Building Design Narrative

Attached please find information relating to the Distribution Center aesthetic. This includes elevation illustrations as well as photos of real projects using these materials.

The exterior of the distribution center utilizes a combination of precast concrete wall panels, as well as composite insulated metal panels (IMP). The IMP is a requirement of a cold storage facility to meet the energy code requirements of the International Energy Conservation Code (IECC). Wall systems utilized in cold storage must be light in color to reflect any heat gain present in the environmental conditions, and must maintain the building envelope thermal integrity in temperatures swings exceeding 100-degrees of temperature differential. The current color scheme utilizes white panels, with accents colors in grey, and green glass in anodized aluminum frames. I have included a brochure for the wall panels we typically use for reference.

The roof system is a thermoplastic roof membrane, white in color to minimize the heat gain previously described. Roof insulation thicknesses exceed the building code requirements by 20-30% in order to maximize the energy efficiency of the refrigeration system. The roof is drained via scuppers and downspouts, with the downspouts being collected and the water piped away from the building. Downspouts are NOT located inside the wall assembly, but are surface mounted to the exterior as the introduction of water into a temperature controlled environment is not good design practice. Any issues related to the introduction of water into the facility are minimized and the building safety and thermal integrity are maintained.



Elevation showing combination of concrete wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing combination of architectural wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing combination of concrete wall panels at the main office and insulated metal panels at the refrigerated storage components.



Elevation showing insulated metal panels at the refrigerated storage components. Use of non-contrasting color downspouts to limit the effect on the building elevation.

**KC Foodie Park / Petition #3174 and PR-2018-36
November 28, 2018 Neighborhood Meeting**

Attendance:

Curtis Petersen, Polsinelli PC
Amy Grant, Polsinelli PC
Rich Scavuzzo, CEO Scavuzzo's Inc.
Robert Ulliman, Primus Builders
Michael Jones, Primus Builders
Casey Colbern, BartWest
Approximately 75 individuals – see attached sign-in sheet

The meeting began at 6:10 p.m. Curtis Petersen and Rich Scavuzzo provided a brief introduction of the design team and explained Scavuzzo's business history. Rich Scavuzzo shared that the company has been in operation for approximately 100 years through 5 generations of family members.

Mr. Petersen explained that the team's goal for the evening was to share the Scavuzzo's vision for the former Indian Springs Mall site and then provide a Q&A session and hear feedback from those attending tonight's meeting. Mr. Petersen indicated that the project team has taken months to evaluate the property and has reviewed the public survey results compiled by the Unified Government for this site. He stated that the team is aware of the various challenges to developing the site and that no proposal, including this one, will please everyone. Our goal is to provide clear channels of communication regarding Scavuzzo's vision for the property.

Rich Scavuzzo then explained his vision for the property, which is to have a complex that is centered around food. The project team strongly believes that a food based complex will drive passion to revitalize the area and hopefully spread prosperity along State Avenue. The project will be centered around food, restaurants, retail/food distribution, and c-store/convenience store concepts. Of course, this is not to say that the project will not have something outside of that, but overall focus is food based businesses.

Rich Scavuzzo explained that the company is currently based in Kansas City, KS and is looking to expand its operations. Scavuzzo's proposed expansion has received interest from other communities but they are most interested in staying in Kansas City, Kansas. Rich Scavuzzo further explained that a good amount of its personnel live in Kansas City, KS and that he sees a lot of opportunities with this site – opportunities that include giving back to the community and building something that the community can be proud of. For example, Scavuzzo's currently provides an after school work program with Wyandotte High. Approximately five high school kids are engaged in the training program. Our company also provides training programs where individuals begin as warehouse personnel and are then trained to secure a Class A truck driver's license, which provides a good annual income.

Mr. Petersen then walked through the site plan. The site is approximately 50 acres in size and is broken up into three areas of development. Starting with State Avenue, you will see approximately three pad sites for development. Mr. Petersen indicated that this portion of the plan is very conceptual and

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flexible as to building form and potential tenants. Mr. Petersen explained that Area Real Estate Advisors will be responsible for marketing and securing tenants for the pad sites. Mr. Petersen then introduced JD Christie, Adam Blue and Scott Miller with Area Real Estate Advisors.

Mr. Christie explained that the company is a brokerage firm that specializes in pad site development such as this. These pad sites are a critical component of the overall project and that although they are relatively new to the development team, they are excited about the opportunities for this site. Mr. Christie also explained that the 2018 retail landscape means that the entire site cannot be developed with retail/commercial uses. The pad sites along State Avenue are primed for development and can be filled with restaurants and retailers that do not currently exist in this area. Adam Blue then explained that they are just starting to evaluate the site but he is very encouraged, thus far. He understands that retail is the most tangible use for most neighbors and they take that very seriously. They look forward to hearing ideas and opinions from those attending tonight as to what types of uses are desired.

Rich Scavuzzo then explained that the vision for the second tier of buildings would include restaurants and retail/food based service, including home delivery type tenants. Rich explained that Scavuzzo's currently partners with those types of customers now and looks forward to trying to bring some of those businesses to the site.

Rich Scavuzzo then explained that the vision for the office building would be to move the Scavuzzo's National Headquarters to the site. The office building would likely be 4-stories in height with the ground floor including a test kitchen, conference rooms and potentially a culinary institute use. One goal is to help the next generation of culinary experts begin their careers in Kansas City, Kansas and potentially progress from the culinary institute to become qualified candidates to work at the restaurants within the project. The office building will also likely include leases to other tenants that are Scavuzzo's clients.

Next, Rich Scavuzzo explained that the proposed food service center will be a state-of-the-art facility with net zero energy consumption. In other words, the facility will produce enough energy to match the energy it consumes. To accomplish this, Scavuzzo's is currently working with the Unified Government and BPU to provide a solar array south of Orville Avenue. Rich then explained that the company is exploring the possibility of having the facility LEED certified by providing sustainable opportunities through landscaping, building design, etc. Rich also indicated that the design team has taken special care to situate the building in a manner to limit truck noise to the highway side of the building.

Mr. Petersen also indicated that the design team is evaluating the ability to provide a trail/sidewalk system around the site. This is a very tentative concept at this time and may also include the possibility of providing some type of park area within the development or nearby. Again, these discussions are very preliminary with the Unified Government.

Next, Mr. Petersen discussed timing of construction. Of course, a 50 acres site will include phased development. Mr. Scavuzzo stated that the desire is to immediately start with the pad sites along State Avenue with the food service center at the south end of the site. Next, would be the retail/commercial buildings south of the pad sites and finally the headquarters office building.

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Next, Rich Scavuzzo explained that the goal of Scavuzzo's is to inspire a sense of belonging and that this starts with its employees. We think of our business as a "community" and that we want employees to join the family. Our goal is to engage with employees and to help individuals build their careers. For example, current entry level positions begin at just under \$20/hour. Our goal is that by the time we open the new facility, entry level jobs will begin at just over \$20/hour. Those entry level positions offer training that could lead to employees earning approximately \$50-\$60,000 a year, if desired, as part of our driver training program.

Question/Comment: This is beautiful plan but do you know the history of Indian Springs? Most white folks moved out west and left the rest of us here to try and build businesses. We are looking to make money as well. Were we thought about when you developed this plan? More specifically, were African-Americans considered with this plan? Or is it this just a "this is our family is and this what we are going to do project"?

Response: Scavuzzo's is a race neutral/race blind company. Our goal is to serve everyone in and around the neighborhood.

Comment: Good, because we want to be part of this new community/family as well. Look around the room, at the black folks in the room. We need community and want to be included.

Response: Agreed. Creating job is the first step to providing opportunities and all are welcome at Scavuzzo's.

Questions/Comment: This was a good presentation. It seems like you are incubating jobs within the project. We also need projects and support of local, small businesses in this area. What we do not need is a high turnover rate. We want family-owned business to succeed and need support of small businesses. We may need more community conversations about what this looks like for this project. You need to do a better job of getting the word out so that more people know what you are proposing with your project.

Questions/Comment: We need you to be committed to supporting and providing local businesses opportunities within this project? How are you planning to engage local businesses?

Response: We currently have over 500 current, local restaurant customers.

Question/Comment: This is my first opportunity to see this proposal. I was also part of City's community meetings in 2017. As a developer I have looked at development of this property. I like your plan – it fits well on the site. However, several things need to happen: (1) you need to engage the 200-300 people who attended the City meetings a year ago to get their input on this plan; (2) there was an unsolicited proposal/commitment from City staff to require any developer to come back and have real conversations with the public about development of this site; (3) you need to take a holistic approach to this development – it does not appear to be holistic in terms of what it can bring to the neighborhood.

Response: We are trying to take a holistic approach with the UG. We understand that the UG has control of the other two corners at 47th and State Avenue.

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Question: How will you pay for all of this?

Response: We are trying to focus on planning first but yes we will discuss a public/private partnership with the UG. In this environment, with this type of project, we will need the UG to help with infrastructure improvements. The UG will not be writing checks but will need to help through incentive tools to make this viable.

Question: Is your list of 500 local customers available to public?

Response: No, but we can publish some of the key customers that we will be targeting for this project.

Question/Comment: I was under the impression that this would be a grocery store site?

Response: Please keep in mind that the northern portion of this site is very conceptual and flexible. A grocery store may be possible but no tenants have yet been identified.

Question: Will you keep your current facility or abandon it with this project?

Response: We are moving all distribution services to this site but will maintain other operations at our current facility.

Question: Are you anticipated TIF for financing?

Response: We are not certain on incentives yet, but, yes TIF is one of the tools being evaluated.

Question: This is a question for your broker. How do you see the pad rental rates for this site compared to rental rates for vacant properties already located along State Avenue? We do not want another mini-mart to be front and center along State Avenue. What can we realistically expect this to support?

Response: As far as rental rates, we are not prepared to speak to that just yet. If you look at the dynamics of the site, access, population, and traffic counts, the site is an excellent candidate for several tenants. As Mr. Scavuzzo indicated we are going to target local restaurants that are currently customers of Scavuzzo but we are unable to speak to economics yet. This site provides a lot of opportunity.

Comment: My concern is that there are existing vacant pads sites in this area and we do not want to end up with additional vacant pads that do not meet the community's needs. We also do not want business being shuffled around within the City leaving other places vacant to move to this location.

Response: Considering State Avenue will be the front door for our business we will take special care to have it look nice and have successful businesses located there.

Question: What kind of traffic patterns will need to change for trucks?

Response: We are in the process of doing a traffic study right now. We do not anticipate many improvements. We will likely restripe 47th/Orville and make some improvements to the intersection. We are also looking at possibly adding bike lanes.

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Question: We want quality placement of business and beautification, along with solid economic dollars for this site.

Response: You made good point on doing this the right way, the responsible way. The worst thing we could do is try to do the project all at once or too quickly and have it fail. We will be very systematic in order to have success.

Question: Have you had people inquire about restaurants for this site? There is a reason that people go to the Legends. They go there to eat and enjoy other entertainment opportunities. What will bring people to this site to do anything other than eat? If you get this project off the ground – you need to come up with something besides KC Foodie Park for the name.

Response: We have had a lot of conversations with our existing customers. So far, all of them are excited/interested in the site. Do you have suggestion for entertainment concepts?

Comment: Movie Theater or Bowling Alley.

Question: You indicated that the UG owns the land today. Will you buy or lease it from them?

Response: We do not know yet – we will discuss this at the same time as incentives.

Question: Will you own the buildings if you lease the property? Yes, however, Scavuzzo does not anticipate constructing or owning the pad site properties.

Question: Who are Scavuzzo's competitors?

Response: Sysco and US Foods.

Question: You indicated that you may have a culinary institute. Would you consider doing an incubator for local restaurant developments?

Response: That is actually kind of our niche. We currently help independent's develop plans and open restaurants.

Question: Who exactly did you speak with in developing your concept plan?

Response: We have been working on this for about two years now and have spoken with many people about the project.

Question: Can you provide that Kansas City, Kansas people are given first priority for employment?

Response: There will be a focus on that as well as a focus on using local contractors/building suppliers.

Comment: I represent the KC Chamber of Commerce and we have over 500 local businesses as members of the Chamber. I would be happy to share that information with you and to assist with those connections.

Question: What are your next steps?

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Response: We will have our Planning Commission meeting next. It is possible that additional community meetings may be held. We fully realize that not everyone will be excited about the proposed plan but hope that everyone is informed about the project.

Rich Scavuzzo commented that he is currently trying to fill several positions and that we do not need to wait to get this project built before hiring new employees. We have openings right now and would like to give those opportunities to the community. We have competitive starting wages along with 401k and good medical coverage.

Question: How many more people are you planning to employ with this expansion?

Response: We expect to double our employees. We currently have 100-105 people employed and would hope to be around 200 people once the expansion is complete. This only applies to the food service side. Obviously, there will be additional jobs with the other office and retail/restaurant portions of the project.

The meeting concluded at 7:15 p.m.

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GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: November 9, 2018
RE: **KC FOODIE PARK**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Bartlett & West

And we have determined the following:

Takes all of CIC-TAS Parcels:
914508 & 914508

Takes part of CIC-TAS Parcel:
914507

Owners-of-Record:
Unified Government of WYCO/KCK

Jurat Signature:
None

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

The legal description has a typographical error of "it's" instead of "its."

2) Flood Plain Note

There is not mention of the current Flood Plain FIRM.

3) Corner Ties

There are no ties to corners found.

4) Dedication

There is no name listed in the dedication or in the approvals area.

After the dedication, the ownership statement needs to be revised to not say "owner of the Unified Government."



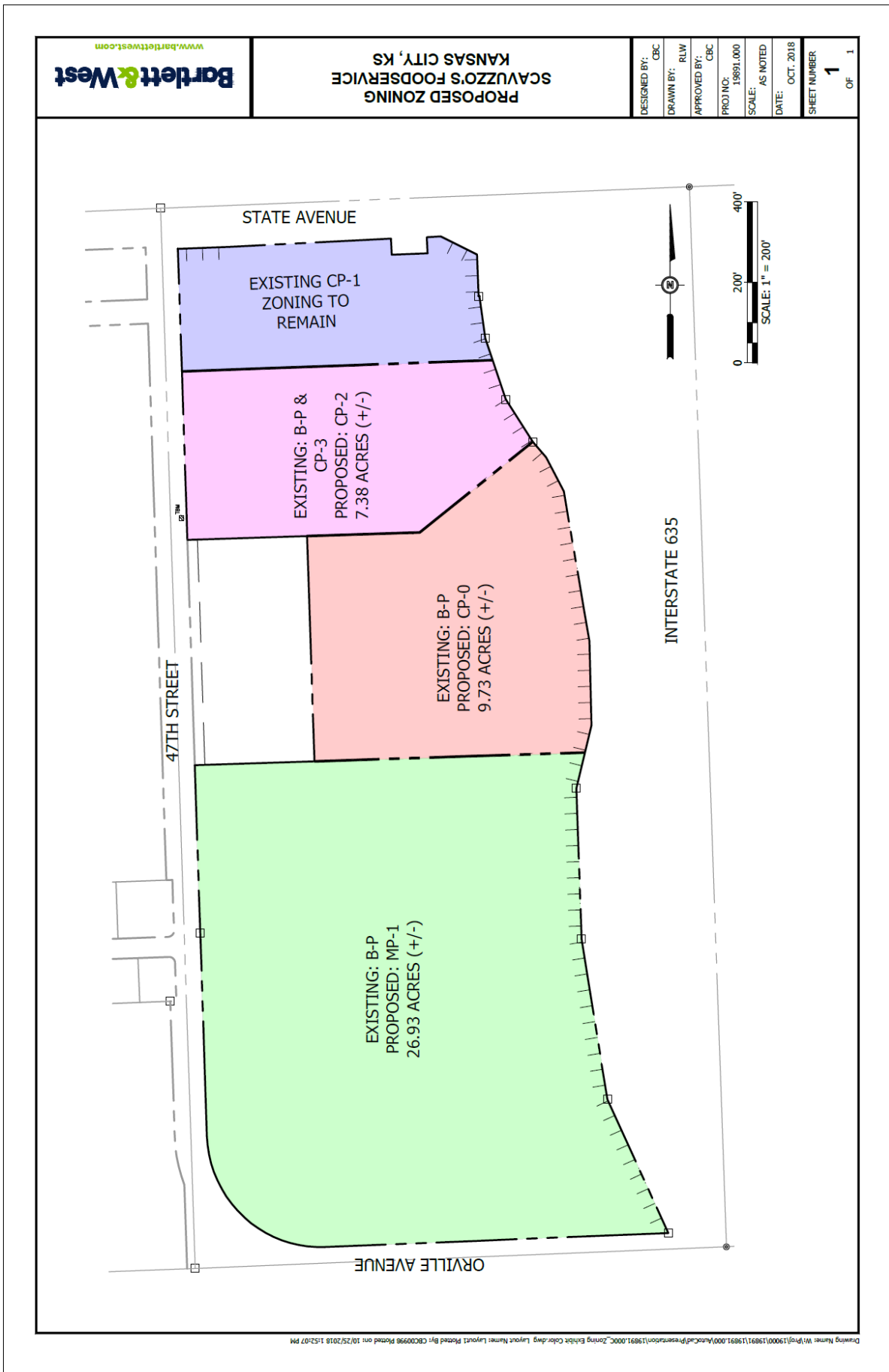
Community Commercial: These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers.

- Allowed Uses:
 - Grocery stores
 - Medium-sized (25,000 to 75,000 square feet) box stores
 - Commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.
 - Car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards.
- Discouraged Uses:
 - Industrial uses
 - Business parks
- Required Infrastructure:
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
 - Minimum 8-foot sidewalk/trail along arterial road.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
- Design Guidelines:
 - All developments must meet the minimum guidelines outlined in the *Commercial Design Guidelines (Ordinance O-50-06)*.
- Recommended Density:
 - Maximum Floor to Area Ratio: 0.25
 - The anchor store and associated pad sites should be less than a combined 250,000 square feet.
- Green Principles:
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent developments and neighborhoods.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared driveways, access and parking.
 - Integration of transit stops.
- Cultural Principles:
 - Incentives should be provided for:
 - Grocery stores east of I-635 and south of I-70.
 - Small-scale, locally owned businesses.



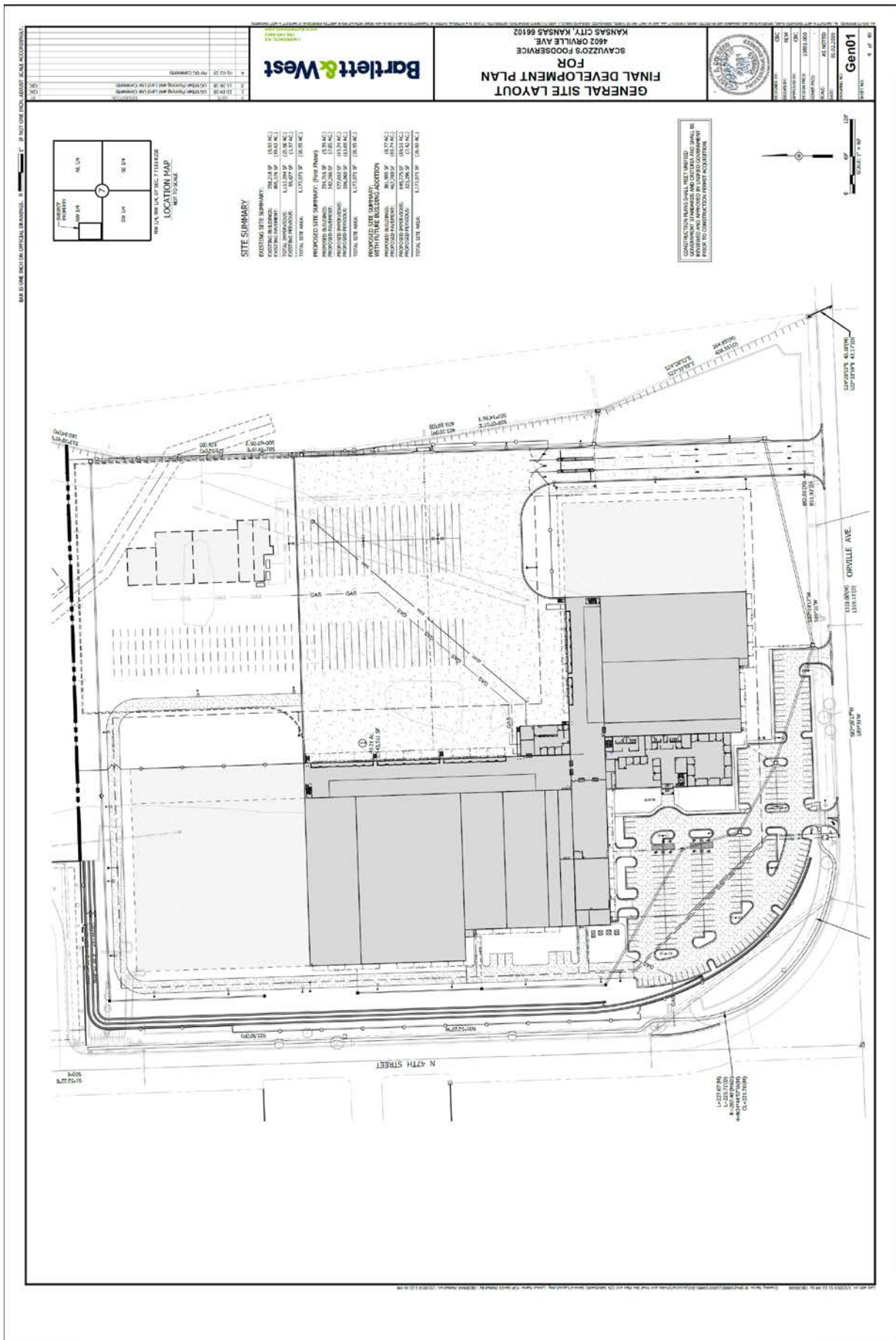
Business Park: Allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities.

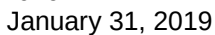
- Allowed Uses:
 - Warehouse (nonhazardous materials)
 - Distribution (nonhazardous materials)
 - Business/research parks
 - Related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc.
 - Medical facilities
- Discouraged Uses:
 - Heavy industrial uses
 - Single-family residential uses
- Required Infrastructure:
 - Access to central sewer.
 - Access to major highway and/or Class A or B thoroughfare or boulevard.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Recommended Density:
 - Maximum Floor to Area Ratio: 0.5
- Green Principles:
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction.
 - Energy Star qualified buildings.
 - Businesses that use local materials.
 - Enhanced bicycle and pedestrian trails including landscape buffers from roads, service entries, as well as amenities including site furniture, trash receptacles, lighting, etc.
 - Trail connections and pedestrian amenities along riparian corridors and water bodies.
 - Use of Best Management Practices (BMPs) for storm water management including on-site detention facilities.
 - Consolidated access with adjoining properties.
 - Shared parking.
 - Integration of transit stops.
- Cultural Principles:
 - Incentives should be provided for:
 - Industries that employ a large percentage of local residents and/or provide job training programs.



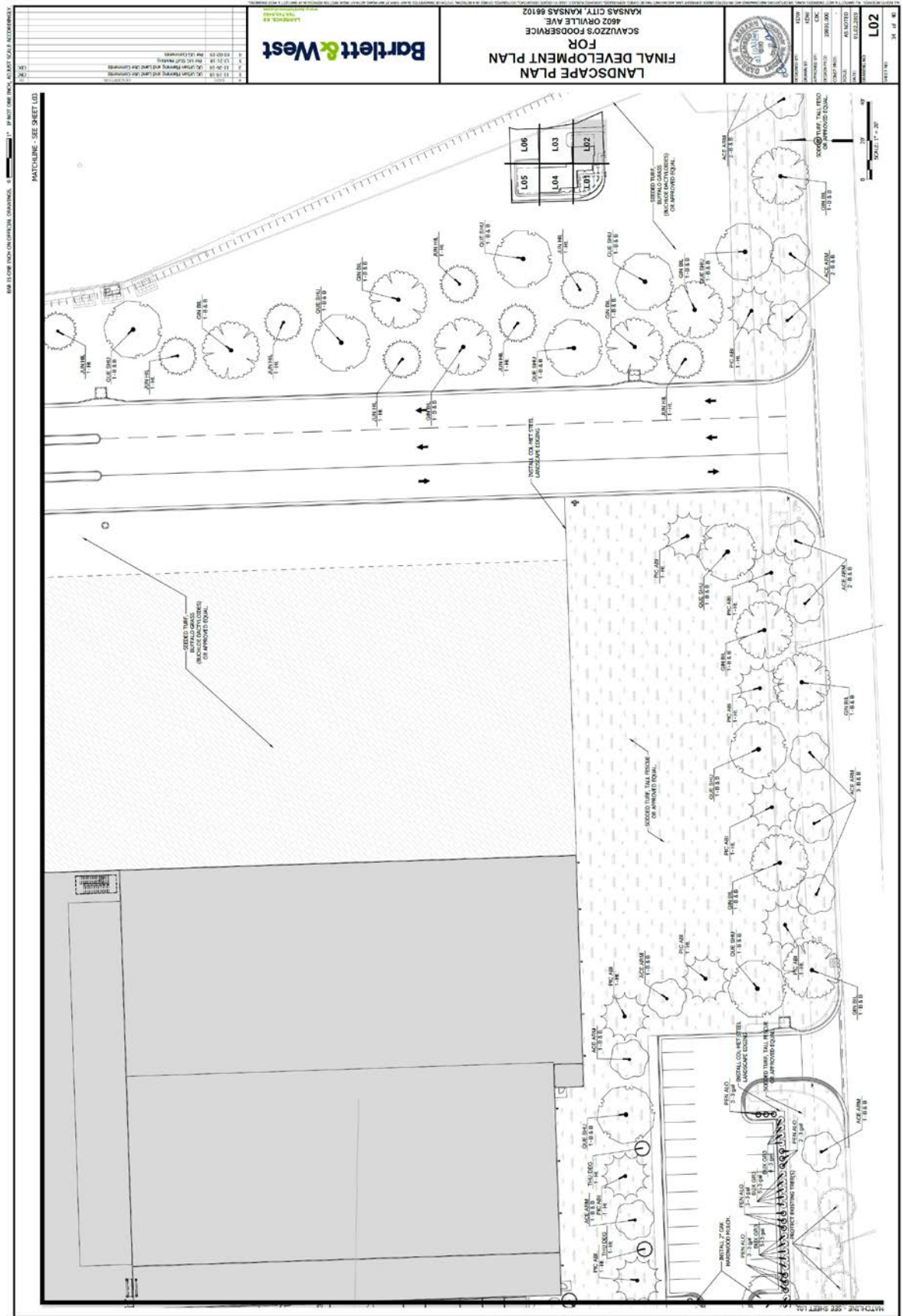
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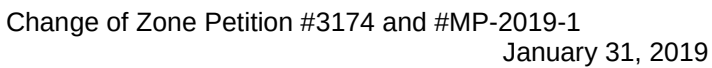


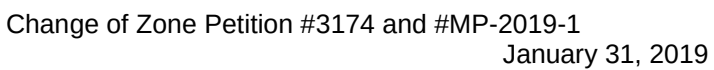


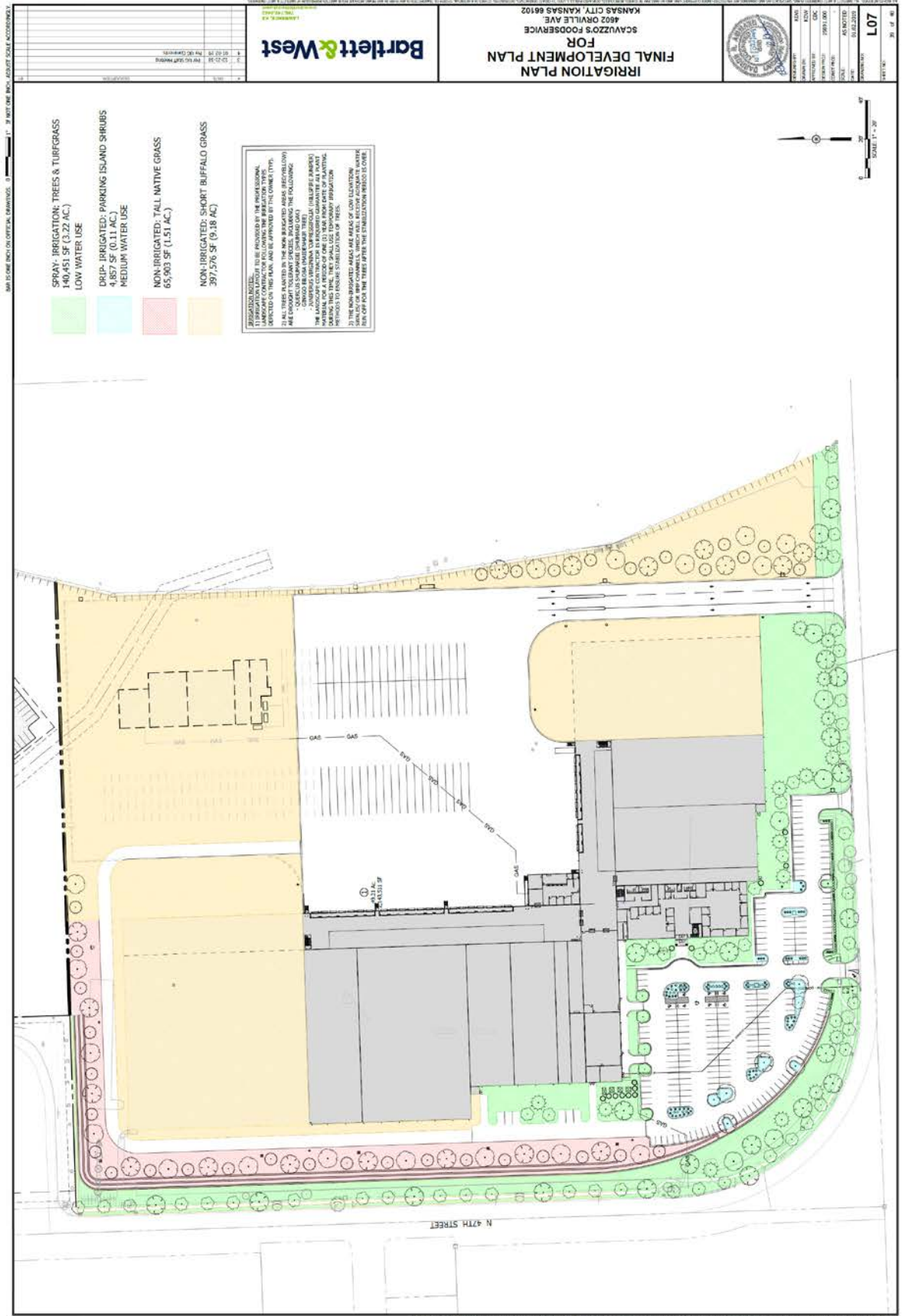


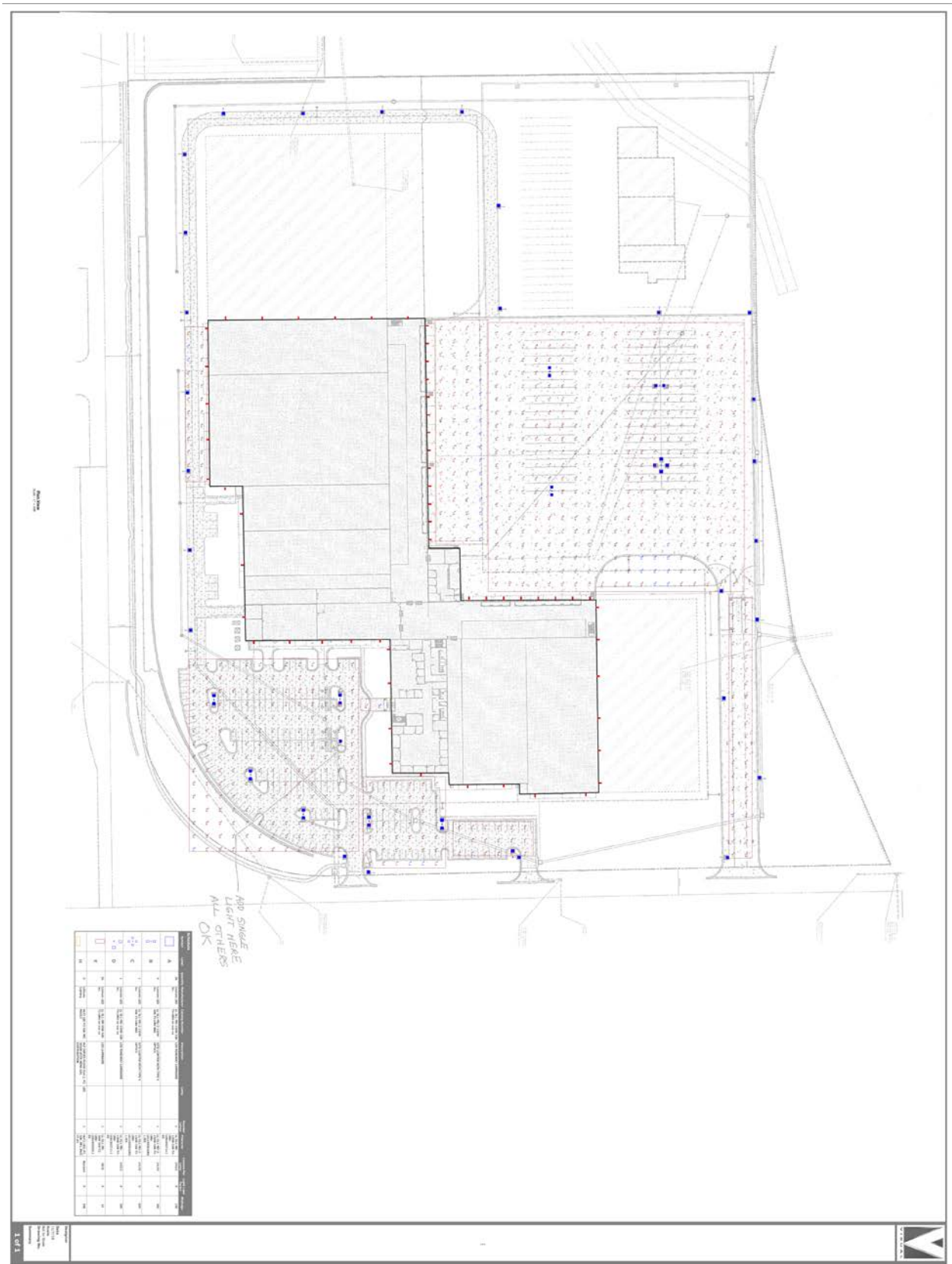












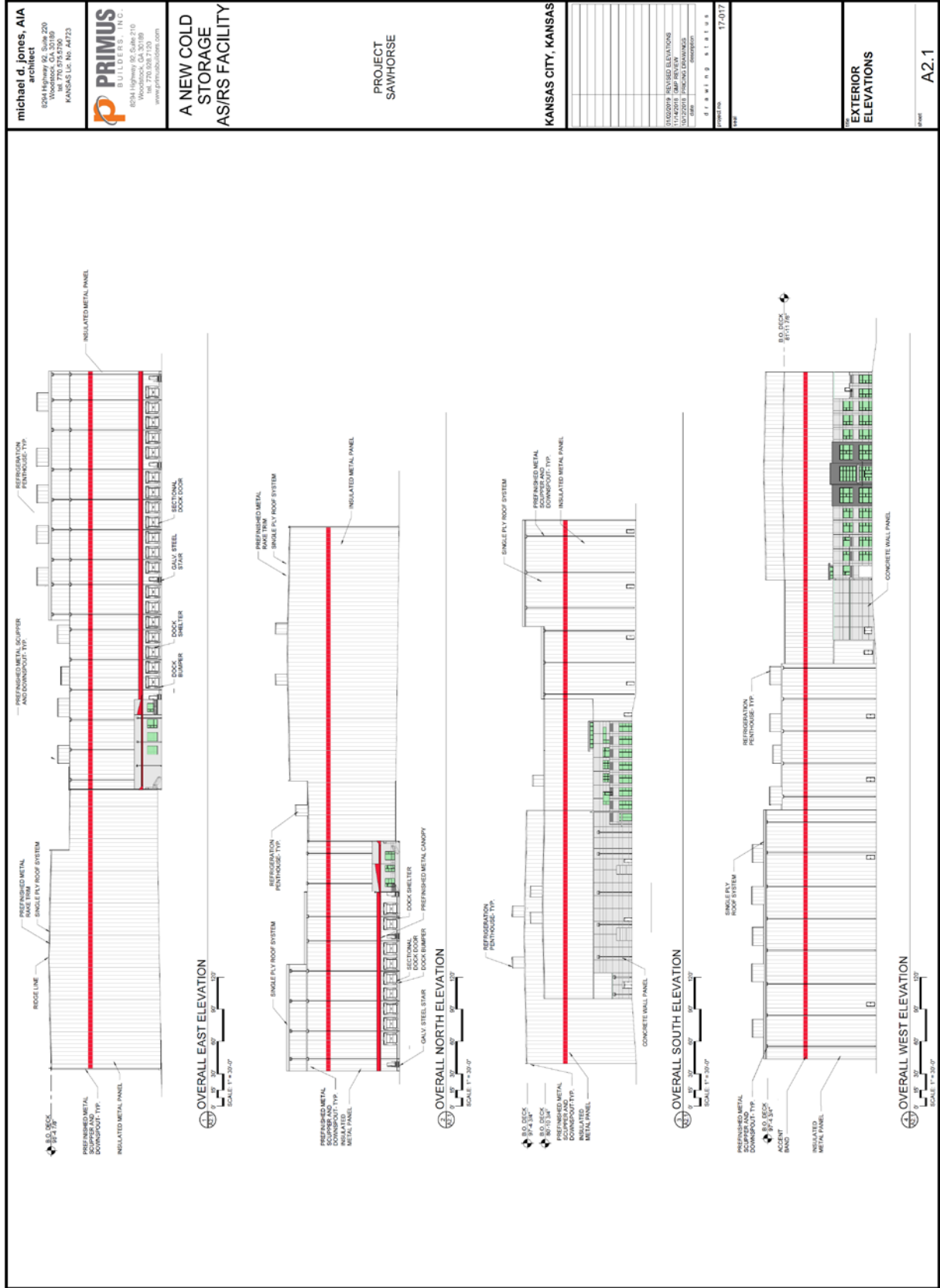




Figure 1. Proposed rendering of Scavuzzo distribution/cold storage facility (provided by the applicant).



Figure 2. Proposed rendering of Scavuzzo distribution/cold storage facility (provided by the applicant).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: **Petition #3159**

GENERAL INFORMATION

Applicant:
Bryan Ruoff

Status of Applicant:
Representative
3F30 Architects
7501 Northwest Tiffany Springs
Parkway
Kansas City, MO 64153

Requested Actions:
Change of Zone from
C-1 Limited Business District to CP-
2 Planned General Business District

Date of Application(s):
January 26, 2018

Purpose: To build and operate a
convenience store and eight (8) pump gas station

Property Location: 3801 Leavenworth Road

Commission Districts: Commissioner At-Large: Melissa Bynum
District Commissioner: Gayle Townsend



Existing Zoning: C-1 Limited Business and CP-2 Planned General Business Districts

Surrounding Zoning:	North:	C-1 Limited Business District
	South:	R-1(B) Single Family District
	East:	CP-2 Planned General Business District
	West:	C-1 Limited Business District

Existing Uses:	North:	Restaurant
	South:	Single family home
	East:	Undeveloped land
	West:	Convenience store

Total Tract Size: 1.54 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Parkway and 38th Street as a Collector street.

Advertisement: The Wyandotte Echo – February 15, 2018 and July 19, 2018
Letters to Property Owners – Change of Zone – February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018, December 3, 2018 and January 23, 2019; Plat – February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018 and December 3, 2018

Public Hearings: January 14, 2019 and January 31, 2019.

Public Opposition: Opposition has been expressed to staff by John Cameron, property owner of parcels east of 38th Street, across the street. Mr. Cameron opposes development of the gas station and convenience store because the applicant has shifted the overall development further south towards 3034 North 38th Street. There were six (6) people present in opposition at the January 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner has filed a change of zone from C-1 Limited Business District to CP-2 Planned General Business District, a plat to create one (1) commercial lot and a final plan review to build a 4,000 square foot convenience store, eight (8) pump gas station and two retail tenant spaces totaling 2,346 square foot at 3801 Leavenworth Road on 1.54 acres. **(Final Plat and Final Plan Review were approved by the City Planning Commission on January 14, 2019.)**

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of a mixture of commercial and residential zoning. There is a restaurant across the street, north of Leavenworth Road, two single family homes to the south and a convenience store / food mart to the west.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and the uses of properties nearby are set out above and the proposed use is relatively compatible with them. This is an undeveloped site that will potential be an anchor on the corner.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The removal of the restrictions could affect nearby property as the current zoning district, C-1 Limited Business District does not permit 24-hour operations. Within C-1, all store operations must cease at 1:00 AM.

4. The length of time the property has remained vacant as zoned.

The property has been vacant since 2008.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is necessary for those who live in the area west of 38th and Leavenworth Road. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property if properly landscaped and screened and the property owner maintains the property as their other convenience stores located at 1800 Steele Road and 3317 Brown Avenue.

6. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

The proposed use will increase traffic to the site, but not in ways that would adversely affect road capacity, safety, or create parking problems.

7. The degree of conformance of the proposed use to the Master Plan.

The proposed use conforms to the Master Plan.

8. The extent to which the proposed use could cause environmental harm or enhance the environment.

The proposed use will not cause environmental harm.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code

d. Police

Police service is provided by Midtown Patrol, District #443

e. Fire

Fire service is provided by Fire Station #18

f. Transit

Kansas City ATA provides service along Leavenworth Road, Route #113.

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

To meet applicable ordinance requirements revisions are required.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the applicant may open a gas station and convenience store with eight (8) pumps, but the business must close by 1:00 AM because the building sits in the C-1 Limited Business District and the canopy and pumps sit in the CP-2 Planned General Business District.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings and lot are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

This is not applicable.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held two neighborhood meetings, February 26, 2018 and October 29, 2018, respectively. Leavenworth Road Association (LRA) was supportive of the project. Mr. Cameron expressed concern about moving the building and canopy further south on the site and value of properties – area comps and residential comps.

KEY ISSUES

Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Change of Zone Application #3159 to **CP-2 Planned General Business District**, subject to: **the staff stipulations and the additional stipulations, minus losing the one pump island, and the staff and applicant working towards a compromise with regard to any changes to the driveway, height of the fence, landscaping, etc.**

Urban Planning and Land Use Comments:

General Planning:

1. 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.

Applicant Response: Acknowledged.

2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening that specific component of the store.

Applicant Response: The use of the speculative spaces(s) is not determined at this time.

Building Architecture:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);

- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18th Street and Interstate 70), Phillips 66 at 103rd Street and Leavenworth Road, and QuikTrip at 78th Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans.

Applicant Response: See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note this is similar to the Xpress Mart Store at 1800 Steele Road. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than 15 percent of any façade.

Applicant Response: Acknowledged. The elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.

3. Masonry columns shall wrap the entire column underneath the gas canopy.

Applicant Response: Acknowledged. The plans show the columns wrapped in masonry.

4. Downspouts shall be internalized.

Applicant Response: Acknowledged. None are shown in the elevations or at the canopy.

Landscaping and Screening:

1. **Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.**
 - a. **The district requirement is one tree per 7,000 square feet of site area. The property is .922 acre, so 10 trees are required per code.**
 - b. **All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.**
 - c. **Landscaping shall be irrigated.**

Applicant Response: Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.

2. **Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.**

Applicant Response: Acknowledged.

3. **Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
 - a. **One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.**
 - b. **Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**

Applicant Response: Acknowledged. See Landscape Plan.

4. **Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.**

Applicant Response: Acknowledged.

5. **Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.**

Applicant Response: Acknowledged. Parapet is 6’ high. Landscaping will be integrated at electrical service entrance.

6. The BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, the transformer doors shall face away from the public street.

Applicant Response: Acknowledged.

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: See site plan and renderings.

8. All lighting shall have 90-degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90-degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.

The photometric plan does not comply with our code, as the proposed lighting exceeds to one (1) footcandle maximum at the property line along the north, south and east property lines. Please revise accordingly.

Applicant Response: Acknowledged. A photometrics plan has been provided.

Staff Response: The applicant provided a photometric (lighting) plan, however along portions of the south property line the lighting exceeds one (1) footcandle. During the building permit review process, the photometric plan shall be revised, which may require changing the location of lights on the canopy and/or building to ensure that the exterior light does not exceed one (1) footcandle at the property line.

Signage:

1. Shall comply with the sign code.

Applicant Response: Acknowledged.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) Engineering comments are listed as stipulations below.

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

- 1) In future, if the adjacent property to the south on North 38th Street is developed to a commercial property, it may be necessary to have a shared access drive between the XPress Mart convenience store and the new development. There is no room for additional driveway entrances south of the existing driveway entrance on the residential property and the undeveloped lot south of the existing residential property. Further discussion with staff may be required.
 - 2) The drainage easement for the proposed public storm sewer within the site shall be in accordance with UG standards and criteria.
 - 3) The drainage easements documents shall be approved by UG staff, then recorded with the Wyandotte County Register of Deeds. A copy of the recorded easements with book and page number shall be submitted to staff prior to final engineering approval and construction permit acquisition
 - 4) This project includes public sanitary sewer improvements for the proposed force main. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
 - 5) Please coordinate with Dave Clark - (913-573-5721), UG Public Works regarding crossing of Leavenworth Road for the proposed public sewer extension.
 - 6) The proposed grinder pump for the project shall be privately owned and maintained as it is being used for a commercial property. The UG warranty program in place for grinder pumps connected to low pressure sewer systems is strictly for residential businesses.
 - 7) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG 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:
- 1) None

Staff Conclusion:

The applicant has revised the landscape plan to screen the site from the residence bordering the south property line adjacent to North 38th Street. The operator has two other gas station/convenience stores in the Kansas City, Kansas located at 1800 Steele Road and 3317 Brown Avenue. Both are clean, well-maintained and screened from residences that border the development.

The Traffic Impact Study (TIS) approved by the Kansas Department of Transportation (KDOT) finds that no additional improvements to 38th Street or Leavenworth Road are required to accommodate the proposed development.

In addition to the aforementioned comments, subject to approval, staff stipulates the following:

- 1) Trash pick-up shall be restricted between the hours of 7:00 AM to 7:00 PM.

- 2) Prior to the issuance of a Temporary Certificate of Occupancy (TCO), a certified light engineer shall provide a report to the Urban Planning and Land Use Department verifying that the site lighting does not exceed one (1) footcandle in the air at the property line around the perimeter of the property, more specifically along the south property line, abutting the single-family home.
 - a. All building and canopy lighting shall have 90-degree cutoff fixtures and possibly a shield underneath the canopy to not cast light horizontally away from the fixture.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#3159** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 14, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Traffic Study Summary
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Photometric (Lighting) Plan
Building Elevations
Canopy Elevations
Color Renderings
Letter of Support by the Leavenworth Road Association (LRA)
Letter of Opposition by John Cameron
Development Site Plan of John Cameron's Property
Diagram of Ms. Christine Allen's property represented by Ryan Denk

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	January 14, 2019	January 31, 2019
Rezoning	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3159 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3159 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 14, 2019 City Planning Commission Minutes:

Non-Consent Agenda Starts At 14:50:

CHANGE OF ZONE APPLICATION #3159 – BRYAN RUOFF WITH 3F30

ARCHITECTS – SYNOPSIS: Change of Zone from C-1 Limited Business District to C-2 General Business District for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road.

38LEAVENWORTH – SYNOPSIS: Final Plat for one (1) commercial lot at 3801 Leavenworth Road

PLAN REVIEW APPLICATION #PR-2018-8 – BRYAN RUOFF/3F30 ARCHITECTS – SYNOPSIS: Final Plan Review for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road

Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner has filed a change of zone from C-1 Limited Business District to CP-2 Planned General Business District, a plat to create one (1) commercial lot and a final plan review to build a 4,000 square foot convenience store, eight (8) pump gas station and two retail tenant spaces totaling 2,346 square foot at 3801 Leavenworth Road on 1.54 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 15 and July 19, 2018; and
7. The Notices to property owners dated February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018 and December 3, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Bryan Ruoff, applicant, 3F30 Architects, 7501 Northwest Tiffany Springs Parkway, Kansas City, MO 64153
- ❖ Lou Braswell, Director of Leavenworth Road Association, 5202 Parkview Avenue, Kansas City, Kansas 66104
- ❖ Deniese, Davis, 3314 North 53rd Street, Kansas City, Kansas 66104
- ❖ Mr. Allen, developer of the property
- ❖ There was one person present that did not speak

Present in Opposition:

- ❖ Ryan Denk, McAnany, Van Cleave, and Phillips, 10 East Cambridge Circle, Kansas City, Kansas, 66103, attorney representing Christine Allen at 3034 North 38th Street (The Commission granted Mr. Denk an additional 5 minutes to speak.) Mr. Denk presented an exhibit to the Commission.
- ❖ John Cameron, 11223 West 64th Terrace, Suite 501, Shawnee, Kansas, 66203, real estate broker, representing Christine Allen

Director Richardson stated that in looking at the diagram and looking at the plan previously submitted by Mr. Cameron, if Mr. Cameron develops his property right across the street from Ms. Allen, the driveway would be directly across from this one. Mr. Cameron stated that is correct but he has flexibility.

- ❖ Eleanor Jefferson, 419 Haskell Avenue, Kansas City, Kansas, speaking on behalf of her friend Christine Allen
- ❖ There were three persons present that did not speak

Staff Recommendation starts at 1:05:25: Planning Director Richardson stated that he would like to address Mr. Denk's first comment. The staff report does indicate that the property to the south is a residential use and residentially zoned. Related to the fence the staff has asked them to finish both sides of the fence because it needs to look good on both sides for both the commercial property and the residential property. Mr. Ruoff

did accurately describe the lighting situation. He stated that most of his communication regarding opposition and the neighbor's case has been from Mr. Cameron. The Commission saw the exhibit submitted and his point of reference for Mr. Cameron. Director Richardson stated that he had assumed that since Mr. Cameron's driveway was that far to the south, that was okay for his client as well. That is where the staff came to that position because Mr. Cameron was the one emailing him, all the Commissioners, etc. So this driveway was placed almost directly across from that. There is no variance on the south because the site does conform to the zoning code. The separation, buffering and landscaping all meet the code there. In the past the staff has gone beyond that. Because if the neighbor is going to stay there, she probably does need a little more protection but that is balanced with what he thinks is a lighting issue. He does not think that it is a noise issue because they already have the noise from the vehicles going onto the on ramp and he does not think that the convenience store noise is going to be in excess of the noise of vehicles accelerating going on the ramp. Director Richardson stated that he would like to make one correction about I-635. They are correct that the turning movement coming up, if you are going north on 38th Street towards Leavenworth Road, you could turn left into the development at the south end. If you were going south on I-635 the closest access point is on Leavenworth Road. That would be regular traffic going by Ms. Allen's house and the headlights would not swing towards her home. Basically there would be traffic coming down 38th Street and would turn in affecting Ms. Allen. The difficulty is screening right at the driveway is room needs to be left for people to see at the sight triangle. He stated that it is not possible to build a fence all the way to the street because it creates traffic safety problems. Director Richardson stated that the building is moved 50' away from Ms. Allen but he thinks what is being discussed is the driveway entrance there. He further stated that he does not know if 30 or 40 feet of landscaping is any different than 10 or 20 feet of landscape given the proximity of everything that is being done there. They could move the development to the north about 10 or 20 feet and it is probably going to cost the applicant one fueling island and about 500' of the retail space. This is not a shared drive because it is not on the property line and no easements have been requested. That is something that might add to this. The staff added in the report that they cannot do trash pick-up at night. The most obnoxious part of the trash dumpsters is the pick up because when they are put back in place it is loud. Director Richardson stated that he thinks that the crux of the issues are the southbound cars turning in with their headlights flashing across the front of the neighbor's home and what is the right amount of spacing given that it already meets the code for additional landscaping between where the fence and retaining wall are located now and where the appropriate place for that might be. Maybe that can be mitigated if an 8' fence is required and instead of the proposed landscaping, they would plant a double row of evergreens that are tall and would extend that fence as they grow. That would provide an additional amount of screening with the column evergreens. Even if the driveway is moved to the north he does not think that will eliminate the flash of the headlights across Ms. Allen's home; he does not think moving it 100' does that because as a car turns in the lights are going to flash across her home but maybe not at the same angle. That is going to happen whether that third property is involved or not. With regard to a higher fence, the applicant would have to apply for a variance to allow a 10' fence. He stated that the staff recommends approval subject to the additional stipulations:

1. The fence is eight (8) foot.

2. Modify the landscaping to column evergreens
3. Work with the staff to move the driveway to the north somewhere between 10 and 20 feet which will cause them to lose one pump island, a couple of parking stalls and about 500 square feet of the building area. Director Richardson stated that he would note that wherever this driveway ends up the driveway on the east side will have to line up with it.

Planning Commissioner Ernst stated that he thinks the impact of losing the one pump island is being lost on everyone. He asked if the staff would be agreeable to a motion giving the staff the ability to work with the applicant and reach the best compromise whether it be a higher fence, slightly moving the entrance, etc. Director Richardson stated that he will do whatever he is directed to do by the City Planning Commission.

Motion and Vote starts at 1:21:30:

On motion by Mr. Ernst, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3159 to CP-2 Planned General Business District, subject to the staff stipulations and the additional stipulations, minus losing the one pump island, and the staff and applicant working towards a compromise with regard to any changes to the driveway, height of the fence, landscaping, etc.:**

Carson	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Pauley	No
Serda	Aye
Huey	Aye
Miller	Not Present
Neal	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 2
Subject to:

Urban Planning and Land Use Comments:

General Planning:

1. 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.

Applicant Response: Acknowledged.

2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening that specific component of the store.

Applicant Response: The use of the speculative spaces(s) is not determined at this time.

Building Architecture:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18th Street and Interstate 70), Phillips 66 at 103rd Street and Leavenworth Road, and QuikTrip at 78th Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans.

Applicant Response: See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note this is similar to the Xpress Mart Store at 1800 Steele Road. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than 15 percent of any façade.

Applicant Response: Acknowledged. The elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.

3. Masonry columns shall wrap the entire column underneath the gas canopy.

Applicant Response: Acknowledged. The plans show the columns wrapped in masonry.

4. Downspouts shall be internalized.

Applicant Response: Acknowledged. None are shown in the elevations or at the canopy.

Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one tree per 7,000 square feet of site area. The property is .922 acre, so 10 trees are required per code.
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.

Applicant Response: Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.

Applicant Response: Acknowledged.

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

Applicant Response: Acknowledged. See Landscape Plan.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Acknowledged.

5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: Acknowledged. Parapet is 6' high. Landscaping will be integrated at electrical service entrance.

6. The BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, the transformer doors shall face away from the public street.

Applicant Response: Acknowledged.

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: See site plan and renderings.

8. All lighting shall have 90-degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90-degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.

The photometric plan does not comply with our code, as the proposed lighting exceeds to one (1) footcandle maximum at the property line along the north, south and east property lines. Please revise accordingly.

Applicant Response: Acknowledged. A photometrics plan has been provided.

Staff Response: The applicant provided a photometric (lighting) plan, however along portions of the south property line the lighting exceeds one (1) footcandle. During the building permit review process, the photometric plan shall be revised, which may require changing the location of lights on the canopy and/or building to ensure that the exterior light does not exceed one (1) footcandle at the property line.

Signage:

1. Shall comply with the sign code.

Applicant Response: Acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Engineering comments are listed as stipulations below.
- B) Items that are conditions of approval (stipulations):
- 1) In future, if the adjacent property to the south on North 38th Street is developed to a commercial property, it may be necessary to have a shared access drive between the XPress Mart convenience store and the new development. There is no room for additional driveway entrances south of the existing driveway entrance on the residential property and the undeveloped lot south of the existing residential property. Further discussion with staff may be required.
 - 2) The drainage easement for the proposed public storm sewer within the site shall be in accordance with UG standards and criteria.
 - 3) The drainage easements documents shall be approved by UG staff, then recorded with the Wyandotte County Register of Deeds. A copy of the recorded easements with book and page number shall be submitted to staff prior to final engineering approval and construction permit acquisition
 - 4) This project includes public sanitary sewer improvements for the proposed force main. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
 - 5) Please coordinate with Dave Clark - (913-573-5721), UG Public Works regarding crossing of Leavenworth Road for the proposed public sewer extension.
 - 6) The proposed grinder pump for the project shall be privately owned and maintained as it is being used for a commercial property. The UG warranty program in place for grinder pumps connected to low pressure sewer systems is strictly for residential businesses.
 - 7) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG 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:
- 1) None

Staff Conclusion:

The applicant has revised the landscape plan to screen the site from the residence bordering the south property line adjacent to North 38th Street. The operator has two other gas station/convenience stores in the Kansas City,

Kansas located at 1800 Steele Road and 3317 Brown Avenue. Both are clean, well-maintained and screened from residences that border the development.

The Traffic Impact Study (TIS) approved by the Kansas Department of Transportation (KDOT) finds that no additional improvements to 38th Street or Leavenworth Road are required to accommodate the proposed development.

In addition to the aforementioned comments, subject to approval, staff stipulates the following:

- 1) Trash pick-up shall be restricted between the hours of 7:00 AM to 7:00 PM.
- 2) Prior to the issuance of a Temporary Certificate of Occupancy (TCO), a certified light engineer shall provide a report to the Urban Planning and Land Use Department verifying that the site lighting does not exceed one (1) footcandle in the air at the property line around the perimeter of the property, more specifically along the south property line, abutting the single-family home.
 - a. All building and canopy lighting shall have 90-degree cutoff fixtures and possibly a shield underneath the canopy to not cast light horizontally away from the fixture.

On motion by Mr. Carson, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE 38LEAVENWORTH Final Plat**:

Carson	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Pauley	No
Serda	Aye
Huey	Aye
Miller	Not Present
Neal	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 2	
Subject to the above stipulations	

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE Final Plan Review #PR-2018-8**:

Carson	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Pauley	No
Serda	Aye
Huey	Aye
Miller	Not Present
Neal	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 2	
Subject to the above stipulations	



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

January 10, 2019

Byron Toy, AICP
Unified Government
701 N. 7th St, Suite 423
Kansas City, KS 66101

Re: Xpress Mart, 3801 38th St
COZ 3159

Byron,

The comments of the staff have been addressed/responded to in the following manner. We look forward to presenting to the Planning Commission on Monday January 14th. Of course, I will be available for any staff comments leading into these upcoming meetings.

First, I would like to describe some general changes that have occurred over the past year. We had a Neighborhood meeting in February 2018. The main comment and recommendation that came from that meeting was from the commercial property owner to the east. It was requested that the project be rotated to face East. In June, the residential property to the South was purchased so that the south east project driveway could line up with the potential driveway on the property across 38th street. This was also a suggestion that came out of that original discussion. The new layout and plans were shared with the neighborhood again on October 29th.

With the new layout and the larger property, the Retail Building now includes a 3,500 SF Convenience Store and 2,700 SF of Spec Retail Space. There are now 8 fueling islands. A Traffic Study was provided to KDOT and the Public Works/Engineering Department and has been updated per request to the current plans.

STAFF COMMENTS AND SUGGESTIONS

Response is in Blue

Urban Planning and Land Use Comments:

General Planning:

1. Subject to Approval, a \$50 check must be submitted. [Acknowledged](#)
2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening a retail store. The use of the speculative space(s) is not determined at this time.



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Building Architecture:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18th Street and Interstate 70), Phillips 66 at 103rd Street and Leavenworth Road, and QuikTrip at 78th Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans. See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note that this is similar to the Xpress Mart Store at 1800 Steele Rd. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

f. EIFS at ground level or comprising more than 15 percent of any façade. Acknowledged. The Elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.

3. Masonry columns shall wrap the entire column underneath the gas canopy. Acknowledged. The plans show the columns wrapped in masonry.

4. Downspouts shall be internalized. Acknowledged. None are shown in the elevations or at the canopy.

Landscaping and Screening:

1. Please submit a landscape plan. The Landscape Plan is in the set and has been updated to the new layout



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2. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

a. The district requirement is one tree per 7,000 square feet of site area. Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.

b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons. Acknowledged

c. Landscaping shall be irrigated. Acknowledged.

3. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary. Acknowledged

4. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.

b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees. Acknowledged. See Landscape Plan

5. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. Acknowledged

6. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet. Acknowledged. Parapet is 6' high. Landscaping will be integrated at electrical service entrance.

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. See site plan and renderings

8. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted. Acknowledged. A photometrics plan has been provided.

Signage:

1. Shall comply with the sign code. Acknowledged.



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Public Works Comments:

See separate letter from Renaissance Infrastructure Consulting

Thank you for your assistance on this project,

Bryan Ruoff

AIA, CSI, LEED AP, CDT

3F30 Architects

7501 NW Tiffany Springs Pkwy
Suite 240
Kansas City, MO 64153
(Tiffany Springs exit on I-29)
(o) 816-801-7070
(f) 816-801-7074
(m) 816-305-5034



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Neighborhood Meeting

February 26, 2018

Xpress Mart

3801 Leavenworth Road

The meeting was started at 5:40 PM in the Community Room at 6100 Leavenworth Road.

This project was presented to the attendees of the meeting by the Architect, Bryan Ruoff of 3F30 Architects.

After Bryan Ruoff presented the general project along with site plan, floor plan, and building elevation exhibits, several picture enlargements of previous projects were also presented. It was explained that the project was intended to be 24 hour and that the Zoning being cleaned up helped with that process. Everyone at the meeting was familiar with the previous formal planning process for the site a few years ago for a similar project.

Questions and Responses were noted and are listed below.

1. *What will the store be branded?* The Owner/Developer, Jay Jamal, explained the branding situation on all his new stores including the Xpress Mart store sign and that it will be Shell.
 2. *When will the construction occur?* Jay Jamal described the current city planning schedule and best-case construction schedule.
 3. *Coordination of the drives with the Commercial Property to the east.* David Cameron, the owner of the vacant property across 38th St mentioned his concern with the coordination of the drives on 38th St. He presented various preliminary site layouts for his property. Discussion followed about the upcoming KDOT work and if ramifications would be coming from that. With the design process still in process, no one at the meeting could be specific on this topic. Several options were discussed, including the adjacent properties to the site, set back and landscape variances, and changes to the overall site layout. Tanker movement was also discussed as any changes to the site and drives would require the tanker routing to be involved.
 4. There was much general discussion on the neighborhood that followed including local "dollar stores".
- With no real project specific questions or discussion remaining, the meeting was formally adjourned at 6:50.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Bryan Ruoff', is written over a light blue grid background.

Bryan Ruoff
AIA, CSI, LEED AP, CDT, NCARB

President
3F30 Architects



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

Neighborhood Meeting

October 29, 2018

Xpress Mart

3801 Leavenworth Road

The meeting was started at 5:25 PM in the Community Room at 6100 Leavenworth Road.

This project was presented to the attendees of the meeting by the Architect, Bryan Ruoff of 3F30 Architects.

After Bryan Ruoff presented the general project along with site plan, floor plan, and building elevation exhibits, he explained the changes made since the last neighborhood meeting in February of 2018. The Owner, Jay Jamal, added some comments about the reasons for the change that started with the request to turn the property to face east in that February meeting.

John Cameron, the owner of the commercial property across 38th street to the east asked permission to come forward to speak in front using the drawings.

Discussion pursued for about 30 minutes on the necessity to purchase the 4th and 5th properties to the south (3030 and 3032 N 38th St). John suggested that drives on the 38th street side, after construction would be too close. He added that the lighting from the project would also spill onto the residential property.

Bryan R. reminded John that turning the project to face east was his idea in the February meeting and the drive be aligned with his preliminary drive locations shown in his exhibits he shared in that meeting. Bryan also discussed that the properties to the south are not needed or required for the development.

John C. described the value of the two properties being discussed using a comparative square footage rate. This compared the properties already in the development plan to the two to the south. Bryan R. explained to the attendees that there are several other ways to establish the value of the properties such as area comps, residential comps, potential use, accessibility. Also, that all these options would be subject to the cost to prepare the site such as utilities, retaining walls and dirt removal. Bryan R. also suggested bringing in an independent Appraiser.

After further discussion, Bryan R. paused the discussion to ask if anyone else had any questions or concerns. There was no other participation at that time.

Some further general discussion occurred.

Louetta Braswell, Ex Dir, LRA mentioned that the Neighborhood Association was ready and supportive of the project.

Page 1 of 2



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John C. made some closing comments.

Bryan R. told the meeting participants that the project is scheduled for the November 13th Planning Commission meeting and that it was a Tuesday because of Veterans Day. He mentioned that anyone is welcome to attend the meeting.

The meeting was adjourned at 6:15.

Respectfully submitted,

Bryan Ruoff

AIA, CSI, Led AP, CDT, NCARB

President

3F30 Architects

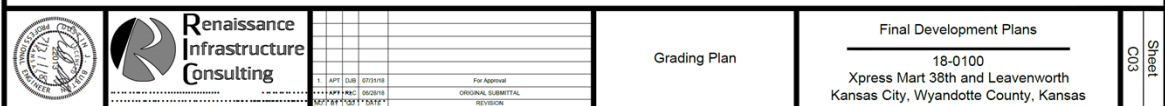
Summary

TranSystems has completed a traffic impact study for the proposed gas station with convenience mart development to be located generally in the southwest corner of the 38th Street and Leavenworth Road intersection in Kansas City, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

The study intersection of 38th Street and Leavenworth Road was found to currently operate at an acceptable LOS during the peak hours. Improvements associated with the Leavenworth Road Modernization Project were assumed to be implemented with existing conditions operations analyses.

With the addition of traffic from the proposed development, the existing intersection of 38th Street and Leavenworth Road is projected to operate at LOS B during both peak hours. Westbound movements at Site Driveway 1 are projected to operate at LOS A during both peak hours, while northbound movements would be projected to operate at LOS B in the A.M. peak hour and LOS C in the P.M. peak hour. During both peak hours, eastbound movements at Site Driveway 2 are projected to operate at LOS B, while northbound movements would be projected to operate at LOS A. Both Site Driveway 1 and Site Driveway

2 can be designed as full access drives, with no further recommended roadway modifications beyond those proposed with the Leavenworth Road Modernization Project. Design of both site driveways should take into consideration the turning movements of fuel tankers anticipated to access the proposed site.





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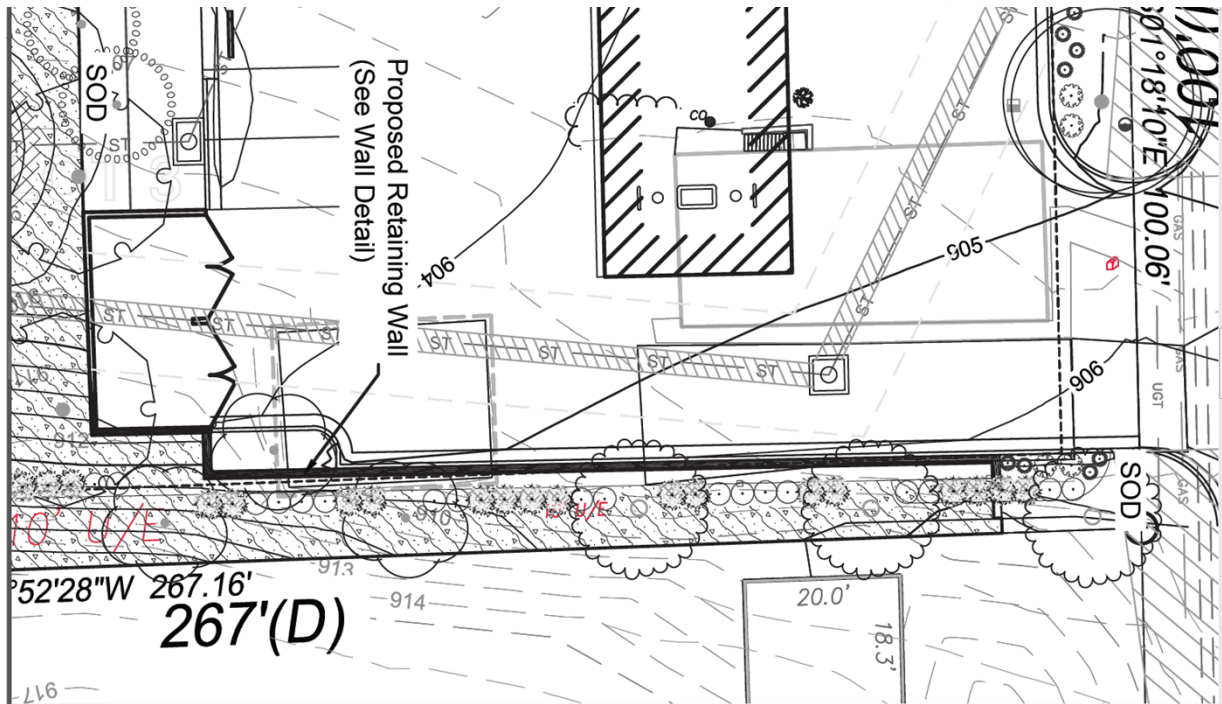
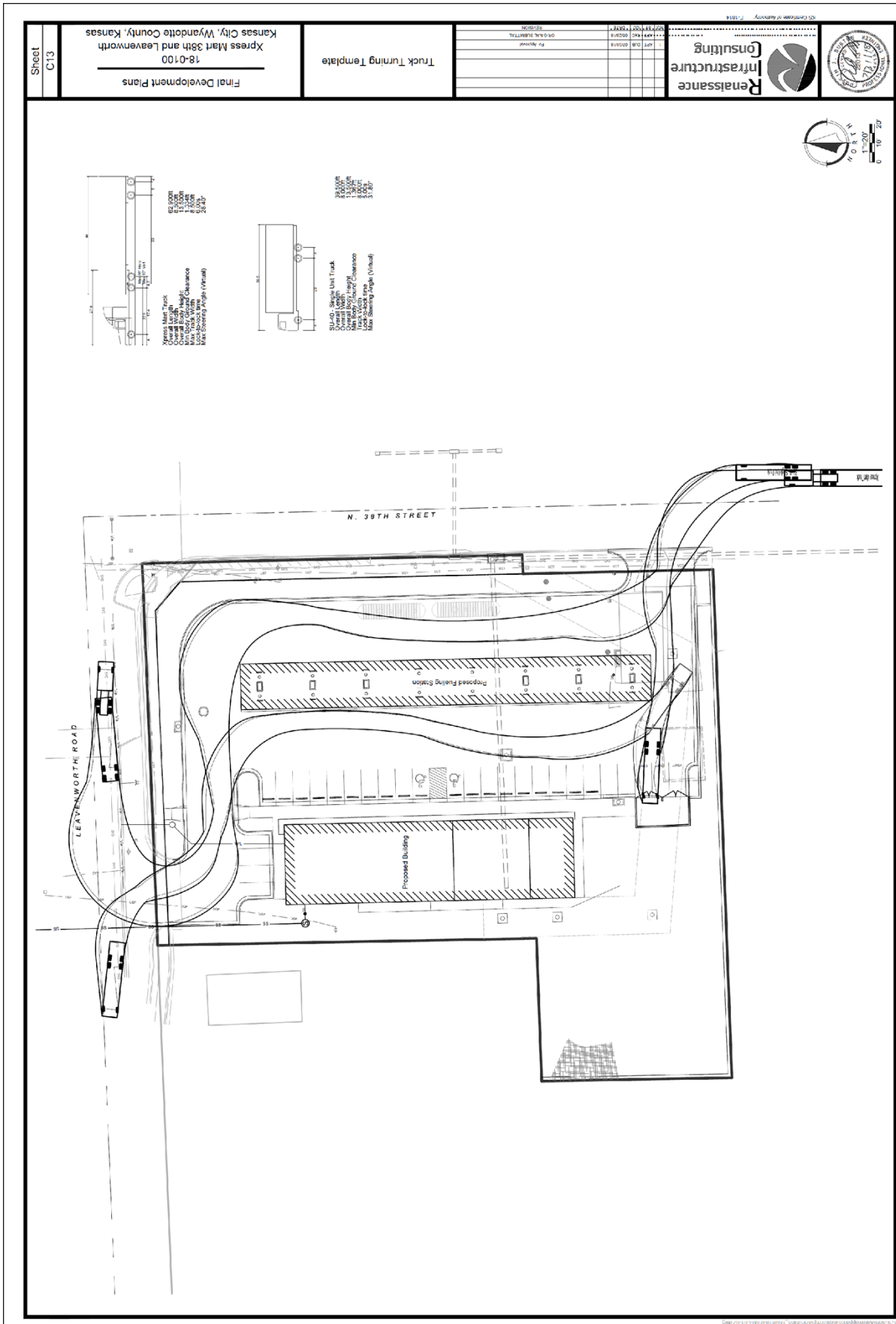
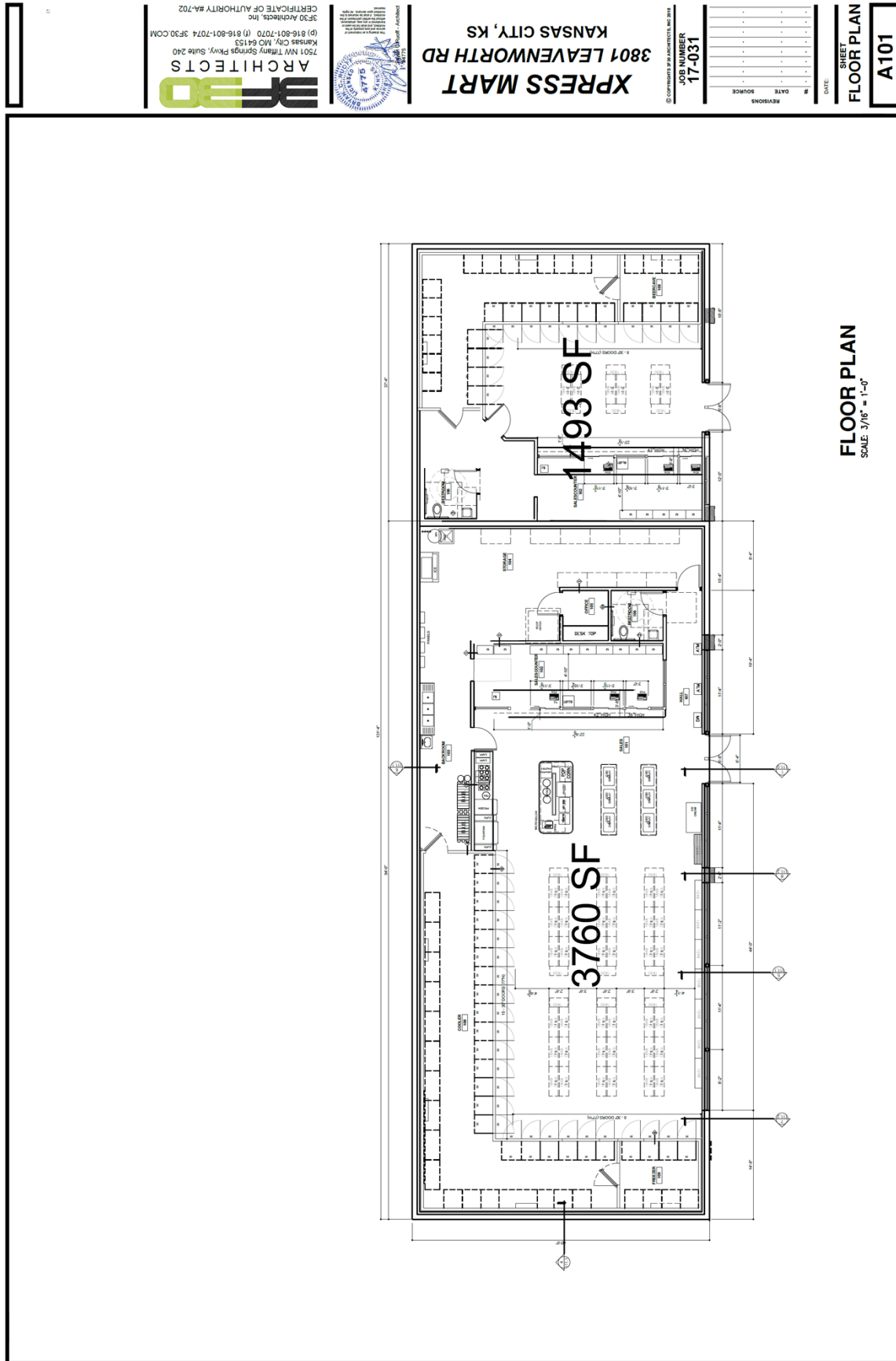


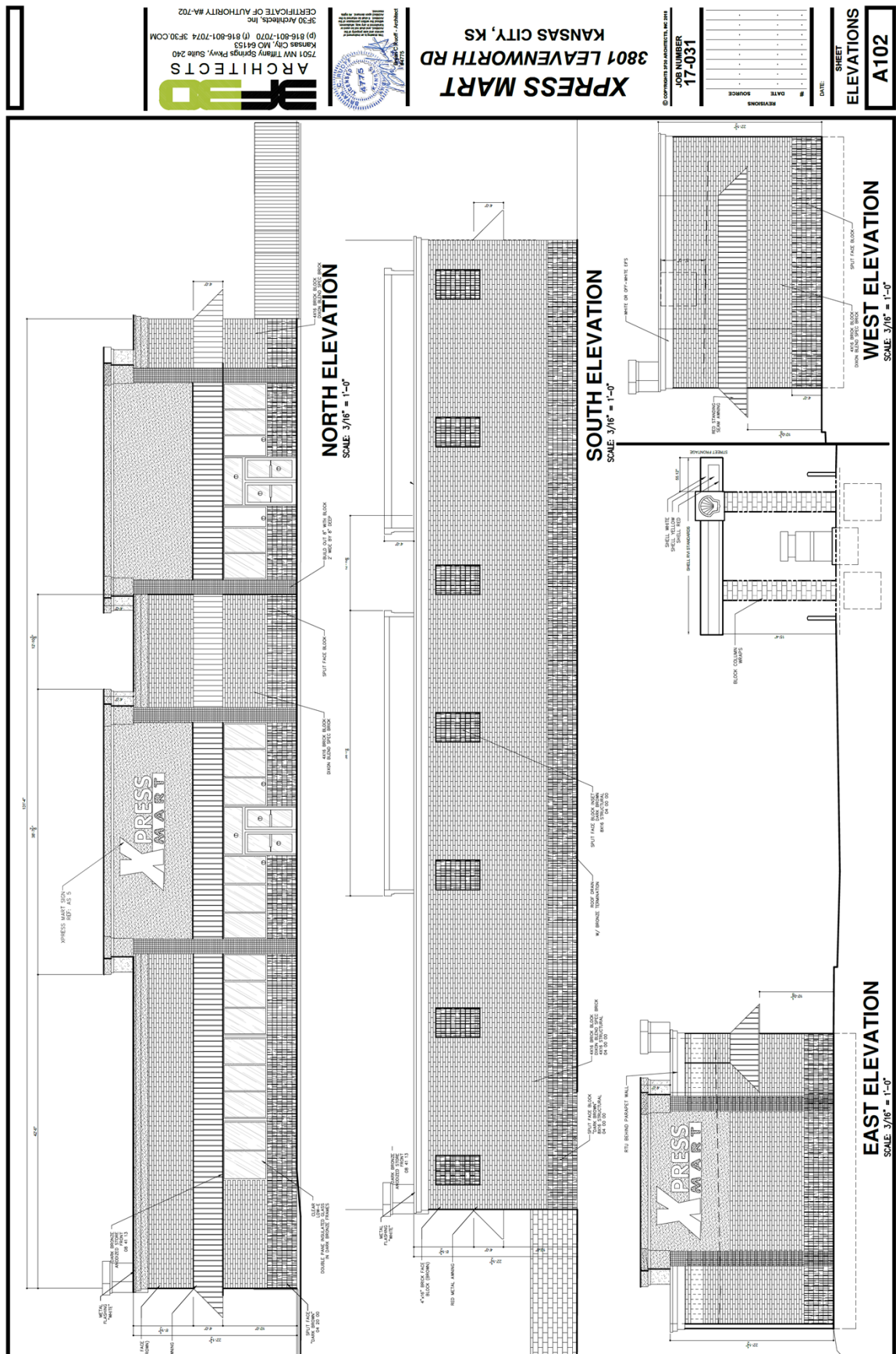
Figure 1. Landscaping along south property line, abutting 3034 North 38th Street residence.

PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	Acer rubrum 'Autumn Blaze' / Autumn Blaze Red Maple	B&B	2.5" Cal.		6
	Amelanchier x grandiflora 'Autumn Brilliance' / 'Autumn Brilliance' Serviceberry	B&B		6' - 8' Ht.	7
	Ginkgo biloba 'Princeton Sentry' / Princeton Sentry Ginkgo	B&B	2.5" Cal.		6
	Gleditsia triacanthos 'Skyline' / Skyline Honey Locust	B&B	2.5" Cal.		5
	Malus x 'Spring Snow' / Spring Snow Crab Apple	B&B		6' - 8' Ht.	7
	Quercus robur 'Regal Prince' / Regal Prince English Oak	B&B	2.5" Cal.		3
	Thuja occidentalis 'Emerald' / Emerald Arborvitae	B&B		5'-6' Ht.	10
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT			QTY
	Juniperus chinensis 'Blue Point' / Blue Point Juniper	5 Gal.			39
	Juniperus virginiana 'Skyrocket' / Skyrocket Juniper	B&B			38
	Pennisetum alopecuroides 'Hameln' / Hameln Dwarf Fountain Grass	3 Gal.			89
	Spiraea japonica 'Shirobana' / Shirobana Spirea	3 Gal.			53
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT			QTY
	Lower Basin / Native Seed	SEED			4,196 sf
	Lower Basin Native Seed: Detention Basin Seed Mix by Prairie Moon Nursery or Approved Equal, ph. 866-417-8156				
	Upper Basin / Native Seed	SEED			11,205 sf
	Upper Basin Native Seed: Tallgrass Exposed Clay Subsoil Seed Mix by Prairie Moon Nursery or Approved Equal, ph. 866-417-8156				







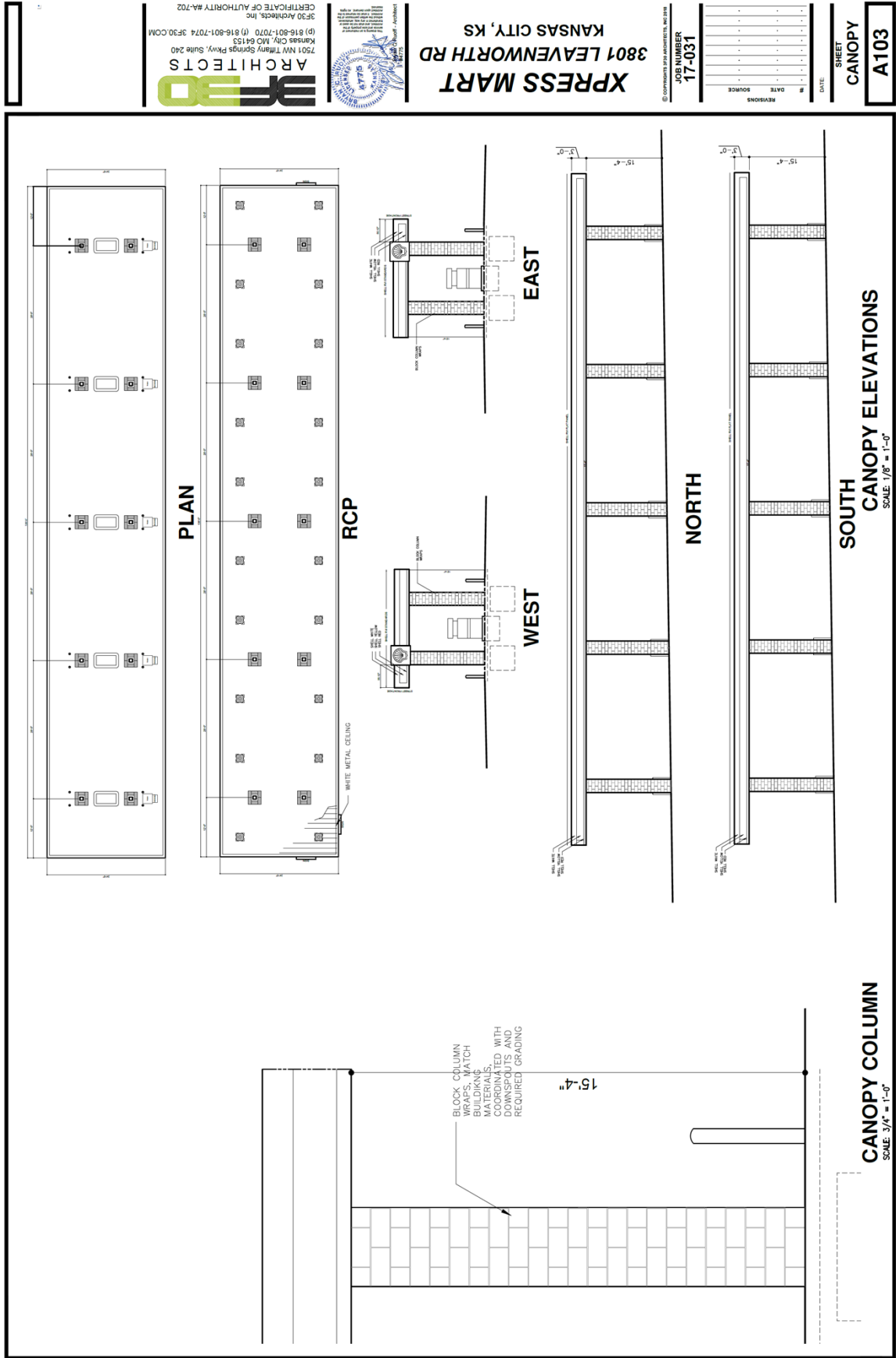




Figure 2. Rendering of development looking from the northeast corner of 38th Street and Leavenworth Road (provided by the applicant).



Figure 3. Rendering of development looking from the northeast corner of 38th and Leavenworth (provided by the applicant).



Figure 4. Rendering of development looking from North 38th Street (provided by the applicant).



Figure 5. Rendering of development looking from the southeast corner of North 38th Street (provided by the applicant).

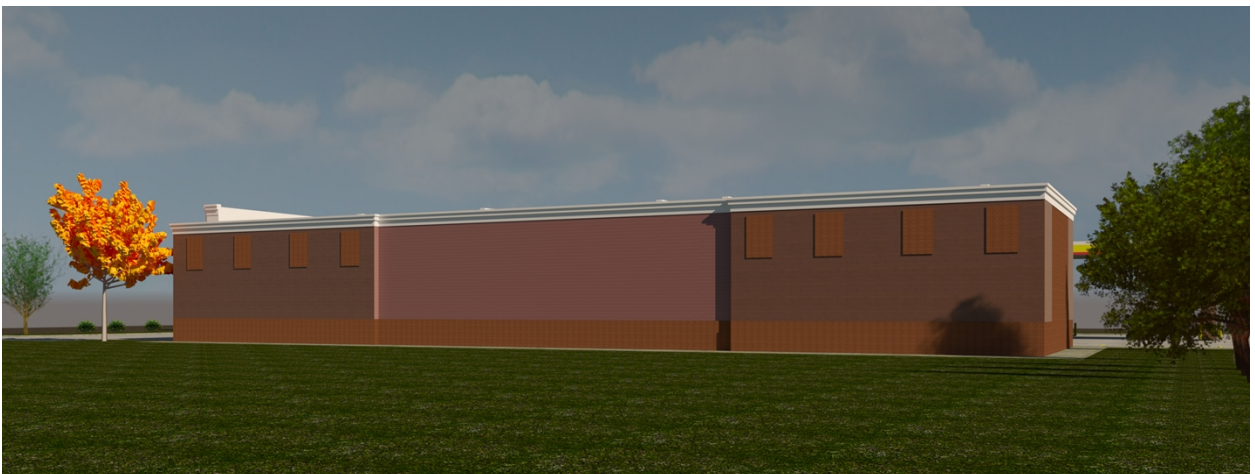


Figure 6. Rendering of building looking from the west (provided by the applicant).



LEAVENWORTH ROAD ASSOCIATION
6100 LEAVENWORTH RD.
KANSAS CITY, KS. 66104

913-788-3988

FAX 877-539-9733

Lrakck@sbcglobal.net

Re: COZ-3159, PR-2018-8

The LRA Board met August 23 to discuss the proposed business of Xpress Mart at 38th & Leavenworth Rd. The board agrees 100% in support of Mr. Jamal and the addition of his business. LRA also sees it as a benefit to bring other development interest into the area.

We had also meet with Mr. Jamal (Applicant) in February for the required Planning & Zoning neighborhood meeting, at a space provided by LRA. Those in attendance were very impressed with his business plan, and his previous accomplishments.

The board is completely in favor of having this new business to further update our newly modernized Phase I project of Leavenworth Rd.

We also understand that in the plans at this point the applicant has purchased 3038 N. 38, Parcel # 105403, directly south of his business lot. Although we would like to see the house of Christine Allen (3034 N. 38, Parcel #105404 and possibly 3030 N. 38, parcel # 105405) to be included, we are not, at any time, stating that it is necessary for our support of the construction. We also agree that Mr. Jamal has established himself with his numerous facilities, and as a businessman, has made wise decisions on his own with his purchases.

Also in researching property of FM Associates, LLC, we have found that their purchase of 1800 Steele Rd., has increased real estate tax from \$16,305.00 in 2017 to \$134,790.00 in 2018. Always an extra benefit to more tax dollars coming in, and being paid.

Louetta (Lou) Braswell

Exec. Director

CC: LRA File

KCK Mayor Alvey

KCK Commissioners

Rob Richardson, P&Z Director

P&Z Commission

September 6, 2018

Greetings,

Yesterday the Mayor and each Commissioner received a letter from the Executive Director of the Leavenworth Road Association concerning COZ-3159, PR-2018-8.

As a fifteen year active member and former Board Member of the LRA, I would like to respond to the letter each received. The letter mentions, "Those in attendance were very impressed with his business plan, and his previous accomplishments." It is important to know who was and who wasn't at the neighborhood meeting this past February. The list at the meeting included;

Mr. Jamal applicant
Mr. Bryan Ruoff architect for the applicant
Three member of the Smith family who were selling lots 1 & 2 in Orchard Heights for the development. **The Smith family sold interest on April 2, 2018.**
Ms. Lou Braswell Executive Director of the LRA
Ms. Deniese Davis Board Member of the LRA
John Cameron only adjoining property owner to the proposed plan

The list of those not in attendance, included all other adjacent or adjoining property owners within 200' of the proposed COZ and PR.

As the only person in attendance, owning property adjoining to proposed development, **I did express support for the plan under three conditions.** In the original plan showed a building facing north with an ingress/egress in close proximity to 38th and Leavenworth Road. I suggested the following;

- 1 Turn the building to face east
- 2 & 3 Do nothing that would have a negative impact upon my two neighbors who own homes to the south of the proposed development who were not able to attend the meeting

As a property owner on this corner for 21 years, we have long worked to try improve our property and to bring development to the area, **but not at the expense of our neighbors.**

In the original application, both the UG Planning Staff and the Kansas Department of Transportation objected to the ingress/egress on 38th Street as being too close to the lighted intersection. These two groups required the applicant to do a Traffic Impact Study to show if there would be a negative impact. After the TIS was completed, it was clear that the original plan would not be acceptable.

The applicant started negotiating to buy the two homes to the south. We initially supported the idea of both homes south of the initial plan area, being included in a new plan, until we discovered some inequities of how the two homeowners were being treated. One property owner

was offered and closed on a contract for a price of \$2.50 per square foot. The second property owner was only offered \$1.18 per square foot. This owner, an elderly lady, will be left with dealing with the nuisance created adjoining her property and placed in a position where her property will have no marketable value.

With the inclusion of the first parcel with a home to the south, the applicant's current plan has the building turned and facing east and the ingress/egress drive to 38th Street the applicant moved to his new south line. The location of the drive in this new location has created a situation and problem that is similar to what had been proposed in the applicant's original plan. Now the applicant's ingress/egress point is not only in extreme close proximity to the last remaining home along this stretch of 38th Street, it is in close proximity to the south bound on ramp to I-635. **What is the Traffic Impact of this new ingress/egress location?**

As I have stated previously, it would be in everyone interest (the applicant's, the UG's, the homeowner and the community at-large) that this property would be acquired and made a part of the development.

The burden of the nuisance being placed upon the sole remaining homeowner on 38th Street who has occupied her home for almost 40 years is wrong and needs to be addressed!

A correction needs to be made to the last paragraph of the LRA letter. On June 25, 2014, FM Associates purchased the property at 1800 Steele Road. Actual taxes for each year are as follows:

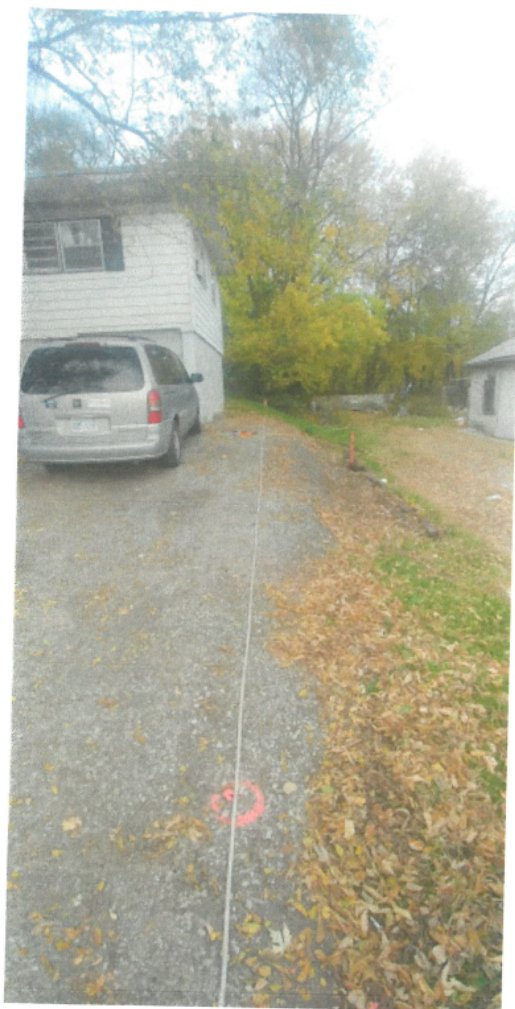
2014	\$ 7,564.98
2015	\$ 7,811.36
2016	\$ 7,701.26
2017	\$ 2,742.40
2018 Projected	\$ 20,000.00

I look forward to having further discussions with all parties of interest.

Thank you.

John Cameron





Encroachment for nearly 40 years by Christine Allen





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 31, 2019
Re: Petition #SP-2018-19

GENERAL INFORMATION

Applicant:
Zoning Enforcement Staff

Owner:
Smith Services
5401 State Avenue
Kansas City, KS 66102

Requested Action:
Revocation of a Special Use Permit

Date of Application:
December 29, 2018

Original Purpose:
For the temporary storage of trailers on site.

Property Location:
5407 State Avenue

Existing Zoning:
CP-3 Planned Commercial District



Existing Surrounding Zoning: **North:** C-1 Limited Business District
South: C-1 Limited Business District
East: R-1 Single Family District and C-3 Commercial District
West: C-1 Limited Business District

Existing Uses: **North:** Office and Retail Uses
South: General Contractor
East: Single Family Residential
West: Vacant Commercial Property

Total Tract Size: 0.47 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Mixed Use.

Major Street Plan: The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare and 54th Street as a local street.

Advertisement: The Wyandotte Echo – January 3, 2019
Letters to Property Owner – January 18, 2019

Public Hearing: January 31, 2019

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jimmy Smith, is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant filed a special use permit to keep the trailers at this location. The request was granted on April 26, 2018 and he has failed to comply with the approved stipulations.

Revocation: The applicant has not complied with the stipulations of the special use permit.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is a mix of residential and commercial properties.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The existing structure is compatible with surrounding properties. However, trailers are not compatible with residential or commercial uses.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

This property is suitable as a commercial property. Removal of the restrictions would detrimentally affect nearby property. By allowing trailers in violation of approved stipulations to be stored on the property, this will degrade the appearance of the area.

4. *The length of time the property has remained vacant as zoned.*

This property has had a variety of business licenses in the past few years including a fireworks stand and a mini market.

5. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the Master Plan. The City-Wide Master Plan discourages industrial uses in the mixed-use district. The storage of semi-trailers is an industrial use.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

Storing semi-trailers at this site is not necessary for the convenience and welfare of the public, and it will substantially injure the appropriate use, visual quality, and marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not foreseen to be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not foreseen to be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not foreseen to be an issue

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

Allowing semi-trailers would harm the public welfare. Revocation of the special use permit would be a minimal hardship on the landowner, they would have to remove the trailers from the property but still may use the property for permitted commercial purposes.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not foreseen to be an issue.

BOARD OF COMMISSIONERS DECISION

On April 26, 2018 the Board of Commissioners approved this application for two (2) years, subject to:

1. No events being held at the facility.
2. They will get permits for any interior work requiring permits.
3. They need to do solid screen fencing along the wall on the east side of the property within 120 days.
4. Fencing and landscaping on the west side of the parcel to hide the trailers within 120 days.
5. Before opening a restaurant/bar or club they would need to do parking count verification with staff to make sure they do not need a special use permit.
6. The site should be cleaned up within the next sixty (60) days.

STAFF COMMENTS AND SUGGESTIONS

The staff **supports** the revocation of this special use permit as outlined below:

1. No events being held at the facility.
2. They will get permits for any interior work requiring permits.
3. They need to do solid screen fencing along the wall on the east side of the property within 120 days.

As of December 4, 2018, no fence has been constructed or installed.

4. Fencing and landscaping on the west side of the parcel to hide the trailers within 120 days.

As of December 4, 2018, no fence has been constructed or installed, and no landscaping has been installed.

5. Before opening a restaurant/bar or club they would need to do parking count verification with staff to make sure they do not need a special use permit.
6. The site should be cleaned up within the next sixty (60) days.

As of December 4, 2018, the only significant change to the property was the removal of the 3rd semi-trailer and the repositioning of the two remaining trailers onto the improved surface behind the building. There remain several passenger

cars and trucks, a recreational trailer, a recreational motorhome, outdoor equipment, trailers, junk, trash, and debris stored on both this parcel and the adjoining parcel.

Mr. Smith was sent summonses to Municipal Court for the above violations existing on September 27, 2018. A pre-court inspection of the property on November 6, 2018 and on December 4, 2018 both showed no changes to the above violations from September 27, 2018.

Mr. Smith requested a trial that was set for December 5, 2018 in order to contest these charges. Mr. Smith failed to appear in court. The Unified Government was granted a default judgement against Mr. Smith on all charges.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **REVOCATION** of Petition #SP-2018-19.

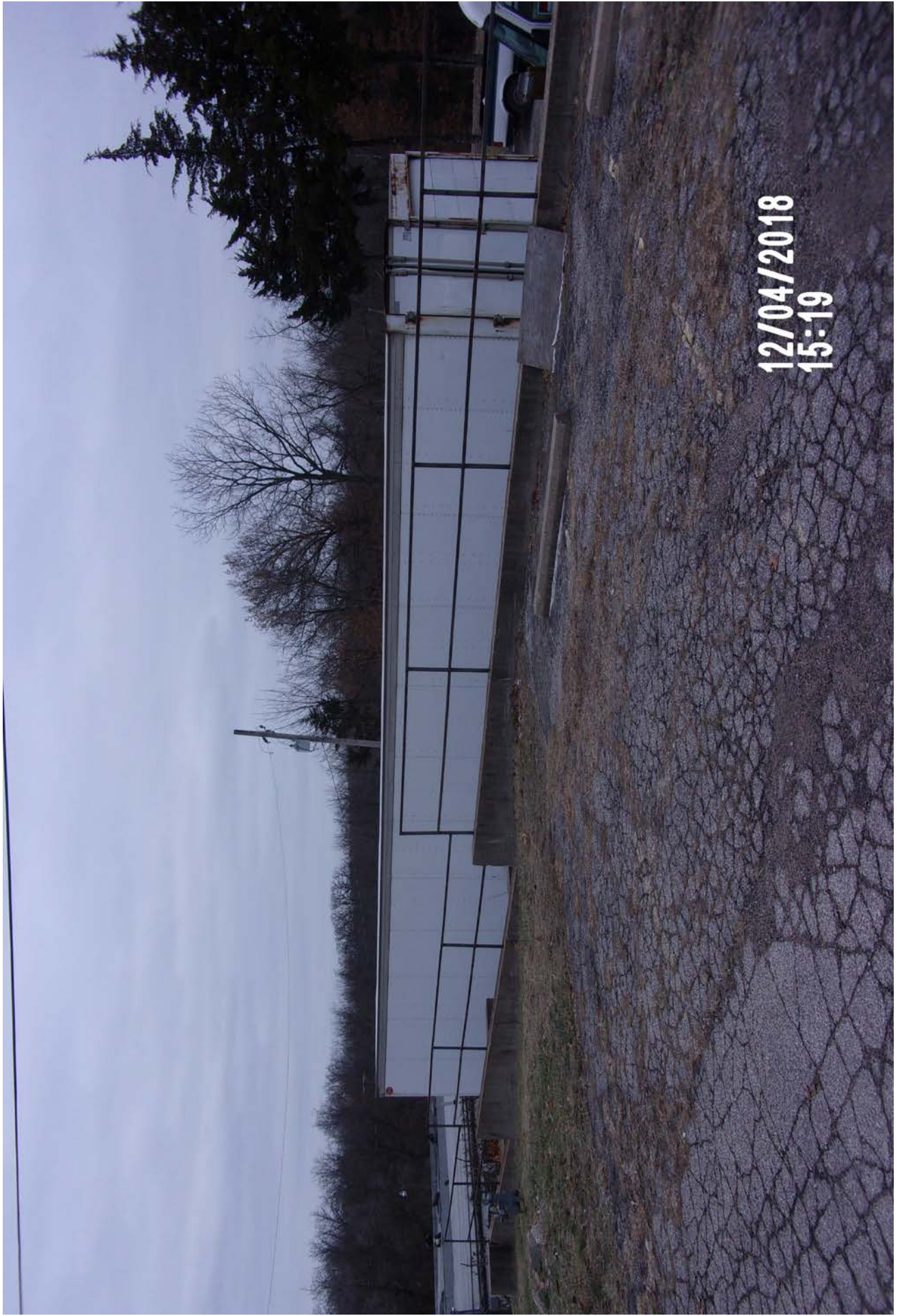
ATTACHMENTS

Site Photos from December 4, 2018
Original Site Plan

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE THE REVOCATION OF** Petition #SP-2018-19 **for the reasons outlined in the staff report.**





12/04/2018
15:19



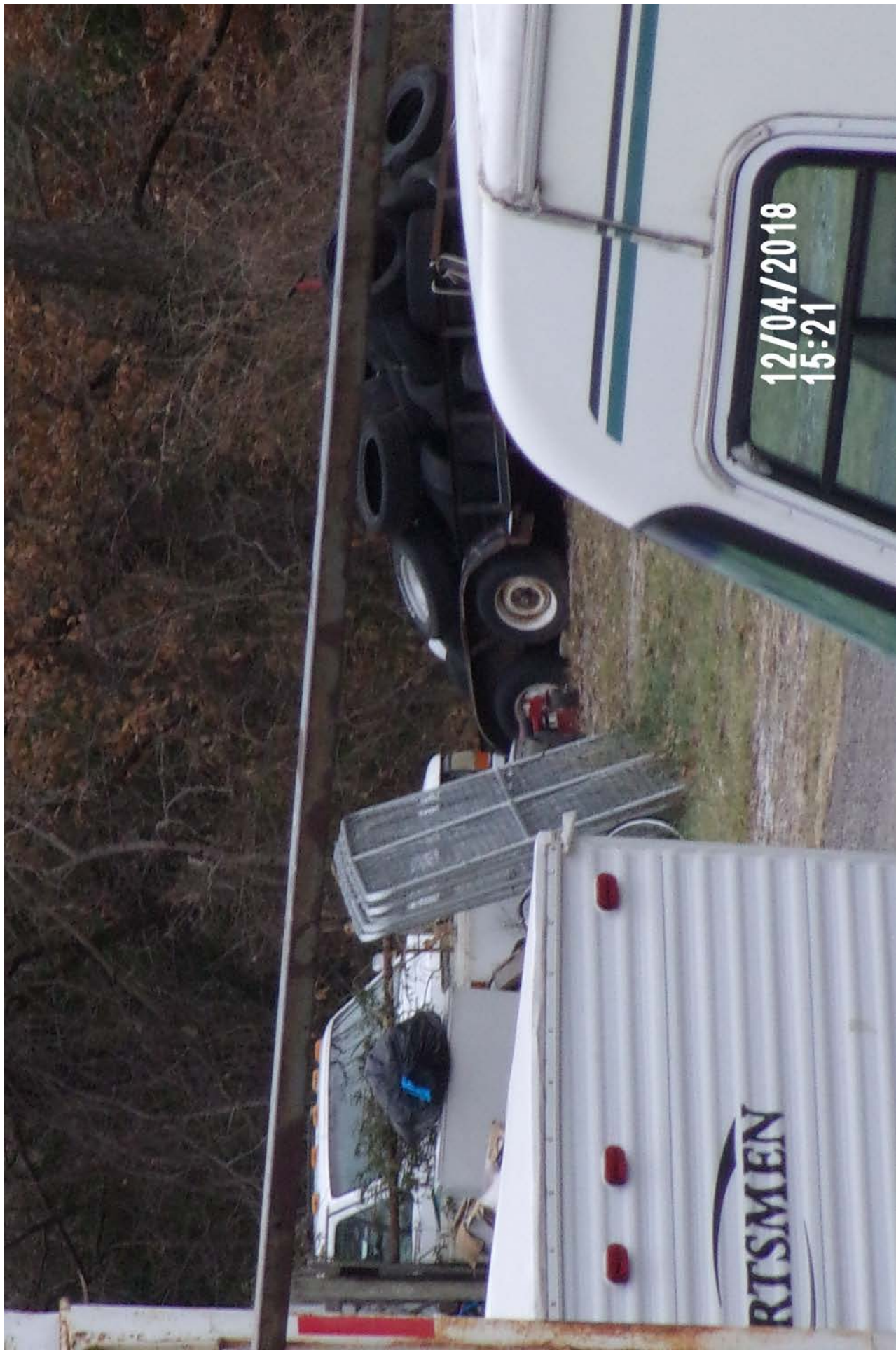
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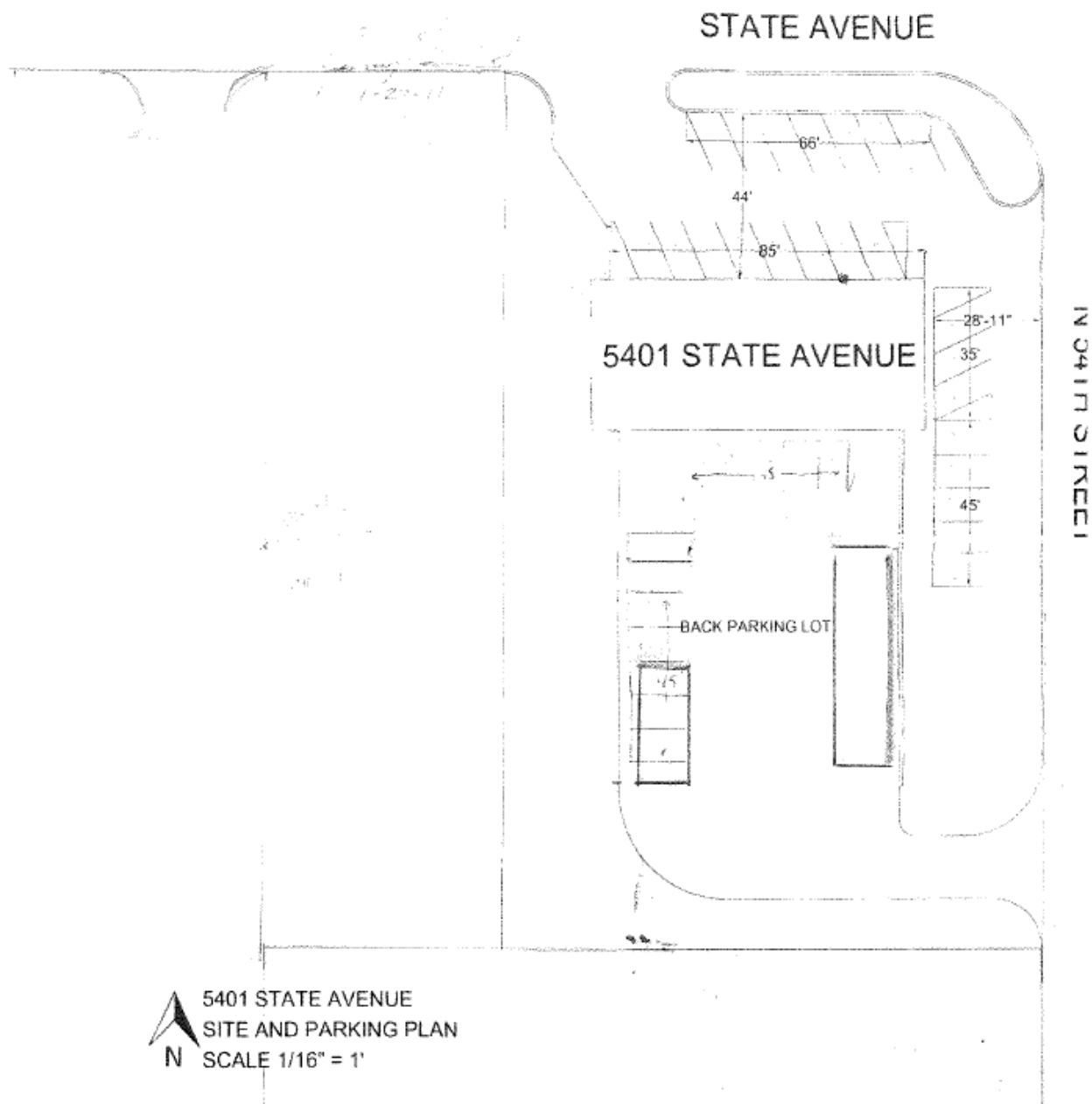


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12/04/2018
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**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 24, 2019

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: KING ESTATES, 2ND PLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of KING ESTATES, 2ND PLAT, located along 124th Terrance north of Hollingsworth Road, being developed by Reginald B. King.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

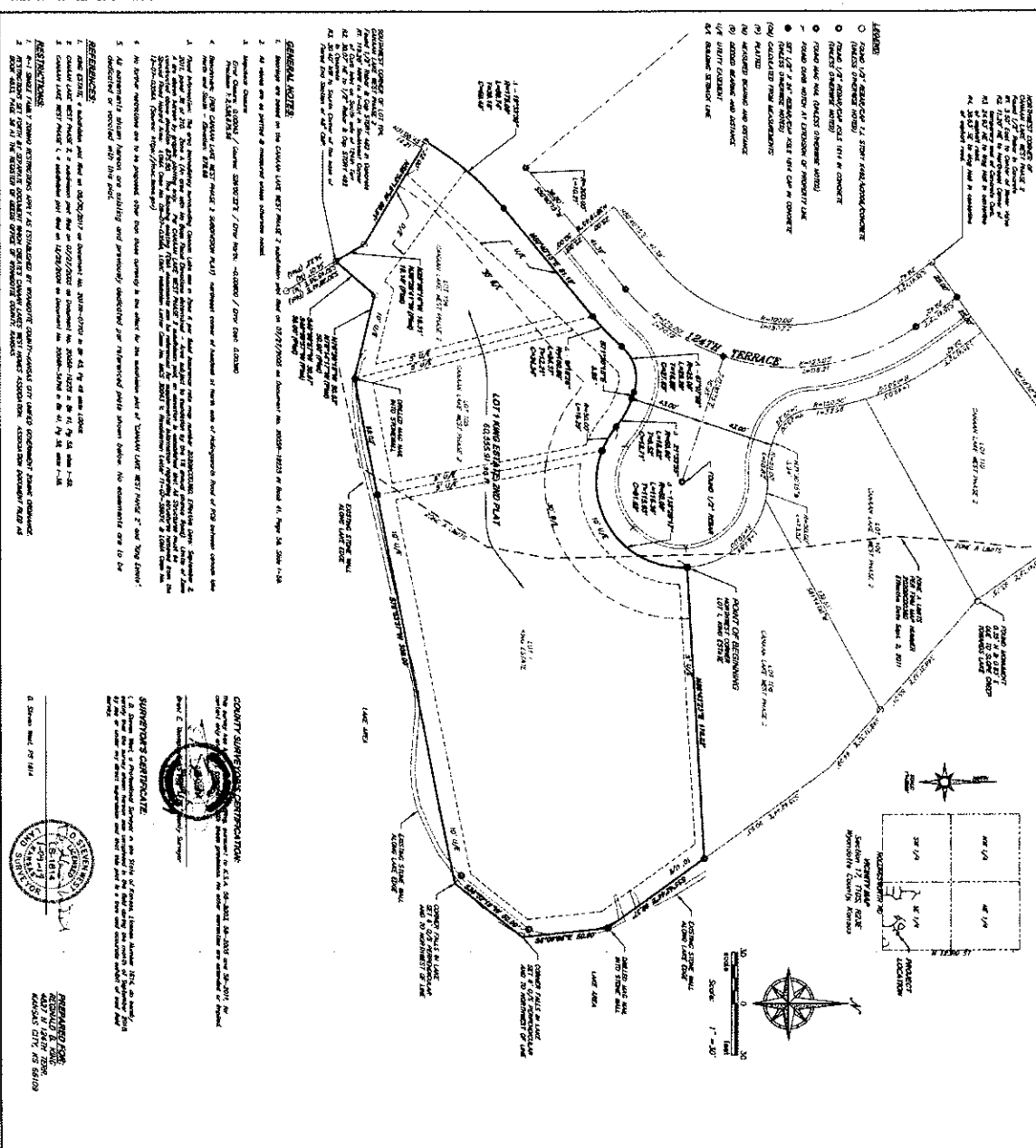
Respectfully submitted,

Brent E. Thompson, PS., CPM
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

Final Plat of
KING ESTATE, 2nd Plat
*A Report of Lot 1, King Estate and lots 104 and 105, Canaan Lake West Range 2,
a subdivision in the Southeast Quarter of Section 17, Township 10 South, Range 23 East
of the 6th P.M., in the City of Kansas City, Wyandotte County, Kansas*

[illegible]



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 24, 2019

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: DELAWARE PARK

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of DELAWARE PARK, located along North 74th Drive south of State Avenue, being developed by NorthPoint Development.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

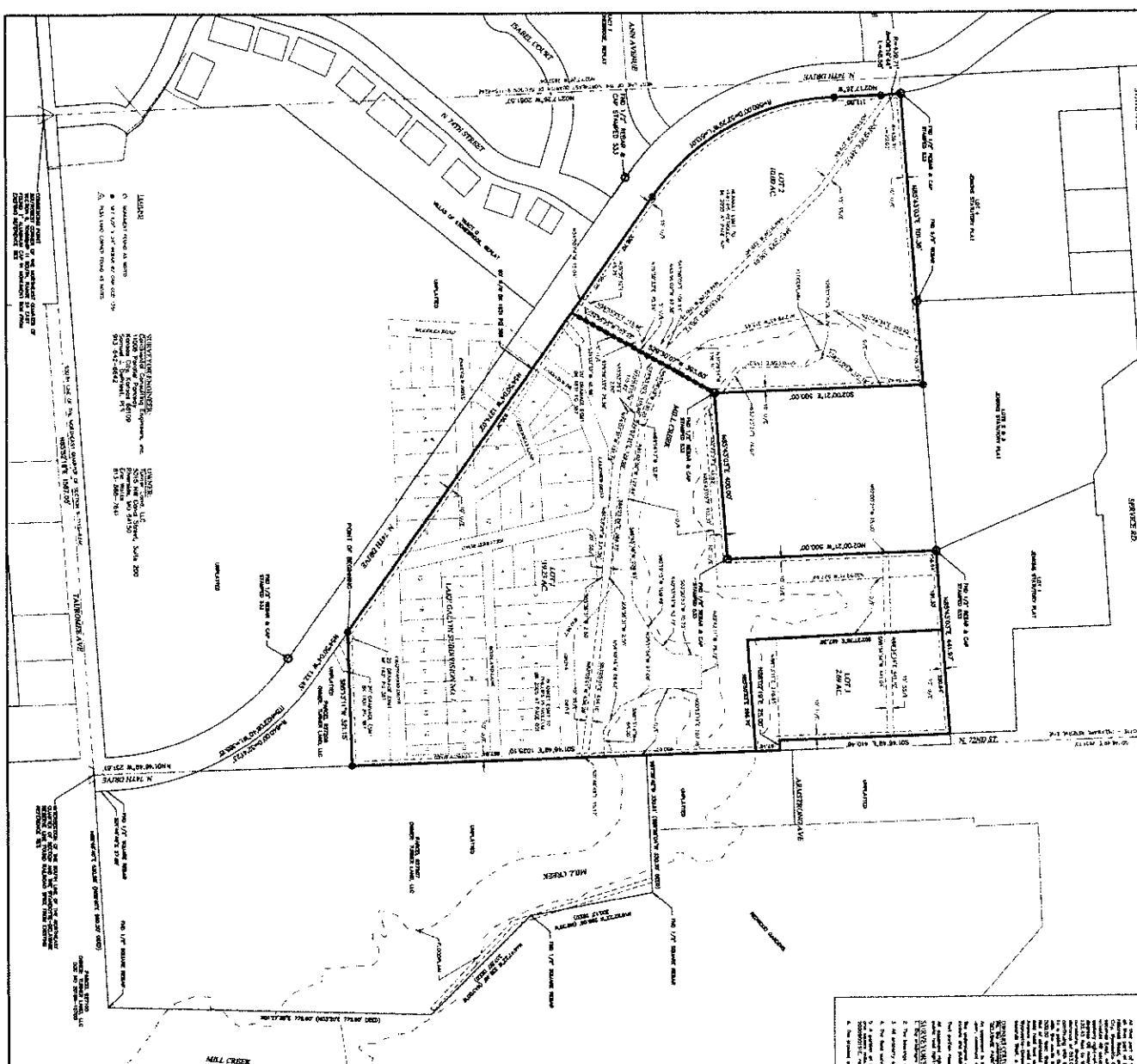
Brent E. Thompson, PS., CPM
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT DELAWARE PARK

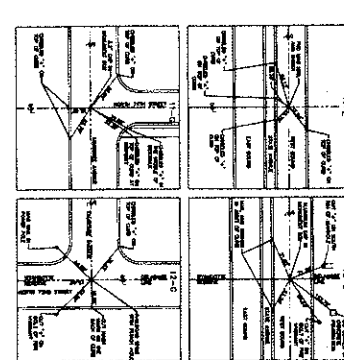
PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 21 EAST



DELAWARE PARK

The following is a description of the land shown on the plat, which is a part of the Northeast Quarter of Section 9, Township 11 South, Range 21 East, County of Wyandotte, State of Kansas. The land is divided into lots of various sizes, and the plat shows the boundaries of each lot. The land is owned by the State of Kansas, and the plat is being filed for record to show the division of the land into lots.

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

**PLANNING & ZONING AND
REGULAR SESSION
NOVEMBER 29, 2018**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 29, 2018, with eleven 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Ken Moore, Chief Legal Counsel; Robin Richardson, Director of Planning; Janet Parker, Administrative Assistant; Katherine Carttar, Interim Economic Development Director; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Cynthia Smart, Mason Memorial United Methodist Church.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said there are no revisions, Mayor.

PLANNING AND ZONING CONSENT AGENDA

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by our regular commission meeting. I'd ask the Clerk now

to read the statement required by state law governing the Planning & Zoning portion of our meeting followed by the items on the Planning & Zoning Consent Agenda.

Ms. Cobbins read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner Bynum** disclosed contact with opponents of #SP-2018-91 and proponents of #PR-2018-17. **Commissioner Kane** disclosed contact with proponents of #SP-2018-91. **Commissioner Philbrook** disclosed contact with proponents and opponents of #SP-2018-87, opponents of SP-2018-91 and proponents of PR-2018-27.

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

Mayor Alvey asked if any member of the Commission or anyone in attendance tonight wished to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Katherine Gray Harsh, 3800 Lloyd Street, KCK**, requested to set-aside #SP-2018-90, the special permit for the Rosedale Substation. **Robin Richardson, Director of Planning**, requested to set-aside items D-4 and E-1 related to the Northeast Area Master Plan to add a minor text amendment to the plan related to the Exodusters and the history of that particular area of the community. **Commissioner Kane** said I'd like to remove #SP-2018-91.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 18525...CHANGE OF ZONE APPLICATION #3165 – ALTON HOLLOWAY

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 3441 North 51st Street, submitted by Robin Richardson, Director of Planning. Mr. Holloway is seeking a rezoning of his 8.25-acre property to use the property for residential and agricultural processes and have more than one accessory structure on the property. The Planning Commission voted 6 to 0 to uphold its previous action and recommends approval of Change of Zone Application #3165, subject to:

Urban Planning and Land Use Comments:

1. How many structures are currently on the property and what are their uses?

Applicant Response at meeting: Four structures that are used for housing of the animals. There was a house on the property but it burned.

2. Do you plan to keep livestock on the property? According to the neighbor there are horses and goats on the property.

Applicant Response at meeting: Yes – There are 10 horses, 8 goats and 5 or 6 chickens.

3. The neighbor concerns regarding animals do not play a direct role here in that the applicant has more than 5 acres and can have animals with or without the zoning approval.
4. The applicant shall keep all livestock 50 feet from the north, south and east property lines.
5. Applicant shall work with the Conservation District to correct issues within six months. Staff will not publish a rezoning ordinance until the Conservation District issues are corrected.
6. Applicant shall provide proper shelter for all animals on site.

Applicant Response at meeting: The shelters on the property are used to house the animals.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3165, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 18526...CHANGE OF ZONE APPLICATION #3171 – GLENN EASTWOOD AND BECKY EVERETT WITH GLENN'S PRE-OWNED APPLIANCES

Synopsis: Change of Zone from R-1(B) Single Family District to C-3 Commercial District for storage of used appliances at 817 Central Avenue.

And

ITEM NO. 3 – 18537...MASTER PLAN AMENDMENT #MP-2018-4 – GLENN EASTWOOD AND BECKY EVERETT WITH GLENN'S PRE-OWNED APPLIANCES

Synopsis: Master Plan Amendment from Urban Residential to Community Commercial at 817 Central Avenue, submitted by Robin Richardson, Director of Planning. The applicant is seeking a rezoning to C-3 for the site to be used as a pre-owned appliance store. There are two buildings on the lot. For the proposed rezoning, a master plan amendment is required from Urban Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan). In 2003, the property was rezoned from C-3 to R-1(B) as part of a neighborhood downzoning. The current owners did not own the property at that time. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment #MP-2018-4 and Change of Zone Application #3171 to CP-3 Planned Commercial District, subject to:

Urban Planning and Land Use Comments:

1. Provide a landscape and screening plan that shows how the property will meet the following requirements:

- a. The CP-3 Planned Commercial District landscaping requirement is one tree per 7,000 square feet of site area.
- b. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Screening is required along the east, south and west property lines.
- c. Screening shall not impede the sight triangle at the intersection of Central Avenue and South Mill Street.

Applicant Response: The main building is effectively along the boundary and, therefore, we or the neighbors would see no benefit to fencing/screening along the easterly and southerly boundaries of the site.

2. Provide parking layout to show the existing number of parking spaces available.

- a. All paved areas must be utilized for parking. Any storage in paved spaces shall require a variance through the Board of Zoning Appeals.

Applicant Response: Parking spaces will be marked. There is no intent to have outside storage.

3. What is the current use of the building in the southwest corner?

Applicant Response: The second building is also used for storage.

4. Property maintenance issues must be resolved.

- a. Both buildings show paint is peeling. The building in the southwest corner is also multiple colors. Buildings shall be scraped and repainted one color.
- b. A sign permit must be obtained for all signage on site.
- c. Trash enclosure shall be screened.
- d. Outside storage in parking areas or within the sight triangle is not permitted.

Applicant Response: The site now is much neater and clear. Both buildings are in the process of being prepared for painting. Sign permit will be obtained. Trash enclosure is planned. Outside storage within the sight triangle will not happen. Both buildings were power washed in preparation for painting. The existing street tree on Central at the northeast corner of the site is causing damage to the sidewalk.

5. Provide a site plan depicting all parking. Parking areas may not be converted to storage without a variance.

Staff Response: Site plan has not been received.

6. If outside storage is desired, a parking variance is required. Only 20 percent of the building area may be used as outside storage area. Outside storage must be completely screened with a solid fence with masonry pilasters every 32 feet.

Applicant Response: There is no intention to have outside storage. The only time there is items outside is when they trade in goods they are generally in a very poor condition and likely to have bugs, etc. which the client does not wish to bring into the storage buildings. These items are generally in the back of a pick-up truck located towards the rear of the site and would be removed from the site on average every three days.

Staff Response: The applicant will need to find an alternate site for this activity. This would be considered outside storage.

Public Works Comments: None

Staff Conclusion:

Per the applicant there will be no outside storage. This is a stipulation of approval. The trash enclosure can remain in its currently location, as depicted on the site plan submitted by the applicant on November 13, 2018. As the main building is on the property line, screening will not be required along the building to the east and south; however, will be required along the south

where there is visibility to the adjacent alley and also required to screen from view of Central Avenue in areas where storage will occur.

No landscaping or fencing shall be allowed in the sight distance triangle. UG Standard for sight distance triangle is laid out in Section 8-198. All corner lots shall provide two sight distance triangles, the short leg of which shall be 20 feet and the long leg of which shall be 140 feet measured along the curb line or edge of pavement. Such area shall be and shall remain free of shrubbery, fences or other obstruction to vision more than two feet high, measured from the roadway.

Based on the above, it appears a portion of the ornamental fence is within the sight triangle and will need to be moved.

All improvements must be completed before the zoning ordinance will be published. The applicant has six months from the date of approval to complete the improvements or any approval will be void.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Master Plan Amendment #MP-2018-4 and Change of Zone Application #3171, to CP-3 Planned Commercial, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Action: RESOLUTION NO. R-57-18, “A resolution adopting the Northeast Area Master Plan.” Commissioner Johnson made a motion, seconded by Commissioner Kane, to adopt the resolution. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18524...SPECIAL USE PERMIT APPLICATION #SP-2018-76 – RAY HENSON WITH CAR CLINIC AUTO SALES

Synopsis: Renewal of a Special Use Permit (#SP-2016-39 - expired 5/9/2018) for an auto dealership at 1270 Southwest Boulevard, submitted by Robin Richardson, Director of Planning. The applicant wishes to continue to sell loud automobiles and provide an auto detailing service.

The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-76, subject to:

Urban Planning and Land Use Comments:

1. How many vehicles have you sold since your initial special use permit approval?

Applicant Response: 30 vehicles.

2. What are your hours of operation?

Applicant Response: Monday through Friday, 8:00 a.m. to 6:00 p.m. and Saturday, 8:00 a.m. to 3:30 p.m.

3. How many vehicles do you plan on having on the property at any one time?

Applicant Response: 3-5 vehicles at one time.

4. Vehicles that are for sale and/or to be detailed shall be parked in a striped, designated parking stall. They may not be double or triple stacked.

Applicant Response: Yes.

5. Overhead doors shall remain closed when vehicles are being detailed. *Applicant Response:* Okay.

6. The parking lot must be restriped and comply with the ADA.

Applicant Response: Understood.

7. While staff understands that this site is entirely pavement, this ordinance requires compliance with the Commercial Design Guidelines. The guidelines require that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore, 4 trees are required to be planted.

Even though the zoning is industrial, commercial uses must comply with the Commercial Design Guidelines and commercial parking requirements.

The concrete pavement will need to be saw cut out in order to plant these trees.

Please indicate how you have complied with this stipulation upon your approval in 2016.

Applicant Response: The landlord says I cannot do it.

Staff Response: The landlord does not have the authority to circumvent the stipulations of your special use permit. You and/or your landlord must install four trees by April 1, 2019, presumably after the last freeze, or staff will begin the revocation process of your special use permit.

Public Works Comments: None.

Staff Conclusion:

Previously, staff has responded to this same issue with a landlord not wanting to install landscaping and parking lot islands for an auto repair shop at 4439 Shawnee Drive (#SP-2017-72). Their special use permit was ultimately approved, four months after the City Planning Commission initially heard the petition so the applicant could comply with the approved stipulations.

The applicant has met with staff to review the four locations on site where the trees will be planted. The applicant has committed to plant the trees against his landlord's refusal. This special use permit shall be valid for two years; however, upon inspection of the applicant's business, if four trees are not installed by April 1, 2019; again, presumably after the last freeze, staff will immediately begin the revocation process of the special use permit for not complying with the stipulations.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-76 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 18528...SPECIAL USE PERMIT APPLICATION #SP-2018-87 – CLIFFORD DALE

Synopsis: Renewal of two special use permits for earthen fill (#SP-2015-72 and #SP-2015-74 - expired 3/31/2018) at 5700, 5737, 5831, 5831R, 5832, 5841 and 5900 State Avenue, 1007 North 57th Street and 1204 and 1215 North 59th Street, submitted by Robin Richardson, Director of Planning. The applicant, Clifford Dale, is looking to renew two special use permits and combine them into one. They are hoping to continue operating out of their current earthen fill site to meet the grades at State Avenue and potentially attract future development to the properties. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-87 for six months, subject to:

1. Survey the commercial area and keep all the non-fill related equipment in that area.

2. Remove all the trailers, storage containers and old equipment from the residentially zoned areas.
3. The existing fill is tested for fill depth to see if it is appropriately compacted (since it appears they are not putting in with lifts and are dumping it over the edge of the back of the slope at each point in time.
4. They will install the appropriate silt control if it is not there.
5. They will maintain the appropriate hours of operation, which are the current hours of operation (not the requested revised hours.)
6. If fill comes to the site in the future that is too large, it will be set aside and crushed before it is put in the fill.
7. If there is any other activity going on at the site that is outside the boundaries of this special use permit, the owner will contact the neighbors and Director Richardson by letter at least one week in advance of it occurring.
8. A plan is submitted within three weeks to the staff concerning a completion time-line of the project.
9. A remediation plan is submitted within three weeks to the staff concerning how the existing issues will be resolved within the next six months (while the fill operation continues.)

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-87 for six months, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 18529...SPECIAL USE PERMIT APPLICATION #SP-2018-88 – JOE HEIDRICK WITH CACTUS BED PROPERTIES

Synopsis: Special Use Permit for a short-term rental Airbnb at 4313 Rainbow Boulevard, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-88 for one year, subject to:

Urban Planning and Land Use Comments:

1. How long has the business been in operation?

Applicant Response: The business has not been initiated yet.

2. Were neighbors consulted prior to opening the business?

Applicant Response: A neighborhood meeting was held on October 24th and continued consultation will follow.

3. Do you have a business license?

Applicant Response: I will obtain a business license once the property is permitted.

4. Have you paid appropriate lodging taxes?

Applicant Response: There have been no occupants at this point.

5. How many rooms are rented?

Applicant Response: The entire house will be rented, 3 bedrooms with maximum of 8 occupants.

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

Applicant Response: 8 people is the max.

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

Applicant Response: 3 vehicle maximum.

8. How often are guests in the residence?

Applicant Response: The house will be available for rent 24/7.

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

Applicant Response: Rental license is in process.

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

Applicant Response: The property is a 3-bedroom house with a large kitchen and a small kitchenette in the second level. There are 2 full bathrooms and an unfinished basement tenants will not have access to.

11. As this is not your primary residence, where are you located?

Applicant Response: My residence is 625 W. 58th Terr., Kansas City, MO 64113

12. How often do you visit the property?

Applicant Response: I am at the property 2-3 days a week.

13. Who is responsible for issues that may arise when guests are in the unit, if neighbors have concerns, or to clean and prepare the house between guests?

Applicant Response: I maintain this property and am contacted for any issues. All tenants and neighbors have my direct contact information.

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Yes, everyone within 200 feet of property.

15. Describe how you 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

Applicant Response: These items are all addressed in the rental licensing process.

Business License Division Comments:

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

Public Works Comments: None.

Stipulations of Approval:

1. Host will maintain a safe environment described above.

2. Host will obtain a business license with the City.
3. House may only be rented as a single unit to one renter at a time.
4. Approval is for one year.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-88 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 4 – 18530...SPECIAL USE PERMIT APPLICATION #SP-2018-89 – RAYMOND (LUKE) KUSH WITH LUKE KUSH CORPORATION

Synopsis: Renewal of a Special Use Permit (#SP-2016-42 - expired 5/26/2018) for a parking lot at 1327 Minnesota Avenue, submitted by Robin Richardson, Director of Planning. The applicant, wants to renew a special use permit for a parking lot on a property located at 1327 Minnesota Avenue. This property has been cited by Code Enforcement. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-89 for two years, subject to:

1. A security camera is installed on their building on the north side of Minnesota Avenue and it is pointed towards the parking lot so they can see what is going on.
2. Keep a “No Parking” sign posted.
3. Continue to have the (unauthorized) cars towed.
4. Restore the landscaping according to the plan by April 1, 2019.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-89 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – 18531...SPECIAL USE PERMIT APPLICATION #SP-2018-90 – MARK RUSSELL WITH BOARD OF PUBLIC UTILITIES

Synopsis: Special Use Permit for Rosedale Substation at 3777 Lloyd Street, submitted by Robin Richardson, Director of Planning.

And

ITEM NO. 1 – 18532...VACATION APPLICATION #R/W-2018-6 - MARK RUSSELL WITH BOARD OF PUBLIC UTILITIES

Synopsis: Vacation of right-of-way at 3777 Lloyd Street, submitted by Robin Richardson, Director of Planning. The Board of Public Utilities will construct a 161/13.2-Kilovolt Rosedale Substation to replace the current Fisher Substation. The new substation will provide for the current and growing needs of the area. It will have new high voltage power lines associated with the facility that interconnect to other substations to provide uniform power service for the area. The project will require significant dirt work and dirt removal from the site. The BPU has stated its intent to turn the excess project area back to the community for trails, etc. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-90 and Right-Of-Way Application #R/W-2018-6, subject to:

The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-90 and Right-Of-Way Application #R/W-2018-6, subject to:

Urban Planning and Land Use Comments:

This project will have a profound impact on the visual quality of some adjoining properties. Concerns regarding this issue are listed (as letting the remaining trees do the screening.) Any concerns related to this issue should be carefully considered.

1. Following the vacation action, the Board of Public Utilities intends to consolidate all of the parcels. This must be done prior to issuance of various permits to prevent utilities from crossing property lines.

Applicant Response: The BPU is currently in one open court issue with one landowner who is disputing the amount of condemned parcel compensation. The BPU expects the matter to complete in late November 2018 and then consolidate all parcels to meet the commission's intent.

2. Please provide a detailed landscape plan. The plan should, to the greatest degree possible, replace the forest in areas where it will not interfere with the future power lines.

Applicant Response: The BPU's original plan considered the heavily dense forest area around the substation and determined that complete clearing would be harmful to the existing aesthetics to the neighborhood. BPU kept the entire natural tree-lined perimeter around the substation equipment to hide/blend the facility from street, house and road views. In addition, the BPU will offer land to the Park Service to improve upon existing trails once substation construction is complete.

Staff Response: There will need to be a landscape plan for the entry area and for any areas not screened by existing trees that remain. Staff can approve prior to issuance of permits.

3. Describe the potential haul routes. A street assessment will be required on minor local streets utilized for the haul route before and after the project. The applicant will be responsible for repairs.

Applicant Response: The primary construction entrance into the construction site is off South Minnie Street. The route will have trucks turn right out of the substation and travel north along South Minnie Street. Trucks will turn left and continue northwest on North Iowa Street until reaching Southwest Boulevard. Trucks will either turn left or right on Southwest Boulevard depending on their dump location. The BPU requires the awarded contractor to initiate the haul permit process by 9 February 2019 and to video the route and curb and gutter areas for damage and document existing damage to avoid disputed damage claims.

4. Describe how the unused property will be returned to public use.

Applicant Response: The BPU submitted plans to the Commission to use the road right-of-way along South Minnie to connect the existing sidewalk and continue down to S. Iowa Street. In addition, the BPU briefed the Rosedale Association in November 2017 on its intent to allow the public to use and maintain walking trails. In addition, BPU purchased property on the west side of S. Minnie Street that the public can use for walking trails. Prior to the UG purchasing the land, the trails were on private property; and although public use was allowed, this was not a guaranteed asset to the community. With BPU purchasing the land, the county has full rights to any new walking paths.

5. In the BPU comments, they indicate the proper solution to turn around issues is a cul-de-sac. They also indicate the UG should build a cul-de-sac for 38th and for Lloyd to alleviate citizen concerns. While it does not appear a cul-de-sac on 38th Street is not related to this project, the Lloyd Street issue is exacerbated by the fact that now the street cannot ever be a thru street due to this project. The BPU is responsible for this improvement. They cannot obligate the Unified Government to these improvement as they identified it as the necessary improvement to rectify the issue. The BPU will provide additional public improvement plans for the cul-de-sacs prior to any permits being issued.

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):
The County Surveyor makes separate technical review of the vacation of right-of-way documents and submits comments directly to the preparer of the plat. Provide revised vacation 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.

Rob Richardson, Director of Planning, said representatives of the Board of Public Utilities are here this evening. They've applied to build a new Rosedale Substation. It's in an area just north of Lloyd Street. It will replace the existing Fisher Park Substation. I believe Pat Morrill is here and he can address any specific comments related to the proposal.

Pat Morrill, Director of Electrical Engineering, Kansas City Board of Public Utilities, 10923 Winchester Drive, KCK, said BPU is in the process of constructing the new Rosedale Substation to replace the antiquated 69 kV Fisher Substation that's located in Fisher Park. The new substation is located roughly about 600 – 800 feet north of the Fisher Substation. It's on property that right now is a treed area. The substation itself will be constructed. We have to tear down the hill approximately 35 feet down to be able to have enough room to build the new substation. It's going to be 161 kV with two transmission lines that will enter the substation, one off of South Minnie Street to the west. The other will come down South Cherokee from the north, really South Minnie is on the west side, but it will go north of there and then off to the west of our substation.

This substation is needed to improve reliability to the Rosedale area. Right now, it's two major single points of failure on the Fisher Substation. The new substation and new transmission lines will mitigate those issues and provide better service to the whole community as well as provide growth for new businesses and KU Hospital.

Mayor Alvey opened the public hearing and asked if anyone would like to speak in favor of this petition. No one appeared in favor.

Mayor Alvey asked if anyone would like to speak in opposition.

Katherine Gray Harsh, 3800 Lloyd Street, KCK said if you can see, is the angled rectangle right below the green dot. Yes, that's my house. The reason I bought it was because of the green space behind it. This is no longer a treed area. They've clear cut the entire center of that greenspace that you see there and the trail surrounds that space. This is supposed to be greenspace enjoyed by Rosedale residents. In actuality, it's going to be an industrial eyesore and a health hazard to the neighborhood as well as light pollution and noise pollution if they have a similar Google fan station that they have at Fisher Substation. I'm opposed to it for those reasons.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2018-90 and Right-of-Way Application #R/W-2018-6, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 – 18533...SPECIAL USE PERMIT APPLICATION #SP-2018-91 – MARK MURDICK

Synopsis: Special Use Permit for auto sales, detailing, light maintenance and repair at 7521 Nebraska Avenue, submitted by Robin Richardson, Director of Planning. On behalf of the property owners, Opes Commercial Real Estate, the applicant, Mark Murdick of Sullivan Palmer Architects, would like to obtain a special use permit to operate an auto sale and repair business at the site of a previous self-service car wash. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-91 for two years, subject to:

Urban Planning and Land Use Comments:

1. Please provide a more detailed description of the uses and what the operation will entail.
Applicant Response: Primarily, the building will be used for auto sales and auto detailing. The maintenance bays are used to support the auto sales by providing the means of performing cleaning, light auto repair and maintenance, if needed. The light auto repair shall entail cosmetic upkeep (buff scratches, replace headlights, etc.) and the light maintenance shall entail fluid exchanging and top-off (engine, transmission, brake fluids).

2. The building is over 4,200 square feet, which requires seventeen parking spaces; however only six are depicted on the site plan. Additionally, please illustrate on the site plan the location of vehicles for sale. Please revise and resubmit.

Applicant Response: We acknowledge the need for additional spaces. Please see sheet AS1 for additional parking spaces and their dimensions [Rev 11]

3. Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles, including additional inoperable vehicles, may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet.

Applicant Response: Please see sheet AS1 [Rev 12]

4. The stucco that is proposed on the building shall be true, integrally-colored stucco, not E.F.I.S. or field painted after the stucco has been applied.

Applicant Response: Please see exterior elevations on sheet A2 for stucco note [Rev 13]

5. Overhead doors shall be closed at all times except when vehicles are being loaded and unloaded into the bay.

Applicant Response: Please see sheet A1 for overhead door note [Rev 14]

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

Applicant Response: Please see sheet AS1 for existing note (note 2) for resurfacing and re-striping.

7. 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.

Applicant Response: We acknowledge this comment and shall have a separate sign permit obtained during the building permit plan review process.

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

Applicant Response: There will be no displays on sidewalks.

9. 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.

Applicant Response: Acknowledged.

Public Works Comments:
General Engineering Review No. 1

1. Depending on the condition of the vehicles being serviced and repaired and stored in the additional bays, storm water quality hotspots may be applicable.

Applicant Response: We acknowledge the possibilities of storm water quality hotspot applicability.

2. Will the proposed auto service include changing oil and fluids? How do the oil changing areas drain? i.e., are there floor drains? In areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connection(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable. Further discussion with staff may be needed prior to resubmittal.

Applicant Response: We have included a sand/oil separator to the plan and a detail [Rev 1].

3. On the cover sheet, provide utility contact information for the Unified Government, sanitary sewer, and storm sewer with contact reference to sewer maintenance.

Applicant Response: Please see sheet AS1 for contact information [Rev 2].

4. On the cover sheet, provide a table of contents for the plan set and contact information for the design engineer, architect, and the developer.

Applicant Response: Please see sheet AS1 for table of contents and contact information [Rev 3].

5. On the site plan sheet, include a note in the plans stating, "All construction traffic, temporary traffic control devices, and pavement markings shall conform to the requirements of the latest Manual of Uniform Traffic Control Devices."

Applicant Response: Please see sheet AS1 [Rev 4].

6. Provide final contours or spot elevations of the parking area along the ramp adjacent to the ADA parking. Spot elevations and proposed ramp shall meet ADA requirements.

Applicant Response: The proposed plan will not change any of the existing grades. The proposed plan does not call out an ADA ramp. The accessible loading/unloading zone is on grade. We have moved the accessible parking space closer to the building (due to a planning comment requiring more parking spaces), the grade slope is adequate for accessibility.

7. On the floor plan sheet, revise restroom dimensions to make them more legible.

Applicant Response: Please see updated plan for notation legibility.

Erosion Control Review No. 1

1. For disturbed land area, include an erosion control plan that shows erosion control BMPs specific for the site and/or a written construction sequence that details the phases of construction, including final stabilization of the landscape area. These shall describe when BMPs will be placed and where, as well as when they shall be removed with leader notes.

Applicant Response: Please see sheet AS2 for new erosion control plan [Rev 5].

2. On the erosion control plan, include an erosion control notes section, and add the UG standard note as Note #1 to read, "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of The Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas, the UG and the UG's standards shall override." Add a note regarding clean streets.

Applicant Response: Please see AS2 for note [Rev 6]

3. Add a note stating that the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed.

Applicant Response: Please see AS2 for note [Rev 6]

4. Provide an erosion control note regarding excavated material that is not immediately loaded and hauled off site shall be stockpiled on site. Contractor shall provide the appropriate BMP (slit fence, compost stock, gravel filter bags, waddles, etc.) around stockpile area to protect adjacent inlets or areas, etc. until such time that the stockpile is removed from the site.

Applicant Response: Please see AS2 for note [Rev 6]

5. Add a "good housekeeping" note.

Applicant Response: Please see AS2 for note [Rev 6]

6. Add a note regarding additional measures.

Applicant Response: Please see AS2 for note [Rev 6]

7. In the erosion control plan, reference Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas for erosion control BMP's i.e. construction entrance, slit fence, etc. as applicable.

Applicant Response: Please see AS2 for note [Rev 7]

8. Will there be an access barrier between the active work area and areas to remain undisturbed? Please illustrate on plans.

Applicant Response: Please see AS2 for note [Rev 8]

9. It appears that concrete will be used on site. Please provide a concrete washout location.

Applicant Response: Please see sheet AS2 or concrete washout location [Rev 9]

Storm Drainage Review No. 1

1. As mentioned in general engineering, vehicle storage and repair sites with high likelihood of oil and grease releases are considered “hotspots” for storm water quality and treatment and are subject to additional consideration for pollution control measures. If the building or parking area(s) will be used to store and repair wrecked vehicles, there is potential for oil and grease spills. Therefore, appropriate measures shall be provided to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements. *Applicant Response:* We have included a sand/oil separator to the plan and a detail [Rev 1]

Sanitary Sewer Review No. 1

1. On the plans, label the sanitary sewer lines (private and public) with node numbers for UG structures. Show the service line connection to the building. Sanitary and storm sewer maps (with UG node numbers) and as-built drawings may be obtained from the Sewer Maintenance Department. *Applicant Response:* Please see sheet AS1 for noted existing utility lines [Rev 10]
2. As mentioned in the general engineering review, will the proposed auto service include changing oil and fluids? How do the oil changing areas drain? In areas where there will be oil and other fluid changes, there will be needing to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connection(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable. *Applicant Response:* We have included a sand/oil separator to the plan and a detail [Rev 1]

Business License Division Comments:

If approved, occupying businesses will need to file and maintain the occupation tax application with our office for all business activities.

Building Inspection Comments:

This will be DRC project for an occupancy conversion.

Rob Richardson, Director of Planning, said each of you had a letter received from an opponent to this case that couldn't be here this evening. He asked for this to be set aside and he asked that the Commission reverse the Planning Commission's recommendation of approval and deny the case.

Larry Nickerson said I'm representing Sullivan Palmer Architects and Mr. Kuda who designed this plan, and came up with this for recommendation for approval. I understand that the gentleman here that's the proponent is not here to state his case as to reasons why this can't move forward.

We believe that the sight improvement that we're doing to the building and all the accommodations we've made that the Planning Commission has set forth and given us, we've done so in a reasonable manner and in time frame. We just ask that the Commission would go ahead and approve this.

Mayor Alvey opened the public hearing and asked is there anyone here who'd like to speak in favor. No one appeared.

Mayor Alvey asked is there anyone here who'd like to speak in opposition. No one appeared in opposition.

Commissioner Kane said I've been here a long time and it's the first time ever got an email with a concern so I immediately drove by this morning at 7 o'clock. That place is terrible. The person that owns the lot across the street, it's an empty lot and it's currently an eyesore. I reached out to the individual at 7:15 and sent him an email wanting to know more detail. I didn't get any information back, but any change would be better than what it looks like right now.

I'm in an awkward position because I ran on Pearl Road, now that's bad, but this is bad and it's an eyesore. It's been an eyesore for an extended period of time. If you don't improve it, I'm going to be climbing down your throat like you can't believe it. This is a two-way street because I'm supporting you in what you're doing, but if you don't do what you're going to say you're not going to like the end of it.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2018-91 for two years, subject to the stipulations.**

Commissioner Philbrook said, Commissioner, I live a lot closer to that and I get to drive by that all the time. Thank you so very much for improving that piece of property. It has been an absolute atrocious area for quite a while. I can't wait either, but what I will tell you the same thing as him, I pass by there a lot more often than him and I'll be calling him and we'll be calling you. I'm looking forward to seeing how wonderful that's going to be. I appreciate that.

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

ITEM NO. 7 – 18534...SPECIAL USE PERMIT APPLICATION #SP-2018-92 – JAMI AND JASON APPLGATE

Synopsis: Special Use Permit for a kennel for four dogs at 10606 Augusta Drive (previous special use permit was at 2819 North 100th Street). The applicant is applying for a special use permit for a dog kennel in order to retain four dogs. The applicant has had a special use permit in the past for a dog kennel for five dogs at a different address but have since moved and looking to acquire one for this new address. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-92 for two years, subject to:

Urban Planning and Land Use Comments:

1. Please describe/or provide pictures of current fence and shelters for dogs that reside outside at your new residence.

Applicants Response: Please see pictures attached to email correspondence. There are 2 yards pictured. Due to the concerns Ms. Cheri Miller stated in her observation and opinions, we submitted our yard from our last residence. While being a smaller yard and having 1 additional larger dog on it (Haley was our largest dog being a lab mix, over 60 lbs., she was who we lost in Feb), we were one of the best kept yards in our neighborhood with green, plush and kid friendly grass! Despite her statement, we are very responsible with our yard and upkeep. We plan to continue our process of maintaining a well-kept yard at our new residence too.

2. Are dogs left outside just while you are away during the day or also at night?

Applicants Response: 2 dogs stay outside 100%: Bhodi and Sasha. Depending on the day, weather temperature/conditions, and if we are home, the 2 small dogs are primarily indoors. Sky is more weather resilient than Jager who is very cold blooded. He prefers to be indoors under a blanket unless it's over 80 degrees.

3. Have there been any issues at this new residence as far as complaints from surrounding neighbors?

Applicants Response: There have been no complaints at our new location. For the past 2 years, we haven't received any complaints after winning our kennel license permit and court case at our last residence.

4. Do you plan on just keeping the four dogs? Are there any plans of replacing the one that passed away this past year?

Applicants Response: Yes, we plan on keeping ONLY our 4 dogs and NOT add any additional pets. Our agreement with the last kennel license was to keep our 5 dogs we brought with us when we relocated to KC. We have no intentions of growing, breeding or any other form of

additions to our household. Once we are within city ordinance of 3 dogs, that will remain our limit from there on.

5. Approval would be for two years.

Public Works Comments: None.

Action: Commissioner McKiernan, made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-92 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

VACATION APPLICATION

ITEM NO. 1 – 18532...VACATION APPLICATION #R/W-2018-6 - MARK RUSSELL WITH BOARD OF PUBLIC UTILITIES

Action: This item was previously heard with #SP-2018-90.

PLAN REVIEW/MISCELLANEOUS APPLICATIONS

ITEM NO. 1 – 18540...PLAN REVIEW APPLICATION #PR-2018-27 – BRUCE ADIB-YAZDI WITH VECINO GROUP

Synopsis: Preliminary Plan Review for an a multi-family development with a daycare amenity component 7401 Armstrong Avenue, submitted by Robin Richardson, Director of Planning. The development includes 60 units in 5 apartment buildings. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2018-27, subject to:

Urban Planning and Land Use Comments:

1. A minimum 6-foot sidewalk is required along all street frontage. Include ADA ramps at the intersection and any driveways. Sidewalks must connect to the internal pedestrian circulation system.
Applicant Response: Sidewalks have been shown along street frontage, and connection to internal pedestrian path has been made on the east side. ADA ramps have been provided at driveways. *Staff Response:* ADA ramps are also required at the intersections of Armstrong Avenue and 74th Drive, and Ann Avenue and 75th Drive.

2. For new multi-family development, safe rooms are to be provided for residents in the complex. Safe room designations are not indicated on the site plan. Please illustrate on the site plan.
Applicant Response: Safe room will be included as part of the clubhouse. See clubhouse Plan

3. Please provide color renderings of the building elevations.
Applicant Response: See colored elevations.

4. All landscaping shall be irrigated.

Applicant Response: Landscape shall be irrigated.

5. All overstory trees shall be at least 4" caliper when planted. All ornamental trees shall be at least 2" caliper when planted. All evergreens shall be at least 6' when planted. All shrubs shall be 5 gallons when planted.

Applicant Response: All plant materials will meet these requirements.

6. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

Applicant Response: No rooftop mechanical equipment will be installed. Wall mounted building utilities will be screened or painted to match building.

7. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public.

Applicant Response: Downspouts will be concealed as best as possible while maintaining required drainage.

8. The rear elevation of the buildings shall maintain the same level of architectural interest by continuing the stone veneer wainscot on all sides of the buildings. Four-sided architecture shall be incorporated into all structures. This includes articulation.

Applicant Response: In this design the rear of the buildings face each other and will be articulated, and we intend on screening the short space at the end of the buildings.

Staff Response: Staff does not support this request. The rear of the buildings shall maintain the same level of architectural interest by continuing the stone veneer wainscot on all sides of the building as shown in the revised elevations.

9. The clubhouse shall incorporate a stone veneer wainscot on all sides to match the apartment buildings.

Applicant Response: This has been added.

10. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.

Applicant Response: Satellite dishes will not be allowed on apartments.

11. Exterior dryer vents shall be painted to match the building.

Applicant Response: These shall be painted to match.

12. All signs must follow the requirements in Chapter 27 Planning and Development, Article VIII Zoning, Division 11 Signs.

Applicant Response: All signs will follow these requirements.

13. Per the Multi-Family Residential Design Guidelines:

- a. Pedestrian walkways and sidewalks shall be a minimum of six-feet wide.

Applicant Response: All sidewalks will be 6' wide.

- b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- 1) The primary entrance or entrances to each principal multi-family building;

Applicant Response: Sidewalks connect each of the buildings

- 2) To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;

Applicant Response: Not applicable

- 3) Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal services establishment; and

Applicant Response: Not applicable

- 4) Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.

Applicant Response: Not applicable

- c. To the maximum extent feasible, garage entries, carports, parking areas and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.

Applicant Response: This has been accomplished, have done this, to the maximum extent possible. *Staff Response:* The current site plan does not meet the intent of this requirement in the multifamily design guidelines. Armstrong Avenue and North 74th Drive are both major streets. The current site plan orients parking lots toward both Armstrong Avenue and North 74th Streets. Parking areas will be the dominant visual experience for both Armstrong Avenue and North 74th Street. The Final Plan will orient parking areas away from Armstrong Avenue and North 74th Street so that parking areas are behind buildings, internalized to the site, and not the prominent feature along Armstrong Avenue and North 74th Street.

- d. The maximum length of multi-family residential buildings shall be 200 feet.

Applicant Response: Maximum length of any building is 182' +/-

- e. Predominant roof materials shall be high quality, durable material such as, but not limited to:

- 1) Wood shake shingles
- 2) Clay or concrete tiles

Applicant Response: We intend on providing architectural asphalt shingles with 30-year warranty.

14. Landscaping is required to screen all parking areas and service entries.

Applicant Response: Requisite landscaping will be provided. See landscape plan.

Staff Response: The landscape plan is not updated to reflect the hammerhead turnaround by the clubhouse. This paved area will need to be screened with landscaping.

- a. This includes the trash enclosure.
- b. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Trash enclosures will be constructed as noted.

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): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: Final development plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. Final development plans must meet the requirements of UG standards. Only preliminary drawings have been submitted at this time.

Fire Department Comments:

1. Compliance with the International Building Code -2012 Edition
2. Compliance with the International Fire Code – 2012 Edition
3. Compliance with current NFPA 101® Life Safety Code
4. Compliance with existing fire codes, Unified Government ordinances, state rules and regulations

****Submit automatic fire sprinkler plans and calculations for approval prior to installation.**

****Submit automatic fire alarm plans including battery calculations and circuit-drop calculations for approval prior to installation.**

****AERIAL FIRE APPARATUS ACCESS ROUTE-** Provide plans showing method of providing aerial fire apparatus vehicle access to the structures. Per Sec.D105, 2012, IFC. Plans to be stamped by a KS registered qualified design professional.

****Provide location of code compliant fire hydrants for the new buildings. Per Sec. 507.5, 2012 IFC**

Additional Stipulations at City Planning Commission Meeting:

1. The staff and applicant continue to discuss 74th connection with the Traffic Engineer as they move forward to final plan.
2. Approval of the project as the gas pipeline splits the site but work with them to see if they can park on the gas pipeline. The staff can change the layout of the 60 units as it comes forward at final plan if something can be worked out.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review #PR-2018-27, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 18541...PLAN REVIEW APPLICATION #PR-2018-32 – DOUG BACH WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Preliminary Plan Review for a new fire station at 2913 Hutton Road, submitted by Rob Richardson, Director of Planning. The Unified Government has selected this site to be the site of the new Piper Fire Station. The site was selected after a study of the current and future needs of the area and the ability to provide the best and most efficient service to the area. The three-bay fire facility will allow for trucks to circle the building and drive through the facility rather than backing into the facility. The Planning Commission voted 6 to 0 to recommend approval of Plan Review #PR-2018-32, subject to:

Urban Planning and Land Use Comments:

1. There is an associated variance application. If the variance is not approved, the station will need to be shifted to the east to accommodate the agriculture setback. (NOTE: Appeal was approved.)
2. The applicant should provide an updated site plan to the Planning Commission.
3. This is a Preliminary Plan review. Final plans for architecture and site work will be approved with the Final Plan.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review #PR-2018-32, subject to the stipulations.

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

ITEM NO. 4 – 18538...AMENDMENT TO THE CITY-WIDE MASTER PLAN TO INCLUDE THE NORTHEAST AREA MASTER PLAN

Synopsis: Consideration of amendment and Ordinance #1.

Rob Richardson, Director of Planning, said the Northeast Area Master Plan is before you. We missed one request for an amendment that goes to the history of the area. You have the sheet before you that explains the amendment. We would like to add a paragraph to page 41 that explains the need and the importance of honoring the Exodusters in area near Washington Boulevard as we move forward with development in the area.

I know there’s several people in the audience that worked on the Masterplan. They might want to stand or raise their hands to acknowledge their work and we thank them very much for supporting us through this process. I believe it was said by Commissioner Bynum earlier, this is just the beginning.

Mayor Alvey opened the public hearing and asked if anyone wants to speak in favor of this item.

Rachel Jefferson, 609 Splitlog Avenue, KCK, said I wasn’t actually planning to speak today but taking this opportunity of this being pulled off to say that this has been the year since I’ve worked in Kansas City, Kansas/Wyandotte County going back to probably about 2009 has been one of the most fruitful and beneficial processes I have gone through in collaboration with the Unified Government. I just wanted to put that out there, that I hope this type of partnership that we’ve been able to form throughout this planning process can continue forward. I’m really grateful to the Department of Urban Planning for all of their assistance, progressiveness, and forethought for the future of the Northeast Area throughout this process, being willing to be creative, innovative and experimental. I want to thank Cameros for bringing their expertise to this process. I also want

to thank all the commissioners that have been involved in this process making sure that the NBR for this area has been involved in it and making sure that the community voice is respected as co-creators in this process.

Mayor Alvey asked is there anyone who'd like to speak in opposition. No one appeared in opposition.

Action: Commissioner Kane made a motion.

Commissioner Johnson said I said this upstairs in the special session that I wanted to wait until we actually get ready to approve this. Actually, I was going to wait until after we approved it to say something, but I do want to say thank you, Mayor and this entire Commission for your willingness to support this, specifically, Commissioner Townsend and Commissioner Bynum who have worked. I can't call us a dynamic duo, but whatever a trio would be, they worked in that capacity together and really bonded over this time. I want to thank this Commission, the Mayor and also Mayor Holland for his backing of this. Ms. Jefferson and Rachel have been, without a doubt, just very, very helpful and thoughtful as they helped to lead us through this process on the ground. The community really showed up bigtime for this.

I publicly want to state for the record also a big thanks to Mr. Chester Owens. Mr. Owens took time to talk to me and to really give me a great deal of history, a great deal of context and a great challenge and made it very clear that we've got a long way to go and that we're just now getting to the starting line. I want to appreciate you all for that. There's a lot of good energy now that we've had a long time but it's time for us to deliver. With that I'd like to make a motion that we approve this.

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

Commissioner Townsend said since it has been pulled off just to echo what Commissioner Johnson said and not to be repetitive, I would encourage anyone that was not present today at the 5 p.m. special session who really wants to get a little bit more into what this process has been about and the plan itself to go back and look at that. There's so many ways to pull it up. No need to go

into all of it but if you want to get a little bit more detailed about the plan itself, I would encourage you to go back to that special session and look it up.

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

RESOLUTIONS/ORDINANCE (final action on previously approved items)

ITEM NO. 1 – 18542...RESOLUTION: ADOPTING THE NORTHEAST MASTER PLAN

Synopsis: A resolution adopting the Northeast Master Plan, submitted by Robin Richardson, Director of Planning.

Action: **Item previously heard with Amendment to City-Wide Master Plan Amendment.**

ITEM NO. 2 – 18543...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property hereinafter described location AG Agriculture District to R-1 Single Family District (#3170) at 9837 Meeks Road, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-49-18, “An ordinance rezoning property hereinafter described located at approximately 9837 Meeks Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 18553...RESOLUTION: MP-2018-4 MASTER PLAN AMENDMENT

Synopsis: A resolution adopting the MP-2018-4 Master Plan Amendment from Urban Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan,) submitted by Robin Richardson, Director of Planning.

Action: **RESOLUTION NO. R-58-18**, “A resolution adopting MP-2018-4, the Master Plan Amendment from Urban Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of 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 Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 18549...ORDINANCE: NEW BPU 161kV SPEAKER II SUBSTATION ACTION 2

Synopsis: An ordinance condemning land for the location, construction, operation, use, repair and maintenance of the Board of Public Utilities’ 161kV Speaker II Substation within Wyandotte County, Kansas; and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance, submitted by Ken Moore, Chief Counsel.

Action: **ORDINANCE NO. O-50-18**, “An ordinance condemning land for the location, construction, operation, use, repair and maintenance of the Board of Public Utilities’ 161kV Speaker II Substation within Wyandotte County, Kansas; and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.”

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

ITEM NO. 3 – MINUTES

Synopsis: Minutes from regular sessions of October 25 and November 8, 2018; and special sessions of November 1 and 8, 2018.

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

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 8, 15 and 21, 2018.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 18550...PUBLIC HEARING: AMENDED NORTHWEST SPEEDWAY STAR BOND PROJECT PLAN

Synopsis: To conduct a public hearing on an Amended NW Speedway STAR Bond Project Plan in advance of further Commission action, submitted by Katherine Carttar, Interim Director of Economic Development.

Doug Bach, County Administrator, said tonight, we were seeking to hold a public hearing regarding the proposed American Royal Project. This item has been advanced to the Commission

for a public hearing this week and it's a little unusual. We're going to ask you to continue this over until next week. As we're going into the final stages of putting the final plan together, we received some comments from the Acting Secretary of Commerce regarding our wording that was in the sharing of local sales tax. When we had originally put this in place, we had put in a provision that held back some of the local share. He indicated that he would not approve it in that fashion outside of all the area that's in the Plaza at the Speedway area. That's all being held back into the local district, but in the other areas, that was not acceptable to him.

This is something we had done in coordination with the land owner there, but recognizing it has to be adjusted to be in conformance with how the state would like us to move forward. We've modified that portion of the plan and also made some adjustments to the dates as we go toward a bond issue on this property.

Katherine Carttar, Interim Economic Development Director, said I'm just going to provide a very brief update. I know you all are very familiar with this project as this has been many years in the process. As Mr. Bach mentioned, tonight, we are just conducting a public hearing. There will be further action down the road but this—actually next week, but this will just be a public hearing for the amendment of the project plan. The original project plan was approved by the Commission in June of 2017.



NW Speedway STAR Bond Project Plan Amendment

To conduct a Public Hearing on an Amended NW Speedway STAR Bond Project Plan in advance of further Commission action

- Original Project Plan approved by Commission in June 2017
- Request for Action next week (Dec 6) – approval would allow for the issuance for STAR bonds

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American Royal – Overview

Approved as \$160M project in October 2017

- \$80M private/\$80M STAR

American Royal capital campaign kicked off this summer

- Goal is to raise a minimum of \$80 million in private donations

Finalizing the design and programming



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Again, as kind of a little overview, currently this project is envisioned at \$160M. Of course, there is the likelihood even possibility and likelihood that the project will be a greater investment than that when all is said and done; but for purposes of this bond issuance, we're looking at a \$160M project. Like all STAR bond projects, there is a 50/50 match so that means that \$80M would be the public funds and \$80M would be private funds.

The American Royal kicked off their capital campaign this summer with a minimum goal of \$80M, but are hoping to raise far more than that to ensure that their vision is realized. They are in the finalization process of their design and programming.

American Royal – STAR District



This is the STAR bond district. This was approved by Commission in 2017. As Mr. Bach mentioned, the portion there up in the top right corner, the northeast area, is where the Plaza at the Speedway is. Their only contribution coming there is to pay off the STAR bonds is a state contribution of their sales tax while the remainder of the rest of that area will be both state and local sales tax. I'm now going to recognize Korb Maxwell who is representing the American Royal from the Polsinelli to speak a bit about the site fair.

Korb Maxwell, Polsinelli Firm, said here today I also have with me John Mitchell. John is a CEO in town of Treat America but is here representing the America Royal as the chairman of the building committee. Many on this Commission know we've been in front of you many, many times to discuss the project and the plan and we will continue to be in front of this Commission many, many more times because this is just one step in the process of this public hearing. We'll need to be back with you again for development agreements. We'll need to be back with you again for Zoning Land Use and Planning processes. We'll need to be back with you again for issuances of the bonds so as all know who've been through the STAR Bond process this is a long process

that we have to go through but the key fundamentals of our site plan are still in tact that we've always had here.

American Royal – Site Plan



A 5,000-seat area and a warmup area. That's a 5,000-seat arena that will be modern, will be state of the art and will be absolutely tailor-made for our agricultural events but beyond that we'll also have mixed use components to it and be able to be used for other events that this community could host and would like to host in that sort of modern setup of a 5,000-seat arena. In addition, we'll have at least 400,000 square feet of exhibition space, of barn space and exhibition space that can hold up to 2,000 animals in them at a time but can also be used at appropriate exhibition space for this community and most important and sort of the legacy of Neal Patterson is to make sure we have an educational event center. We want to make sure that this is as Cliff Villig always say a flag poached for agriculture in Kansas but that it is also a way to train folks in Wyandotte County and all throughout the Kansas City region and all throughout the nation. What does agriculture mean to our community and what better pace to do that than in the state of Kansas? We're still very supportive of this, and the leaders of the American Royal look forward to moving this forward with all due speed.

American Royal - Financing

Authorize \$80M issuance now (\$95M total)

- Restrict use
- Public bonds which will be privately funded by American Royal financial partners
- Allow \$10M to be expended on land acquisition and site infrastructure with equal (\$10M) private match

Balance of STAR bonds (\$70M) will remain in escrow account until AR team funds remaining \$70 match requirement or state and UG authorize smaller expenditure requirements

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Ms. Carttar said just a couple of words about the financing is that kind it's kind of the crux of the STAR Bond plan. Basically, how this will work in terms of the project plan is that there will be a first drawdown that is allowed so that the American Royal can get started on their project. That will be \$10M of bond issuance and also a \$10M match. That \$20M in total will allow for the land acquisition as well as infrastructure for the entire site. That's very restricted use for that first piece of that first drawdown. The remainder of the STAR bonds will be that \$70M will remain in escrow until the American Royal has raised the remaining \$70M in private funding.

American Royal – Timing & Next Steps

December 6th – Full Commission meeting

- Complete public hearing process
- Request approval of ordinance to issue \$95M in STAR bonds of Amended Project Plan and Development Agreement

Late December – Bond issuance

Spring 2019 – Infrastructure construction begins

Late 2019 – American Royal Complex construction begins

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Just a couple of little notes on timing and kind of next steps. As was mentioned, this will move into a public hearing that will be continued until next week when Commission action will be taken on the amended project plan. That would be next week, December 6th. Then we're looking at, if all goes according to plan next week then, the bond issuance will be in late December with spring construction starting on the infrastructure and then late 2019 for the actual construction of the American Royal project to commence.

Mayor Alvey asked opened the public hearing and asked is there anyone present who would like to speak in favor of this item.

Marcia Harrington, Wyandotte Economic Development Council, 727 Minnesota Avenue, KCK, said I'm a resident of WYCO and live in BS. I'm here tonight on behalf of the Wyandotte EDC and in support of the Amended Northwest Speedway STAR Bond Project Plan. We believe that the cornerstone of this entire development is the iconic American Royal and provides a unique opportunity in several ways including the education center that bridges the gap between the consumer and the agricultural industry that will allow for experiences unlike any in the world, a livestock and equestrian exposition facility that will attract significant numbers of new tourists and those tourism dollars which will be spent in our county around the Kansas City metro area. We are also seeing interest from AGRA related businesses and organizations that have a desire to locate out by the American Royal and that is a component of our marketing and outreach efforts going forward. It positions us as a linchpin within the animal health corridor stretching between Manhattan and Columbia, Missouri, making it a strong connection to our human and pet food manufacturing sector supported by the Wyandotte EDC's attraction and retention efforts. We look forward to working with the American Royal and appreciate your support of the amended plan.

Mayor Alvey asked is there anyone like to speak in opposition? No one appeared in opposition.

Mayor Alvey said I will note that action will be considered at the December 6th Full Commission meeting. We are continuing the public hearing until December 6th.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:50 P.M.
November 29, 2018**

Bridgette D. Cobbins
Unified Government Clerk

tpl

November 29, 2018

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

REGULAR SESSION
THURSDAY, DECEMBER 13, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 13, 2018, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner Third District; Johnson, Commissioner Fourth District (arrived at 7:03 p.m.); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. McKiernan, Commissioner Second District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Terry Zeigler, Chief of Police; Patrick Waters, Senior Attorney; Christal Watson, Deputy Chief of Staff in Mayor's Office; Lynn Melton, Assistant to the Mayor; Chris Slaughter, Land Bank Manager; Katherine Carttar, Interim Economic Development Director; Mike Taylor, Public Relations Director; Jeff Fisher, Executive Director of Public Works; Dave Reno, Community Engagement Officer; Vincent Billaci, Public Works; and Captain James Bauer, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Mike May, Saint Luke's Lutheran Church.

MAYOR'S AGENDA

ITEM NO. 1 – 18567...POLICE DEPARTMENT AWARDS

Synopsis: Police Department awards, submitted by Terry Zeigler, Chief of Police.

Terry Zeigler, Chief of Police, said Mayor, Commissioners and Administrators thank you for giving us some time to recognize the good work of our officers. We've got three incidents that we want to give awards out for, but I just want to say a few words. The Metropolitan Chief and Sherriff Association had their annual awards ceremony in November and it's worth noting that there's four awards that are giving. The Life Saving, The Bronze Star, The Gold Star and then Officer of the Year. Two of our officers received the Silver Award, 11 received the Gold and Captain Mike Howell, who's here tonight, received Officer of the Year for the incident at Costco. Not only do we recognize the good work that our officers are doing here and you all, but also is recognized metropolitan wide.

I'd ask Cameron Morgan to come up and go through the incidents and the officers we're going to be recognizing tonight.

Cameron Morgan, Police Department, said first we have the Distinguished Service Award. Officer Gerardo Velasquez. On September 3, 2018, while driving home from his off-duty job Officer Velasquez #2017 heard the call of a nonbreathing party at 5744 Georgia Avenue. The call stated that Mrs. Bradley, a 70-year old citizen of Kansas City, Kansas was discovered by her husband in their bedroom unresponsive. Realizing he could arrive on scene prior to EMS and on-duty police units could, he responded to the residence and asked Mr. Bradley if he could try and help. EMS 18 and KCK Fire Department Pumper 18 crews stated the immediate actions of off-duty Officer Velasquez provided the opportunity for the victim to begin breathing on her own as EMS and fire arrived on scene. Had it not been for his selfless dedication to duty Mrs. Bradley might not have survived. Officer Velasquez is being awarded the Distinguished Service Award for going beyond the call of duty and his life saving actions.

Meritorious Service Award, Officer Reed Murkin and Officer Yesenia Medina. On September 9, 2018 officers responded to 6100 Leavenworth Road on reports of shots fired in the area. Upon arrival it was discovered that several police vehicles had been struck by gunfire in the parking lot

of our Traffic Support Unit. This was the second incident of our police vehicles being damaged by gunfire at this location. Intel was developed and disseminated regarding the suspect in the involved vehicles. Upon receiving the information Officer Reed Murkin located the vehicle and attempted to stop it. The suspect failed to yield to Officer Murkin and his partner, Officer Medina. A vehicle pursuit was initiated which traveled into other jurisdictions. These officers were cautiously pursuing an armed and dangerous felon who had already shown an active aggression towards police. The suspect's vehicle became disabled and the pursuit ended; however, the suspect attempted to flee on foot. Despite the knowledge of the suspect was armed and dangerous, Officer Murkin and Medina gave chase on foot and Officer Murkin was able to apprehend the suspect. During the ensuing struggle the officers were able to place the suspect in custody and recover a firearm from his waist. Officer Murkin's quick actions directly contributed to the successful arrest of this armed suspect. Officer Medina and Officer Murkin are being awarded the Meritorious Service Award for their outstanding efforts in reducing violent crime.

Officer Pleshka, on October 27, 2018 at 2103 hours Officer Landis was patrolling the area of the 7th Street Casino and observed a white Pontiac Vibe leaving the casino which he recognized as a possibly being a suspect vehicle from a robbery. Officer Landis began to follow the vehicle and conducted a computer check for the vehicle registration. The check revealed that this vehicle was taken in a carjacking. Officer Landis began coordinating with other units to assist him in apprehending this vehicle and broadcast current directions of travel. This coordination and communication helped Officer Passinese, Officer Mumphrey and Pleshka get into the area to assist.

The suspect vehicle began to flee at Tremont & Central Avenue after noticing the police presence. Due to the information broadcasted and strategic planning by Officer Landis several units were in the area to assist as the suspect vehicle began to flee. Officer Passinese initiated a pursuit. Officers Mumphrey and Pleshka became secondary and Office Landis was approved to be a third unit. The pursuit continued into Kansas City, Missouri and ended at Victor Street & Indiana Avenue after the suspect vehicle wrecked into a street sign and the occupants fled on foot. Officers Mumphrey and Pleshka apprehended both suspects.

In addition to the robbery, the suspects were also confirmed F13 gang members. A loaded handgun was also recovered from the vehicle. Officer Landis, Passinese, Mumphrey and Pleshka are being awarded the Meritorious Service Award for their outstanding efforts to reduce crime.

December 13, 2018

Chief Zeigler said, Mayor, that concludes the awards ceremony. Thank you very much.

Mayor Alvey said thank you Chief. On behalf of the citizens of Wyandotte County/Kansas City, Kansas thank you for your service. Thank you for putting your lives on the line each and every moment

Action: Presentations made.

Mayor Alvey said I'd ask the clerk if there are any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said there are no revisions.

Mayor Alvey said this takes us to our Consent Agenda. Does any member of the Commission, staff or citizen in attendance tonight wish to set aside any item on tonight's Consent Agenda? You would need to step forward at this time and state your name, city of residency for the record and ask that that item be set aside. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the Consent Agenda.**

Mayor Alvey said so I will note that regarding Item No. 1 it is my intent to discuss language for the legislative program regarding the Woodlands at a Special Session. I'd entertain a motion for approval. I've got a motion and a second.

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

CONSENT AGENDA

ITEM NO. 1 – 18555...ADOPTION: 2019 STATE AND FEDERAL LEGISLATIVE PROGRAMS

Synopsis: Request adoption of the 2019 State and Federal Legislative Programs, submitted by Mike Taylor, Public Relations Director. The legislative programs were presented to the Commission and the Wyandotte County Legislative Delegation during a special session on December 6, 2018.

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

ITEM NO. 2 – 18556...RESOLUTION: FIRST AMENDMENT TO LEGENDS WEST LAWN DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the First Amendment to Legends West Lawn Development Agreement, submitted by Katherine Carttar, Interim Economic Development Director. On December 3, 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-62-18**, “A resolution adopting the first amendment to the Legends West Lawn Development agreement.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Philbrook, Bynum, Burroughs, Townsend, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 18496...REVISIONS: CASH AND INVESTMENT POLICY

Synopsis: Request approval of the proposed revisions to the Unified Government's Cash and Investments Policy, submitted by Rick Mikesic, Director of Revenue/County Treasurer; and Kathleen VonAchen, Chief Financial Officer. This annual review and adoption is required by State statute. On December 3, 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-63-18**, “A resolution adopting the Unified Government’s Cash Management Policy.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Philbrook, Bynum, Burroughs, Townsend, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 18545...BUDGET REVISION: FIRE STATION PROJECT

Synopsis: Request an increase in the project budget by \$1,000,000 for the new fire station, submitted by John Kelly, Director of Buildings and Logistics. The funds will come from anticipated unexpended 2018 capital projects. On December 3, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

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

ITEM NO. 5 – 18563...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination for Boards and Commissions:

Law Enforcement Advisory Board, Mary Hopkins, 12/13/18 to 6/30/20, submitted by Sheriff Don Ash.

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

ITEM NO. 6 – MINUTES

Synopsis: Minutes from special session of November 29, 2018.

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

ITEM NO. 7 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 6, 2018.

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

PUBLIC HEARING AGENDA

No Items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 18539...RESOLUTION: PHVIF KANSAS CITY, LLC IRBS

Synopsis: Resolution of Intent to issue IRBs in an amount not to exceed \$4,000,000 for the benefit of PHVIF, submitted by Katherine Carttar, Interim Economic Development Director. An IRB Application was submitted by PHVIF for sales tax exemption for construction materials and furniture, fixtures and equipment for renovations to the entire Hilton Garden Inn property located at 520 Minnesota Avenue. On December 3, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5 to 1 to approve and forward to full commission.

Mayor Alvey said I’d ask Commissioner Burroughs at this time, who chairs the standing committee, to make a comment.

Commissioner Burroughs said there was one member of the committee that chose to oppose it. I believe that there was some concern about the lost tax revenue and quite possibly the potential for the liability associated to the Unified Government “owning” the property on a temporary basis. It was explained by counsel that this is a normal process when issuing IRBs. That’s when the standing committee took the action to go ahead and support the project at the advice of counsel. I do believe that was all there was to the discussion.

Mayor Alvey asked are there any comments or questions from the Commission?

Action: **RESOLUTION NO. R-64-18**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its industrial revenue bonds in the amount not to exceed \$4,000,000 to finance the costs of acquiring, constructing and equipping a commercial facility for the benefit of PHVIF Kansas City, LLC and its successors and assigns (Hilton Garden Inn – sales tax exemption only).” **Commissioner Walters made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Philbrook, Bynum, Burroughs, Townsend, Johnson, Kane, Markley, Walters.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 18566...RESOLUTION: CONVENTION AND VISITORS BUREAU'S 2019 BUDGET AND MARKETING PLAN

Synopsis: A resolution adopting the Convention and Visitors Bureau's 2019 Budget and Marketing Plan, submitted by Kathleen VonAchen, Chief Financial Officer.

Doug Bach, County Administrator, said earlier this evening Bridgette Jobe, The Convention and Visitors Bureau, along with her board, presented information regarding the budget for the upcoming 2019 year along with further marketing strategies and plans they have for the coming year. That was an opportunity for the Commission to go through and ask questions initially. Ms. Jobe is here if you would like to have her make further presentation. If not, I would recommend that we move forward with approval of this item.

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

ITEM NO. 2 – 18564...PRESENTATION: SNOW REMOVAL PROGRAM

Synopsis: A brief presentation to update the Board of County Commissioners regarding snow removal operations and snow removal policy, submitted by Jeff Fisher, Director of Public Works.

Doug Bach, County Administrator, said the next item on the agenda is really just an update on where we are with our snow removal program and to let the Commission know as we move into the winter months, even though we’ve already had a weekend where we had snow removal going, but to kind of give you kind of an overview of what we do with our program, where our priorities are and when we roll the trucks. With that I’m going to recognize our Public Works Director, Jeff Fisher, to offer presentation.



Jeff Fisher, Executive Director of Public Works, said we’ve got it quickly highlighted. I know we’re last on the agenda during the Chief’s game so we’re going to make it quick. I have Vincent Billaci a key member of our Street Division and David Reno to his right who’s our new Community Engagement Officer. They’re going to share in this presentation.



QUICK FACTS

WE TREAT A LOT OF STREETS

- Kansas City, Kansas has 2,400 miles of streets that need to be treated multiple time every year.
- Over the previous 5 years, we've averaged 10,000 tons of material treatment per season.
- Last year, we responded to 11 storm events.

WE WORK QUICKLY

- Safety is our primary concern, and that's why we act quickly to return traction to roads following a snow storm.
- Our target is to clear Hot and Secondary Routes 12 hours after snow stops falling.
- Neighborhood routes are usually cleared within 24-48 hours after the snow stops.

As you see up here, we've talked a little bit about this in the standing committee. Kansas City, Kansas has a large system, 2,400 lane miles. That is larger than any other metro city except for KCMO. We've averaged over 10,000 tons of materials per year in the last five years. We had 11 events last year. We've had two already this year. We declared a snow emergency in the last one you might recall. That storm alone cost us \$250,000 for labor and material. The small storm before that \$50,000 roughly.

Obviously, safety is our single biggest priority for the public and for our employees out there in that winter weather operation. We target clearing hot and secondary routes within 12 hours after the snow stops and then the neighborhood routes within one to two days after that. I'm going to hand it over to Vince real quick. He's going to go through some of the operational things and then Dave will hit the last slide about our new public info and messaging.

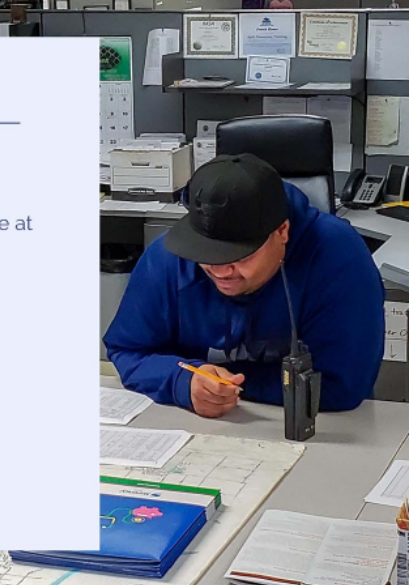


Vincent Billaci, Public Works, said I'm just going to briefly talk about what we do to prepare before the winter, how we prioritize and then how we deal with each storm depending on the intensity. Before every winter we check—go through all the trucks, plows, sanders, and make sure everything is fully functional with fleet maintenance and making any needed repairs. The priorities, as Jeff said, hot and secondary routes are our top priority. Those are your Parallel, Leavenworth Road, Metropolitan and then we move into the neighborhood routes from there if we need to.

Monitoring, we have a weathering monitoring service. It's called Weather or Not that updates us with weather updates and local news obviously. If we have anything coming in, we're monitoring that and sending crews out to monitor if we're really expecting it.



A minor storm, that's a trace to an inch. We'll bring in a minor crew for that. A small crew to monitor and treat if necessary. Mainly that's going to be treating bridges on those. A moderate storm would be one to three. That would be like what we had on Veteran's Day. We'd bring in a small crew for that. We're usually done in 4 – 5 hours on those. A heavy snow, that would be what we just had on November 25th. We're going to bring in everybody on that. We're plowing and treating power routes and secondary, and neighborhoods. Then from there the emergency, that six inches of snow or more. We're all hands on deck and we're going to get a lot of help from Parks & Recreation on that as well. From here, I'm going to give it to Dave. He's going to talk about the public engagement.



COMMUNICATION

HOW DO WE REACH OUR COMMUNITY?

- Preparedness increases safety.
- FAQs, interactive maps, helpful hints, policies & more online at wycokck.org/Street/Snow
- We go where our community already is
- Multiple social platforms
- Multiple print channels
- UG TV
- Neighborhood groups
- Business associations & chambers of commerce
- Kansas City Kansas Public Schools

David Reno, Community Engagement Officer; said safety is important to us and one of the things that helps us increase safety is telling our community about what we're doing and also educating them about how they can help us operate safely. One of the things we've changed recently is we've increased our presence on social media. We're going to use multiple print channels to tell people about our operations in advance of snowstorms so that when a snowstorm does occur, they're prepared for it as well.

Our website is a great resource for our community. Online there's a list of routes that Vince was discussing. You can pull this map up yourself, locate your address and determine exactly where on our routes you're going to fall and then use that to anticipate when your road might be cleared.

There is also some great information over here on the side about how we function and then if you go back to the main website, we've got a bunch of lists for how should you shovel your driveway or why you should avoid parking in the street. That kind of thing. As we move through 2019, we're going to fill this up even more with useful information and then talk about that, share it with our community so that next year we can be ready to go.

Commissioner Bynum said I just wanted to say while you're here Jeff, Mr. Billaci and your whole team, I think I can speak for all of us, I think you do a fantastic job. I live in a place where it's kind of not terribly accessible, but when I do get down my driveway my road is clear and it's happened every time it's snowed so far this year and that's just one example. I just really

appreciate how hard you work and I wanted to take the opportunity to say thank you. **Mr. Fisher** said thank you very much. I will say in the three cities that I've worked for; this crew actually does a very good job. They should be commended.

Action: Presentation was made.

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting and I adjourn us in that capacity. I'll call us back to order as the Land Bank Board of Trustees. 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.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 18535... 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 December 3, 2018, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications for yard extension, unless otherwise note
 2109 S. 26th St. - Jessica Sickler, new construction
 3110 N. 47th St. - Richard Dearing
 1520 Pacific Ave. - Emma Pacheco
 1600 N. 59th St. - Leonor Castro

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

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:22 P.M.
December 13, 2018**

Bridgette D. Cobbins
Unified Government Clerk

tpl

December 13, 2018

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

SPECIAL SESSION, THURSDAY, DECEMBER 13, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, December 13, 2018, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District (arrived at 5:13 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. McKiernan, Commissioner Second District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Melissa Sieben; Gordon Criswell, Assistant County Administrators; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Philbrook, Bynum, Burroughs, Johnson, Kane, Markley, Walters, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, December 13, 2018, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for the Convention & Visitors Bureau's budget presentation. Immediately following, the Commission will recess to the 9th floor conference room for an executive session regarding the Administrator's review.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said tonight we will hear a presentation on the Convention & Visitors Bureau's budget by Bridgette Jobe. I'll turn it over to Mr. Bach to introduce presenters.

Doug Bach, County Administrator, said we go through annually—the CVB comes back to us and talks about where they're at from a marketing plan and such. As we looked at it this year, we realized we should be going through and have the opportunity to at least see their budget as they propose for the coming year and give approval of that which is on our agenda this evening. With that, Ms. Jobe wanted to come here tonight. We thought we would have time for their board to present and kind of take us through different things that we're on.

I will note, that we do as per the way our Convention & Visitor's Board is set out, have several members on that board. Both Commissioner Burroughs and Commissioner Markley sit on the board along with myself. The Mayor has a designee where he has Maureen Mahoney who sits on the board as well. We try to weigh in I think from our perspectives from the UG as well as what we see in the community to go with that.

Matt Lawrence, General Manager at Schlitterbahn Water Park and Chairman of the Board of the Board of the Convention & Visitors Bureau said alongside of me is Kurt Mayo, Treasurer; Renee Hadley, Vice-Chair; and Bridgette Jobe, Executive Director. Normally we would be here after the first of the year kind of sharing with everybody the results from the previous year. We don't have those results today, so we will be giving you information specifically to the budget and the plan and then we will be back after the first of the year to be able to share that information.

2018 Board of Directors

Matt Lawrence, Schlitterbahn	<i>Chair</i>
Renee Hadley, Homewood Suites	<i>Vice-Chair</i>
Kurt Mayo, KC Hotel & Lodging Association	<i>Secretary / Treasurer beginning June 2017</i>
Maureen Mahoney, Unified Government—Mayor's designee	
Doug Bach, Unified Government County Administrator	
Commissioner Angela Markley, Unified Government	
Commissioner Tom Burroughs, Unified Government	
Greg Jackson, On The Border	
John Moncke, Sporting KC	
Valerie Mussett, Design Mechanical—KCK Chamber chair designee	

I want to be able to share with you the Board of Directors. As you know, we are contracted with the Unified Government to promote tourism in Kansas City, Kansas. Our current contract runs through 2021. Our commission is made up by one-third Unified Government representation and then the rest hospitality industry professionals. One of the things that we're responsible for is the oversight of the organization and the approval of the budget to be able to present to you. We get a chance to work with Bridgette on this. One of the things we wanted to make sure as a board this year was to take a step back and really prepare ourselves and prepare Bridgette so that we're all working toward the same goals. We spent a lot of time this last year meeting separately, doing a lot of brainstorming, a lot of debate, discussions, and attempting to achieve, and I believe we did, goals and focused around a long-term strategic plan which is really going to be the basis for what Bridgette is going to share with you today.



As we look at this strategic plan a lot of it revolves around, and as Bridgette shares with you the budget, it revolves around the CVB staff. We have six full-time staff and then we have one contract staff that works on the finances for us. It's a fantastic team. Again, as Bridgette shares a lot of the decisions that we're putting into this and that we've approved and talked with her about, this team in mind. One of the things that I think sets this CVB apart is the team. It's an extremely talented team and somebody we want to give all the tools possible to.

Bridgette Jobe, Executive Director Convention & Visitor's Bureau, said as Matt mentioned, tonight is going to be just a little bit different than the presentation that we usually do. I will provide our outcomes, our goals, all of that data I normally give to you after the first of year.

What I'm going to do tonight is highlight just a couple of projects that we did in 2018, but then I'm going to spend the bulk of the time reviewing our strategic plan and the budget for next year.



I can't talk about 2018 without talking about the Wizard of Oz. As you know, this last August we hosted a live performance at Providence Amphitheatre and I want to thank our own Mayor for being so supportive and stepping out of his role as Mayor of KCK for one night and becoming the Mayor of Munchkinland. **Mayor Alvey** said I have to tell you, it was a lot more fun than being a real Mayor. **Ms. Jobe** said, okay, I'm glad. **Mayor Alvey** said I actually got applause.

Ms. Jobe said knowing that we were going to be hosting the Wizard of Oz, the live theatre, we came together with our partners and we wanted to capitalize on this opportunity. As you know, each summer we do a summer campaign that's designed to encourage our residents to get out and explore Kansas City, Kansas. This year we themed it around The Summer of Oz.

SUMMER OF OZ TRAVELING DISPLAY

The display traveled around the community at various locations including community centers, libraries and attractions

PHOTOS SHARED ON SOCIAL MEDIA



Many of our partners put together an Oz themed exhibit. We put together this display here that was traveling around to different community centers, libraries. Folks would take their picture with the Wizard of Oz characters and post it online. Then we setup a Wizard of Oz landing page on our website. We had a flyer and we promoted it on our social media channel.

SOMEWHERE over the Rainbow

This summer, celebrate The Wizard of Oz visiting Wyandotte County. From Memorial to Labor Days 2018, shop at 5 businesses "over" on Rainbow Blvd. between Southwest Blvd. and County Line Rd. to earn a prize!



Learn more: visitkansascityks.com/summerofoz/



For an exclusive Rosedale Arch decal, redeem your card at the

ROSEDALE
DEVELOPMENT ASSOCIATION

1403 Southwest Blvd.
Kansas City, KS 66103
www.Rosedale.org
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Kimberly@Rosedale.org

1 **2** **3** **4** **5**

When you shop, ask the cashier to check off a number above; then write the business's name on the line. When you have 5, complete the below & redeem at RDA for an exclusive Rosedale Arch decal.

Name: _____ **Phone:** _____

Address: _____

Email: _____ ☐ **Yes, I want to receive RDA's newsletter.**

December 13, 2018

One of them I wanted to point out that was probably my favorite was done by the Rosedale Development Association. They printed these small cards. This is the front and the back and if you shopped at five businesses on “Over the Rainbow” Blvd. and got them stamped, you could win a prize. It was really smart of them to do this and they totally engaged with the campaign.



Here is a picture of the Oz display that was at the Museum. This was memorabilia and it's much bigger than this from a really well-known Oz collector that lives here in Kansas City that we were able to work with. With this we were able to have a social media reach of over 78,000 people. We had over 3,800 people engage with us online. We distributed over 5,000 flyers at local events and we consider it very successful.



One of my favorite events we hosted this year was the National Wheelchair Softball Association. We actually started working this in 2017. We did a site visit in October 2017 and we were awarded that in December. It was held this August. We had 19 teams from all over the country, one from Japan. Only one team was local, so they were all coming from out-of-town. It was held at the parking lot of the T-Bones Stadium and we used Lot D with Sporting KC and we used five different hotels. We were able to track over 650 room nights just from this event. We had the closing banquet at Dave & Busters. We had an estimated economic impact of almost \$370,000 just from this two or three-day event. We were just recently informed that they are coming back in 2019. We actually took it away from another city.

This was a real partnership between the UG—Joe was very informed in this, Wyandotte County Parks & Recs, Sporting KC, Dave & Busters, T-Bones, and we had a bunch of our hotels. It was a real partnership to be able to put this on and it was one of my favorite events.



Each year we host travel writers and bloggers for what we call FAM's or Familiarization Tours. In 2018 we held two FAM's. One was in June that was themed around Sports and Outdoor Adventure and then one was in August that was Famous Faces and Trailblazers. Between these two FAM's we hosted 13 different journalist and visited over 22 different KCK attractions, museums, restaurants, and to date we've had 19 articles written from these journalists.

In your packets that you have tonight I included I think two or three of my favorite articles that we were able to generate from these FAM's. Research tells us that one of the best ways we can get our message out there is to do it through someone else telling their first-hand experience, so these FAM's have been very successful, and we will plan to increase them.

December 13, 2018

Mission Statement:

To market Kansas City Kansas as a visitor destination and to increase the number of overnight stays.

Vision Statement:

A Kansas City, Kansas, where residents and visitors alike share in a thriving community of culture, memorable experiences and an abundance of economic benefits generated by tourism.

I want to switch now to our Strategic Plan. I need to give a little bit of background. In 2015 this board created a Strategic Plan that I have spoken to you about at different presentations. It was a good plan. It gave us some really great motivation and some new goals for the bureau, but a couple years into the plan we began to look at it through a little different eyes. We've had some internal changes, we had some external changes in that we have some new development announced and the board decided they wanted to review it and potentially update or revise the plan. As Matt mentioned, we really wanted to direct our focus on to where do we need to go.

At the beginning of '18 we made the decision to take a hard look at our Strategic Plan. We were able to hire Jennifer Wilding with Concensus KC as our facilitator and it was about a five-month process where the board committed at least half of our regularly scheduled board meetings. We scheduled a couple other meetings, we had multiple staff sessions where the staff was able to give their expertise and experience.

We spent some time reviewing the CVB's Mission and Vision Statements. You can see them up on the board. The Mission Statement, after much review, stayed the same. Our mission and still is and it will probably, in my opinion, always should be to market Kansas City Kansas as a visitor destination and to increase the number of overnight stays. It's simple, it's direct, it's very to the point, and we really like it.

We did review and change our Vision Statement. As you know, those of you have been through this process of doing a Strategic Plan, a Vision Statement should not be internally focused. It should be externally focused and to us that's externally focused on the community. A Vision Statement should describe what will our community look like if we carry out our mission. We

decided that if we carry out of our Mission a marketing KCK as a visitor destination and increasing the number of overnight stays, our Vision for Kansas City, Kansas is that we will have a Kansas City, Kansas where residents and visitors alike share in a thriving community of culture, memorable experiences and an abundance of economic benefits generated by tourism. I hope you like that as much as we did.

Stakeholder Interviewees:

- Steve Beaumont, owner, Chateau Avalon Hotel
- Andrew Brancato, owner/operator, Brancato's Catering
- Chris Browne, general manager, T-Bones
- Jeff Bryant, blogger and Board of Public Utilities board member
- Linda Craghead, assistant Secretary Kansas Department of Wildlife, Parks and Tourism
- Kevin Fern, director, Visit Shawnee
- Dave Hartman, archivalist, Wyandotte County Museum
- Brian McKiernan, commissioner, Unified Government
- Lynn Parman, president/CEO, American Royal
- Jeremy Rogers, director, Kansas City Kansas Parks and Recreation
- Tim Ryan, sales manager, Hilton Garden Inn
- Daniel Silva, executive director, Kansas City Kansas Chamber of Commerce
- Betsy Smith, tourism committee chair, Bonner Springs Parks and Recreation
- Pat Warren, president, Kansas Speedway

What major benefits do you think the Kansas City Kansas Convention & Visitors Bureau provides to our community?

What do you see as a trend that is affecting this community or this industry? What should the CVB do to address this trend?

Is there anything else you think the CVB should be doing that we are not currently doing?

The process started in April with each board member doing two to three stakeholder interviews. We chose a wide variety of partners and stakeholders that could provide input and I believe we have 16 people, and you can see their names up on the board, and we asked them questions like what major benefits does the CVB bring to you and what does it provide to our community. We asked them what do you see as a trend that is affecting our community or the industry and what should the CVB do to address it. Then, is there something that we are not doing that we should be doing.

Trend 1: Travelers increasingly want experiences

Trend 2: Amateur and youth sports are increasingly important

Trend 3: the Importance of Social Media is growing

Trend 4: There is an increase in new tourism development in KCK



All of that feedback from the surveys was compiled and reviewed by the board and it was through many discussions over the next couple of meetings, we identified four trends that we believe will have a deep impact on Kansas City, Kansas tourism over the next three years. Once we identified those trends, we started developing goals, strategies and objectives. I've provided in your packet, you have an executive summary and you have the full Strategic Plan with all the detail. I think the Executive Summary is probably what you will look at.

A couple of things I want to point out about this. This plan is designed to be very flexible, nimble, and updated regularly. You will see there's not objectives filled out on everything because we know that changes are going to happen. This industry changes very, very quickly and changes could be something like a new development is announced, we could have budget changes, staffing changes, and we could even have something like a crisis that affects travel. We wanted to make sure that we were very nimble with this, but we wanted to have these goals that would direct our path.

I would also point out that when you look at this, and Commissioner Markley was very specific about this, this plan does not have specific numeric measurements tied to each goal. What we decided would work best that each year is that when the CVB develops our annual goals we would take into account the budget that we have that year, the Strategic Plan, and we would add those numerical measurements of success at that time for each year. So, when I come back at the

end of 2019 to report on 2019, I will have those numerical measurements of success that we set out with our goals.

I also want to point out that Strategic Plan does not replace the regular ongoing work the CVB does. One of the things that was very telling to me through the process was that there was never any mention whether it was from our stakeholder surveys or in any of our board meetings that we need to drop something that we are doing. It was really the opposite. It was you are doing great things and you need to be doing more of it. We are not taking anything away that we are currently doing.

Trend 1: Travelers increasingly want experiences	
Goal 1: Increase the portfolio of experiences.	S1: Help small attractions; S2: Promote downtown; S3: Make travel planning as easy as possible.
Goal 2: Visitors can find their way around and find out what KCK has to offer.	S1: Seamless transportation and wayfinding; S2: CVB moves, and kiosk plan; S3: Volunteer and training programs.
Goal 3: Grow & reinvent use of tech to enhance on-site visitor experience.	S1: Have diverse tech options for on-site visitors.

Very quickly, I'm going to talk about each one of these trends that are going to be guiding us over the next few years. We know that travelers today are very different than in the past. Visitors today want an experience. They want to feel, they want to touch, they want to do something they've never done before, they want to experience something new. The challenge with a bureau is that we are selling an experience or a product that we have absolutely no control over. We don't control the experience they have in the hotels or at an attraction. In developing this plan, we tried to focus on what can we effectively do to enhance the quality of the experience for every visitor.

Some of the examples of the initiatives that we're going to start addressing with this trend is we're going to start offering capacity training for our small attractions, bringing the trainings to

them, helping them to be better at what they do. We're going to be working with our short-term rental operators, those Airbnb operators. They are our hosts. This is a trend that is really affecting our industry and so how can we have a better partnership with them and help them understand the visitor experience.

We have a new focus on working with our neighborhoods. We want to highlight and celebrate the diversity in our city, but we also want to allow for greater promotion of the downtown resurgence and that urban travel.

We want to make sure that it's very easy for our visitors to make their travel planning decisions. You're going to see us expanding our personalized itineraries and using personas. A persona might be senior travel or people who travel with pets, so you're going to see a lot more of that happening.

One of the things we spent a lot of time on was signage and transportation. Our visitors need to know when they have arrived, they need to know how to get around and we need to make it as easy as possible for them. You're going to hear me tonight say the word advocate a lot. This is one of those times where we see that the role of the CVB right now is to advocate. We are going to be taking an active role in advocating for effective wayfinding and gateway signage, plus that seamless transportation for when the visitors are here.

One of the things we don't have all of the details worked out on is the CVB offices. We have made the decision that we want to start moving towards some type of office and/or information center in a very high traffic location. We are going to start focusing on a comprehensive kiosk plan for all of KCK and that might be one of those ways that we can really start getting our visitors that information very quickly.

One of the things we will be instituting next year is a Volunteer Program. It's going to be an organized, trained volunteer program that is going to help assist with our paid staff at trade shows, welcome centers, different things of the outreach that we do. We have to grow our use of technology.

This trend covers a lot, I get that. It's very varied and diverse, but what we've tried to do is again identify those things that we can do to help with that visitor experience.

Trend 2: Amateur & youth sports are increasingly important	
G1: Keep KCK top of mind for sports planners.	S1: Expand marketing for amateur and youth sports; S2: Encourage hotels to book sports teams.
G2: Advocate for facilities that offer year-round opportunities.	S1: Advocate to enhance existing facilities; S2: Advocate for new facilities to expand year-round opportunities.
G3: Identify untapped sports markets and activities to pursue.	S1: Target markets that are active outside of summer; S2: Target team sports.

This trend is a little bit more focused because it's very specific to a certain market. As you know, we started focusing on sports a couple of years ago with the addition of a staff person who works this market. I do want to remind you, that staff person is not 100% sports. There are other markets that he has to cover also. It is our goal to get to a 100% sports with that market.

Some of the things we will be doing under this is advocating for our existing facilities. Things like Memorial Hall, our local colleges, universities and high schools, our existing sports teams; how can we better leverage what we already have, but then we will be advocating for new facilities. Indoor facilities specifically that can host multiple sports with a year-round focus. You know that we are pretty busy during the summer months. I don't have a lot of opportunity for occupancy growth in our hotels during the summer months. We have a lot of opportunity on those off-summer months, so that is what we will be advocating for.

We want to work with ways to educate our hotels on the opportunities and advantages of youth sports and hosting them. Not all hotels want them. We have to work and it's a real education process, but we also have to increase our servicing of events. Once we book an event, I will use the wheelchair softball as an example, it was booked in December but there was a whole year of things that were going on. In fact, the day of the event Justin was hauling bottled water for the team. There is a lot of servicing. We don't just book it and then walk away. I am going to have to be having some staff that is going to help with that servicing.

We want to target those untapped markets. We just did a site visit. Commissioner Burroughs helped us with MMA. We feel that is an opportunity for growth for us. I also believe our river is a great opportunity. Some of the best catfish fishing can be found in the Kaw River and expanding that and making it easy for people to bring in those tournaments. Another one we're looking at is e-sports. It is becoming a big thing in the Midwest. It's been very big on the coast and so we're trying to get in with that now.

Trend 3: Importance of social media is growing	
G1: Use social media to broaden the audience for the CVB.	S1: expand number of specific audiences; S2: Keep up with trends in platforms; S3: Increase conversation with partners; S4: invest in tech; S5: Have sufficiently trained staff.
G2: Find new and innovative ways to tell the KCK story on social media.	S1: Encourage real people to share experiences; S2: Work with partners to amplify our story; S3: Tell story through neighborhoods; S4: Increase social influencers; S5: increase media outreach.

Social media is a priority. This is our third trend. This is how our potential visitor's talk to us, how they talk to each other, and how they tell the story of their experience. It's constantly changing, it's evolving, it's time-consuming, but to do it right, it takes some staff and financial commitment.

We've only identified two goals under this. We want to use it to broaden our audience and then use it to tell the KCK story, but we have a ton of strategies under this. We have to expand that audience whether it's through new platforms, new ways of telling our story. We have to keep up with trends. This includes investing in our staff and their new training. We have to make sure that we're doing it right and effectively.

We have to create new content and that is through some of our new blogger programs and our new influencer programs. We have to increase that partner education and engagement.

This goes back to that partner education I was talking about and encourage them to engage with us and us to engage with them. There's a lot of cross promotion that we can do.

We have to invest in technology making sure we have a high-quality media. It's all about photos. We've got to have great photos and it's expensive to have that. We have to increase our engagement with real people. Visitors will believe and act on what actual people, not necessarily a paid ad that we place, they will act much more on what a person who had this first-hand experience was doing. We have to make sure that the right stories are being told.

Our neighborhoods, we've already talked about that, but we will be partnering with our neighborhoods. Increase media FAM's, very successful, we want to bring more in and then developing those closer relationships with our journalists.

Trend 4: Increase in new tourism development in KCK	
G1: With American Royal project, position KCK as premier ag destination.	S1: Develop marketing partnership with AR; S2: Develop CVB strategy to market AR; S3: Use marketing to keep AR attendees here longer.
G2: Advocate for a convention center and full-service hotel.	S1: Maintain ties with those working toward convention center and hotel; S2: Track lost business.
G3: Advocate for downtown tourism redevelopment.	S1: Advocate for upgrades to Reardon Center; S2: Advocate for upgrades to Memorial Hall; S3: Advocate for amenities and attractions.
G4: Advocate for creating a long-term master plan for tourism in KCK.	S1: Start the conversation with stakeholders.
G5: Create strategies to work with new partners and visitors.	S1: Engage short-term rental operators to maximize their benefit to tourism in KCK.

Our final trend that we talked about was new tourism development and this is one section of the plan that will be constantly evolving and changing. For instance, when the American Royal is up and open, our objectives will change there. As downtown development happens, things will change there, but some of the things we've identified right now, and we've already begun with the American Royal, this year we became the official destination partner for the American Royal and we plan to continue and grow that. It's been a really great partnership that we had this year.

We will continue to advocate for a convention center and a full-service hotel. We will advocate for downtown redevelopment. Again, a lot of advocating. You're going to see me a lot.

One of the things we pointed out is a Tourism Master Plan. We would like to see a Tourism Master Plan. We would like to see a long-term citywide Tourism Master Plan. As a visitor destination what do we want to look like in 10 years, 20 years, and how do we get there.

Commissioner Bynum said advocate for upgrades to Memorial Hall. What kinds of things are you all thinking? **Ms. Jobe** said let me use an example. We have this past year tried to bring in a lot of sports rights holders and say if you want to hold your event here, what would we have to do to be able to host this? We've brought in different NAIA, NCAA, we've also had folks come in with e-sports. If we wanted to hold an e-sports event here—do you know what e-sports are? E-sports is gaming. It's the competition. It is a huge thing. I know, but it's e-sports. What kind of capabilities to be able to host it at Memorial, you have to have so much WIFI and access. Those are the types of things that as we are going out and meeting with these developers who said I would bring my event here, but you don't have this. We want to be able to come back and go this is what we can bring in. Does that answer your question? **Commissioner Bynum** said yes.

Strategic Plan Key Words:

Partnership

Amplified – Increased - Added

Advocacy

Innovation

Diversity

Ms. Jobe said I know I've gone over that really quickly, but I want to point out—I always like to pick out key words. Some of the key words that jumped out to me partnership. You will see us increasing greatly our partnership and working with our partners in that capacity building and education. Amplified-Increased-Added; if you read through that, we're talking about increased

staff, increased marketing, increased financial commitment all throughout our plan. Advocacy, we are the voice of tourism and we need to be advocating for future growth and development. Innovation, we want to be an innovator. We are an innovator, but we want to make sure that we are still continuing to be an innovator. Diversity, we want to find ways to share our diverse community, our diverse cultures, the amenities that we have things to do, and we have to make sure that we are presenting a message that we are welcoming to all visitors.

I want to be really clear here and I want to make sure—I know our entire Board of Directors is fully aware that we currently do not have the staff, we do not have the resources, we do not have the budget to accomplish all of this. We know this. This is a multi-year plan.

What this Strategic Plan does is it identifies what we think we need to do in the next few years to keep us competitive and we know we can't do it all at once.



You have in your packet the 2019 budget that has been approved by the CVB Board and I don't plan to go through it line by line. I will answer any questions that you have, but I want to hit a couple of highlights on where our focus will be next year. Before I get into that I need to mention one thing. In 2017 the CVB received as part of our contract with the UG an additional \$295,000 when Village West STAR Bonds were paid off. This was unanticipated dollars for us. Our contract at the time stated that—our contract with the UG had a clause that we would receive additional dollars if Transient Guest Tax income was above a certain amount. That clause went into effect when STAR Bonds paid off. At that time, we purposely, it was very intentional, we chose to hold on to the majority of those dollars until we went through this strategic planning

process and had better plans for our future. Again, as we go through the budget this will make sense to you.

A couple of things that you will notice when you look at our budget, you will notice that in 2019 our revenue from our contract with the UG is budgeted at \$1,050,000. That is the same amount as 2018. According to our contract with the UG any increase that we will have in 2019 will be based on the 2018 CPI and we're not going to know what that is until next year, but best-case scenario, unless Mr. Bach can update me any closer, I'm thinking maybe it's going to be around 2% hopefully.

The second thing that you will notice in this budget is that our budgeted expenses are more than our budgeted income. I've been with this bureau for over 20 years and this is a first. We typically spend what we bring in each year. As this year's budget was being developed and with the new Strategic Plan, we had multiple new projects, we had a lot of new initiatives for 2019. I had no additional staff and no additional dollars. We had some increases in our administrative cost. Our rents went up, just the cost of doing business went up. In finding a way to not cut our marketing and our program, and the board agreed that this was not the time for us to cutback, we made the decision to use a \$100,000 of that unanticipated income that we received in 2017.

2019 Initiatives

- Increase \$ in the youth and amateur sports market
 - Increased Marketing and Tradeshows / Conferences
- Establish new programs related to improving the Visitor Experience
 - Partner educational workshops and trainings
 - Short Term Rental partnership trainings
- Develop a CVB Volunteer Program
- Increase emphasis on Social Media
 - New staff training opportunities focused on social media and digital marketing
 - Add new Blog Homepage on our website
 - Invest in Photography
 - Attend a Travel Blogger Conference
 - Expand Facebook Live and Instameet programs
- Increase \$ spent on PR
 - add a third Media FAM
- Continue to grow American Royal Partnership
 - Sponsorships, Volunteers at events
- Invest in current staff

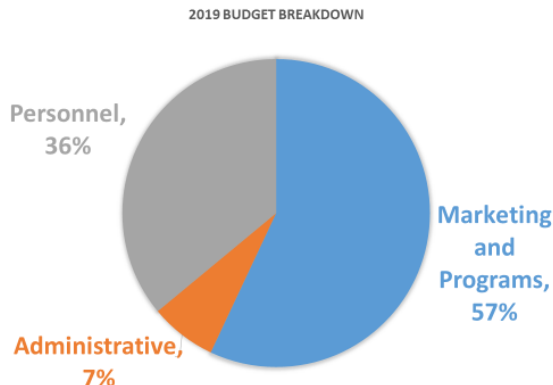
Let me highlight a couple of things in that budget. We will be significantly increasing our youth and amateur sports market. We're placing more advertising, attending new tradeshow. We have new programs for that visitor experience, that partner education training you will see unveiled next year, and our short-term rental program. Launching the new volunteer program that I talked about. Social media, I'm adding in a couple of new staff trainings for next year. We're adding a blog homepage to our website. We are adding a travel blogger conference while we will be meeting new bloggers. We're expanding and improving our Facebook Live and our Instameets and we're investing quite a bit in photography next year.

We're increasing our dollars that we spend on PR. We're adding in a third PR FAM for media and we're talking about adding in a FAM for meeting planners. We're going to continue to grow that American Royal partnership. A big key to that is this volunteer program because staff time is very, very heavy on the staff this year working all those events.

I'm going to invest in current staff. This includes their education and their training. Tourism tactics change almost daily, and I want to stay relevant and innovative in everything that we're doing. Matt mentioned we have a really—some of the staff is here tonight, but they are very dedicated and committed to marketing and selling this community.

In 2019 I am not adding any new staff. All of this is going to marketing and programming and those administrative costs and so I will be making some changes with the staff, kind of moving responsibilities around a little bit there.

You can see all of this relates back to our Strategic Plan and the trends and the goals that we've set out.



The last item I will mention is how we spend our money. You can see that we only spend 7% on Administrative. That is our rent, our utilities, our cost of being in business. We spend 57% of our dollars directing on Marketing and Programing expenses, and 36% on Personnel cost which the majority of that can be charged to marketing. This is well within industry standards, what we are spending.

With that, I will stop talking and see if there are any questions.

Commissioner Johnson said I haven't had a chance to complete my thoughts, but I was just thinking with the recent historical designation of the Quindaro area who then, Congressman Yoder, you all seen opportunity to reengage those dialogues about how we can bring more attention to that area. We talk about the Riverfront, I mean there is just a lot of opportunity that we have not as a community really taken full advantage of and there's a narrative that's there that many times over the course of our history has somewhat lost. I think there is a great treasure trove in that area that we need to be making a priority. I would offer my assistance in whatever I can do to be a part of that, but I just want to hear your thoughts on that as well. **Ms. Jobe** said I couldn't say it any better than you just said. I agree, it is a treasure trove. Probably what I hear—two things I hear from people when they talk about Kansas City, Kansas; especially when they're talking history. The Quindaro area and Strawberry Hill. Those are the areas they want to talk about.

I was at a meeting last week with the Freedom's Frontier group who covers that and I am the Chair of the Governor's Council on Tourism and we brought in Eric Nichols with KDOT to talk about signage because it has been such a challenge, if anybody is involved with that, and I just

said we've got to have better signage in the Quindaro area to tell this story. I don't want it to be lost. I agree, I think I would love to work with you. I know we've met about some of the things there. It is a very untapped market for us.

Commissioner Johnson said I agree. I think with the adoption of the new master plan it specifically states that. Again, we should all, myself and Commissioner Townsend and whoever else wants to jump on, let's make something happen over there.

Commissioner Townsend said I'm curious as to what were some of the other types of improvements that when you brought people in who might have, or you would want to see have an event here, they said they wanted to see. It could be related to Memorial Hall or something else. I will say that I'm glad to hear when budget time comes, I'm hoping we get a lot of support when we start talking about what we want to do with Quindaro because there are some things that need to be cleaned up first. It's great as a destination, but you don't want people to go there and say why am I here, so there's going to have to be some things that will change the look of that place to make it inviting. I'm glad to hear that I've got at least one ally and I know there are some others too. I would be interested in knowing what are some of the other things that you heard because, again, that might have an impact. **Ms. Jobe** said let me start out west. When we're talking about Village West our biggest challenge is not having a full-service hotel and a convention center. We turn away business all the time. They want to be under one roof. I just had two staff members the last two days that have been in Topeka at KSAE which is Kansas Society of Association Executives talking to meeting planners that want to come here. We have a certain market that we can bring in, but there are so many of them that cannot come here until we have that full-service hotel. So, that would be the number one there.

If I come further east, I would say for downtown those visitor amenities. If someone is going to Memorial Hall, transportation to get around, signage as to where everything is. When people travel they want what is familiar and feels safe and so restaurants, things that they know that they know I can go in there, so those amenities to support those events. I think that's probably the biggest thing.

Reardon Convention Center, let me talk about that. That has been a challenge recently having the two—a separate owner for the hotel and the convention center. It presents a challenge when we are trying to bring events in. Typically, if you bring a convention in and they work with

the hotel, there's comp nights that are given. We have two different management organizations now with two different priorities. Neither of them is doing anything wrong. They are just not the same and so someone might bring in a convention for 500 people and use multiple rooms, but they typically don't get those comp nights. There's not that working together there, so it has been a challenge not really having a convention center per se to work with.

I think Memorial Hall is probably one of our greatest growth potentials bringing in whether it be concerts, whether it be MMA. We've talked with groups about bringing in basketball, wrestling, so many different things there. The new parking garage is fantastic. That really is going to be a game changer for Memorial Hall, but just keeping it up-to-date with all the services. Those are the ones that come to mind right now.

Mayor Alvey said thank you for coming and always a great presentation.

Kirk Mayo, Treasurer of the Convention & Visitors Bureau, said I would just like to point something out. Yesterday the hotel association had our annual meeting and that's when we announce the hotelier of the year, the allied member of the year, and the hospitality leadership award; Wyandotte County there are two. There's Anthony Brancato of Excel Linen down in the bottoms. He has done a great job in our industry. He is being honored and this is the Hospitality Leadership Award winner right here (pointing to Ms. Jobe). **Mayor Alvey** said thank you for letting us know that. Congratulations. **Mr. Mayo** was speaking but was inaudible.

Mayor Alvey asked do we have a motion to move into executive session to discuss Personnel matters? (Motion was made at 5:41 p.m.)

Commissioner Markley made a motion, seconded by Commissioner Burroughs, to go into Executive Session until 7:00 p.m. to allow the Commission to discuss the job performance of the County Administrator, which is a private personnel matter related to a specific non-elected employee, as permitted by the Kansas Open Meetings Act; and to reconvene in open session at 7:00 p.m. in the Commission Chambers located on the first floor. Roll call was taken and there were eight "Ayes," Philbrook, Bynum, Burroughs, Townsend, Johnson, Kane, Markley, Walters.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Kane, Commissioner Eighth District; and Mayor Alvey, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:55 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk

December 13, 2018

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

SPECIAL SESSION, THURSDAY, JANUARY 10, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, January 10, 2019, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. McKiernan, Commissioner Second District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Melissa Sieben, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; and Maureen Mahoney, Chief of Staff in Mayor's Office.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, January 10, 2019, at 5:00 p.m. in the Commission Chambers. The Commission will recess from the Commission Chambers to the 9th floor conference room for an executive session regarding litigation.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey asked do we have a motion to move into executive session.

Commissioner Markley made a motion, seconded by Commissioner Walters, to go into Executive Session until 6:00 p.m. to consult with our attorneys and to discuss under the attorney/client privilege, confidential matters related to pending claims and litigation as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion and that we reconvene in open session at 7:00 p.m. in the Commission Chambers located on the first floor. Roll call was taken and there were eight “Ayes,” Townsend, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Arrival time was 5:07 p.m.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook Commissioner Eighth District (left at 5:20 p.m.); and Alvey, Mayor/CEO presiding. **Staff present:** Ken Moore, Chief Legal Counsel; Melissa Sieben and Joe Connor, Assistant County Administrators; and Maureen Mahoney, Chief of Staff in Mayor’s Office.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 5:50 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk

January 10, 2019



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 10, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	<u>Reissue Date</u>
843040	8/17/2018	\$ 24.70	110	Stale Dated	Waters, Patrick	1/11/2019
845859	10/12/2018	\$ 137.66	790	Stale Dated	Hayes, Laurece Yvonne	1/11/2019
846432	10/19/2018	\$ 50.38	790/160	Stale Dated	Kyle, Timothy Eliot	1/11/2019

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 8, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Tory A Anderson	Health	1/10/19	Prog Coordinator
Elizabeth C Groenweghe	Health	1/10/19	Manager Management
Sean M Milleson	Finance/Accounting	1/10/19	Analyst Prof Fiscal
BenjaminM Ntonjira	Finance/Accounting	1/10/19	Assistant
Lisa Y Rangel	CAO/Commission	1/10/19	Prof Assistant

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brian D Finney	Parks/Rec	1/12/19	Bldg & Grounds Specialist
Bridget M Mitchell	Finance/Treasury	1/5/19	Lead Fiscal Supt Specialist

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Bridget E Doty	Aging	ACD code change effective 12/27/18
Emma Fonseca	Aging	ACD code change effective 12/27/18
Ronald Green	Payroll	ACD code change effective 1/1/19
Deborah Headrick	Payroll	ACD code change effective 1/1/19
Linda Ramirez	Aging	ACD code change effective 12/27/18
Andrala Randle	Aging	ACD code change effective 12/27/18
Micah Scheuerman	Payroll	ACD code change effective 1/1/19
Janelle Smith	Payroll	ACD code change effective 1/1/19
Tanya Smith	Payroll	ACD code change effective 1/1/19
Rik Van Dyke	Aging	ACD code change effective 12/27/18

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 10, 2019:

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Sonia Cabrera	Reg of Deeds	1/26/19	Admin Supt Asst
Michael R Porembski	Fire	1/11/19	Master Firefighter

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Brian Bunich	Police	Amend PAC 1/3/19 to reflect change in status reason and sick leave effective 1/4/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Jason Cavanaugh, 2312 Lawrence Ave. KCK, alleging damages to vehicle from a tree falling on the car.

Gerald Radke, 8317 Orient Dr, KCK, alleging damages to his truck from being hit by a dump truck.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Jack Andrade and Brent Smith, Fire Department, travel to Appleton, WI, December 17 – 20, 2018, to attend the Pierce Conference, N/A.

Ryan Beasley and Raymond Elmer, Brent Smith, Troy Vogel, Fire Department, travel to Appleton, WI, January 15 – 17, 2019, to attend Pierce Final Inspection Conference, N/A.

Bernardo Cacho and Brett McCoy, Fire Department, travel to Clinton, IA, January 11-12, 2019, to attend the Line of Duty Death Funeral, Employee Training & Travel.

Jesse Crawford and Sheneé Davis, Lewis Edwards, David Hopkins, SOU, travel to Lonoke, AR, January 27 – February 2, 2019, to attend the DARC Training, Employee Training & Travel.

Raymond Elmer and Eric Heim, Fire Department, travel to Appleton, WI, December 17 – 19, 2018, to attend the Pre-Build Conference.

Phillip Ely and Mark Dailey, Doug Herford, L. Chris Werner, travel to Ft. Worth, TX, March 17 – 21, 2019, to attend the Vehicle Extrication Train the Trainer Conference, Employee Training & Travel.

Brandon Jones, Sheriff's Office, travel to Hutchinson, KS, January 14 – November 15, 2019, to attend the Law Enforcement Leadership Academy, Employee Training & Travel.

Steve Haulmark, Police/Operations/Night Commander, travel to North Kansas City, MO, February 20 – 22, 2019, to attend the Dale Carnegie Training, Employee Training & Travel.

Mark Heath, Fire Department, travel to Carlsbad, CA, February 6 – 9, 2019, to attend the First Watch Collaborate Live Training, Employee Training & Travel.

Anthony Hutchingson and William Nagle, Building Inspection/NRC, travel to Las Vegas, NV, March 10 – 15, 2019, to attend the 2019 Edu Code International Conference, Employee Training & Travel.

Ricky Ledgerwood and Jack Webb, Parks and Recreation Department, travel to Orlando, FL, January 27 – 30, 2019, to attend the ADA Coordinator Cert. Conference, Employee Training & Travel.

Jeremy Rogers, Parks and Recreation Department, travel to Dallas Fort Worth, TX, January 30 – February 2, 2019, to attend the Servant Leadership Conference.

Mike Searcy, Fire-Suppression, travel to Tuttle, OK, November 14, 2018, to attend the K9 Handling Training, Employee Training & Travel.

Greg Talkin, NRC, travel to Dodge City, KS, January 10 – 11, 2019, to attend the HOA/KACE/FMAC Joint Meeting Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

6. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Brinks, Inc./The Corporation Company, Inc. DBA The Corporation Company, Inc., 1100 E. 9th St., KCMO.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 17, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. PUBLIC NOTICES:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on January 8, 2019 at 10:00 a.m.

All City Tow Service, 1015 S. Bethany, held a public auto auction on December 13, 2018 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding a warrant cancellation:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
845323	9/28/2018	\$ 41.97	263	Stale Dated	Sanchez-Vinson, Angelina	1/18/2019

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 15, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Christopher J Conklin	PW/WPC	1/10/19	Construction Worker I
Jason M Hawkins	PW/Fleet	1/10/19	Fleet Service Worker
Elizabeth Moya	Reg of Deeds	1/14/19	Admin Supt Specialist

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Lindsee Acton	Court Trustee	12/1/18	Court Trustee	Court Trustee
Kristal J Cox	Process Server	1/10/19	Lead Fiscal Supt	Admin Supt Spec
Michelle E Fuchs McFarlane	District Attorney	1/10/19	Asst	ADA I
			ADA I	ADA II

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Stan R Leavendusky	Police/Security	12/31/18	Security Officer
Miranda N Rohn	Urban Planning	1/7/19	Proj Eng/Mgr I
Bernard A Williams	Sheriff/Juv	12/27/18	Juv Care Worker II

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Linda E Campbell	Transit	1/6/19	1/17/19	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Scott D Fee	NRC/Bus License	1/28/19	License Inspector I
James D Scaife	Transit	1/12/19	Transit Operator

Section VIII - Other

Requests

Name	Department/Division	Action Requested and Explanation
Eileen Bailey	Finance/Treasury	ACD code change effective 1/1/19
Telesha Bennett	Finance/Treasury	ACD code change effective 1/1/19
Carli Bohrer	Finance/Treasury	ACD code change effective 1/1/19
Cori Bond	Finance/Treasury	ACD code change effective 1/1/19
Erin Davis	Finance/Treasury	ACD code change effective 1/1/19
Timothy Fithian	Finance/Treasury	ACD code change effective 1/1/19
Brendan French	Sheriff	ACD code change effective 1/1/19
Alexandria Goode	Finance/Treasury	ACD code change effective 1/1/19
Annamarie Granados	Finance/Treasury	ACD code change effective 1/1/19
Brianna Hand	Finance/Treasury	ACD code change effective 1/1/19
Catherine Hays	Finance/Treasury	ACD code change effective 1/1/19
Michelle Hicks	Finance/Treasury	ACD code change effective 1/1/19
Gayle Jackson	Finance/Treasury	ACD code change effective 1/1/19
Susana Jensen	Finance/Treasury	ACD code change effective 1/1/19
Ezola Johnson	Finance/Treasury	ACD code change effective 1/1/19
Rachel Johnson	Finance/Treasury	ACD code change effective 1/1/19
MaDonna Kampfer	Finance/Treasury	ACD code change effective 1/1/19
Michael D Kroening	Sheriff/Detention	ACD code change effective 1/10/19
Stephanie Lehmkuhl	Finance/Treasury	ACD code change effective 1/1/19
Lindsay Lemanske	Finance/Treasury	ACD code change effective 1/1/19
Mariana Luna	Finance/Treasury	ACD code change effective 1/1/19
Kathleen Merryfield	Finance/Treasury	ACD code change effective 1/1/19
Kristina Mikesic	Finance/Treasury	ACD code change effective 1/1/19
Bridget Mitchell	Finance/Treasury	ACD code change effective 1/1/19
Meghan Peterson	Finance/Treasury	ACD code change effective 1/1/19
Nykita Sullivan-Slater	Finance/Treasury	ACD code change effective 1/1/19

Guadalupe Torres-Ramirez	Finance/Treasury	ACD code change effective 1/1/19
Carlos Ulloa	Sheriff	ACD code change effective 1/1/19
Erick Verser	Finance/Treasury	ACD code change effective 1/1/19
Vacant	Finance/Treasury	ACD code change effective 1/1/19
Vacant	Finance/Treasury	ACD code change effective 1/1/19
Vacant	Finance/Treasury	ACD code change effective 1/1/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 17, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Timothy L Carney	Police	1/17/19	Patrolman III
Jeffrey B Norwood	Police	1/17/19	Patrolman III
Danny S Thornton	Police	1/17/19	Patrolman III
Collin L Ward	Police	1/17/19	Patrolman III

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Omar H Abdi	Police	1/12/19	Patrolman II
Todd R Kinney	DOTS	1/9/19	Director
Alekhya Kodumuri	PW/Engineering	1/14/19	Engineer/Pjrt Mgr I
Steven A Rios	Police	12/31/18	Sr Master Patrolman
Kevin M Wright	PW/Street	1/7/19	Equipment Operator I

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Erin E Davis	Finance/Treasury	1/22/19	2/22/19	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jerrit D Barbarich	Sheriff/Detention	2/12/19	Deputy
Arich D Cole	Sheriff/Detention	2/12/19	Deputy
Derick W Enloe	Sheriff/Detention	2/1/19	Deputy
Rachel R Green	Sheriff/Detention	2/12/19	Deputy
Chance A Kresyman	Sheriff/Detention	2/12/19	Deputy
Adam M Tyrrell	Sheriff/Detention	2/12/19	Deputy

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Durayl Vann #47539, Wyandotte County Jail, 710 N. 7th St., KCK, alleging physical damage and bodily harm while in the Wyandotte County Jail.

Barbara Woods, 2723 Parallel Ave., KCK, alleging damage to her vehicle due to it being hit by the City snowplow.

Action: Received and filed. Copies previously forwarded to Legal.

6. SUMMONSES:

Mainstreet Credit Union vs. Conrad William Sulzen Jr. (Estate), et al. et al., No. 2018-CV-001036 (2).

Action: Received and filed. Copies previously forwarded to Legal.

7. TRAVEL REQUESTS:

Det Diaz, Miller, O'Neill, Web & Blackman, KCPD/CID, travel to Garden City, KS, February 18 – 22, 2019, to attend the Kansas Gang Investigators 13th Annual Conference, Employee Training & Travel.

Mark Dailey, Phillip Matt Ely, Doug Hereford, and L. Chris Werner, Fire Department, travel to Fort Worth, TX, March 17 – 21, 2019, to attend the Vehicle Extrication – Train the Trainer, Employee Training & Travel. (Revised Travel Requests.)

Stephen Dyer, Marcus Johnson, and Jared McGrew, Sherriff's Administration, travel to Johnston, IA, March 3 – 8, 2019, to attend the Crisis/Hostage Negotiations – Level 1, N/A.

Cameron Morgan, KCKPD/Internal Affairs, travel to Kansas City, MO, March 11 – 15, 2019, to attend LEVA Level 1: Forensic Video Analysis & The Law, Employee Training & Travel.

Cameron Morgan, KCKPD/Internal Affairs, travel to Kansas City, MO, May 6 – 10, 2019, to attend LEVA Level 2: Digital Multimedia Evidence Processing, Employee Training & Travel.

Cameron Morgan, KCKPD/Internal Affairs, travel to Kansas City, MO, September 10 – 14, 2019, to attend LEVA Level 3: The Principles of Forensic Video/Image Compare and Contrast, Employee Training & Travel.

Cameron Morgan, KCKPD/Internal Affairs, travel to Houston, TX, December 8 – 13, 2019, to attend LEVA Level 4: Advanced Forensic Video Analysis & The Law, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

8. APPLICATIONS FOR CMB LICENSE (OP):

Fr. Harry Schneider/ DBA St. Peters Catholic Church, 409 N. 15th St.
Vietnam Café 39 LLC/William Hutton DBA Vietnam Café 39 LLC, 2200 W. 39th Ave.

Action: Referred to License.

9. APPLICATION FOR DRINKING EST./PUBLIC VENUE:

Alfonso Herrera Hernandez/William Hutton DBA El Toro Loco Mexican Bar & Grill, 1706 Village West Pkwy.

Action: Referred to License.

10. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Sheri Lynne Muzzy DB/with Chateau Avalon Hotel, 701 Village West Pkwy.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 24, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of December 2018.

Action: Received and filed.

2. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	<u>Reissue Date</u>
848353	11/21/2018	\$ 925.00	160	Lost/Stolen	Tucker, Neil A	1/25/2019

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>
851374	1/18/2019	\$ 229.00	160	Wrong vendor	River by the Woods Apt LLC

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 22, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Colin S Brown	DA's Office	1/24/19	Investigator Program
Elizabeth Escamilla-Macias	Sheriff/Juv.	1/24/19	Specialist

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Steve E Barron	PW/WPC	1/10/19	Plant Maint. Worker	Storekeeper/Clerk
Robert J Beery II	Sheriff/Admin	1/10/19	Deputy Program Specialist	Deputy Fiscal Supt Specialist
Bridget E Doty	Aging	1/10/19	Deputy	Deputy
Tyler F Eickhoff	Sheriff/Admin	1/10/19	Sergeant	Sergeant
Chad M Erwin	Sheriff/Admin	1/10/19	Deputy	Deputy
Wayne A Hopkins	Sheriff/Detention	1/10/19	Deputy	Deputy
Charles A Lyles	Sheriff/Detention	1/10/19	Deputy	Deputy
Joseph F Lyons	Sheriff/Admin	1/10/19	Deputy	Deputy
Thomas E Stark	Sheriff/Admin	1/10/19	Deputy	Deputy
Pricilla C Watley	Sheriff/Juv.	1/10/19	Clerk	Juv. Care Worker
Scott A Wood	Sheriff/Detention	1/10/19	Deputy	Deputy

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Aaron L Schwab	Fire	1/29/19	Master Fire Captain
John J Simma	Fire	1/29/19	Master Fire Captain
Michael G Supica	Fire	1/29/19	Master Fire Captain
Lawrence C Werner	Fire	1/29/19	Master Fire Captain

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Alex Bruce	Police	ACD code change effective 1/3/19
Christopher J Conklin	PW/WPC	Amend PAC 1/15/19 to reflect ACD code change effective 1/10/19
Mohamad Islaweyn	Police	ACD code change effective 1/3/19
Angela Joyce	Police	ACD code change effective 1/3/19
Richard Mikesic	Finance/Treasury	ACD code change effective 1/1/19
Brandon Moses	Police	ACD code change effective 1/3/19
Andrea Parra	Finance/Treasury	ACD code change effective 1/1/19
Steven Solis	Police	ACD code change effective 1/3/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 24, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Leeroy Carpio	Sheriff/Detention	1/24/19	Deputy
Timothy D Gist	Sheriff/Detention	1/24/19	Deputy
Darian Z Jones	Sheriff/Detention	1/24/19	Deputy
David Lumjel	Sheriff/Detention	1/24/19	Deputy
Dilynn M Sheets	Sheriff/Detention	1/24/19	Deputy
Jesus M Soto	Sheriff/Detention	1/24/19	Deputy
Marcus V Wright	Sheriff/Detention	1/24/19	Deputy

Section II-Transfer

Name	Department/Division	Eff/ Date	Former Job Title	New Job Title
Erick A Perea	PW/WPC	1/24/19	General Maint. Worker	Plant Operator II

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Justin M Folsom	Health/PHS	1/26/19	2/25/19	091
Krista C Owens	Police	1/14/19	2/14/19	090

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jami R Garcia	Fire/Comm	12/19/18	Fire Comm Dispatcher
Michael T Martin	Police	2/12/19	Master Detective Public Safety
Sasche M Robinson	Police	2/20/19	Dispatcher Public Safety
Zachary A Quigley	Police	2/9/19	Dispatcher

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Bridget E Doty	Aging	Amend PAC 1/22/18 to reflect change effective 1/10/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

James E. Nelson, 2210 Ball Lane, alleging damage to property due to trees falling.

Jeffrey Goff, 12222 Pebble Beach Dr., alleging damage to property due to snowplow damage to yard and sprinkler heads.

Joshua Davis, 544 Arizona St., alleging damage to vehicle due to parts falling off a bomb squad vehicle that he was traveling behind.

Marshall & Nora Wardwell, 5645 Edgehill Dr., alleging damage to mailbox due to snowplow hitting it.

Action: Received and filed. Copies previously forwarded to Legal.

6. SUMMONS:

Kansas Avenue Land, Inc. vs Unified Government of Wyandotte County, Kansas City, KS, The Board of Zoning Appeals of The Unified Government and Copart of Kansas, Inc., Case No. 2018-CV-001004. (2)

Unified Government of Wyandotte County, Kansas City, KS, vs Aguilar, Juan C., et al., Case No. 2019-PT-000001, Tax Sale #343. (3)

Action: Received and filed. Copies previously forwarded to Legal.

7. TRAVEL REQUESTS:

Jeff Anderson, WPC/Sewer Maintenance, travel to Fort Lauderdale, FL, May 7 – 11, 2019, to attend the Stormwater Symposium Conference, Sewer System Fund.

Donald Ash, Felicia Atkins, Amber Freeman and Chance Kreysman, Sheriff's/Administration/ Detention, travel to Washington, DC, May 9 – 17, 2019, to attend the National Police Week Conference, Staff recognition – T. King and P. Rohrer, Employee Training & Travel.

Kelli Bailiff, Keona Ballard, Stephen Dyer, Jeffrey Fewell, Jared Gambrel, Rachel Green, Tracy McCullough, Daniel Soptic, Kimberley Reid, Anthony Serrano and Max Sybrant, Sheriff's/Administration, travel to Washington, DC, May 10 – 16, 2019, to attend the National Police Week Conference, Staff recognition – T. King and P. Rohrer, Employee Training & Travel.

Keona Ballard, Kyle Harvey, Charles Patrick, Erik Sage and Ernesto Terrazas, Sheriff's Administration, travel to Louisville, KY, May 17 – May 22, 2019, to attend the 2019 Annual American Jail Assn. Conference, Employee Training & Travel.

Sandra Carrera and Gary Williams Police Department, travel to Johnston, IA, January 13 – 18, 2019, to attend the Fundamentals of Drug Crime Scene Processing Conference, Employee Training & Travel.

Jeff Fisher, Public Works, travel to Washington, D.C., March 5 – 8, 2019, to attend the Missouri & Associated Rivers Coalition, Employee Training & Travel.

Violeta Magee and William Wallace, KCKPD/Bureau of Operations, travel to Louisville, KY, March 3 – 8, 2019, to attend the 2019 Police Captain Assessor Conference, N/A.

Jared McGrew, Sheriff's/Detention, travel to Johnston, IA, April 7 – 12, 2019, to attend the Crisis/Hostage Negotiations-Level 1 Conference, Employee Training & Travel.

Jeremy Rogers, Parks and Recreation Dept., travel to Hutchinson, KS, February 4 – 7, 2019, to attend the KRPA Conference, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

8. CERTIFICATES OF INSURANCE:

A-Team Security Company, LLC
Amazing Tree Care, LLC
Clarence M. Kelley & Associates of Kansas City, Inc.
Crowd Systems, Inc.
FPK Security Inc., Mark David dba: FPK Investigations (2)
Lopez Landscaping, LLC
Metro Protective Services
MVM, Inc.
Protective & Investigative Services, LLC
Seagreen Productions LLC DBA Chef Baldee
Simmons Security & Protection Services
U. S. Security Associates, Inc. (2)
Whelan Security Co.
Wright Tree Service, Inc.

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Bond:

Barnzy Electric, LLC
Haas Electric, LLC
Jason Wright Inc. DBA Jason Wright Electric
Kc Electrical Contractors, LLC
Malin Electric, Plumbing & Remodeling, LLC
Simpson Randy DBA AAA Electrical Contracting
Switch-It-Up LED, LLC

HVAC Bond:

Michael Harding DBA Harding Services

Mechanical Contractor's Bond:

JAP HVAC Services, LLC

Mechanical/HVAC Bond:

Advantage 1 Heating & Cooling

Plumber's Bonds:

Best Plumbing, LLC

Action: Referred to License.

10. RIDER TO BOND:

Electrical Bond:

Malin Electric, Plumbing & Remodeling, LLC

Action: Referred to License.

11. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Bowers Electric, LLC
Creek Electric Inc.
Double S Electric, Inc.
MVP Electric, LLC

Plumber's Bonds:

RLI Insurance Company
Blue River Plumbing, Inc.

Septic Bond:

K-Mel Industries, Inc.

Action: Referred to License.

12. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

A.B. May Company
Ample Electric, Inc

HVAC Bond:

Sam'z Heating & Cooling, Inc.

Plumber's Bond:

John the Plumber, LLC

Action: Referred to License.

13. REINSTATEMENT NOTICE:

Miscellaneous Bond:

Van Patten Enterprises, LLC

Action: Referred to License.

14. APPLICATION FOR CMB LICENSE (PKG):

Himalayan Grocery, LLC/Ananta Khanal DBA Himalayan Grocery, LLC, 1406 Minnesota Ave.

Moran Foods LLC/Frank Blevins DBA Save A Lot #443, 2815 State Ave.

Moran Foods, LLC/Frank Blevins DBA Save A Lot #468, 2102 Metropolitan Ave.

Moran Foods, LLC/Frank Blevins DBA Save A Lot #456, 8115 State Ave.

Action: Referred to License.

15. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Samuel Sparks DBA Club Sparks, 1436 Kansas Ave.

Santos Ornelas/Ronald A. Mayden DBA The Brass Ring, 5648 State Ave.

Action: Referred to License.

16. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Santos Ornelas/Ronald A. Mayden DBA The Brass Ring, 5648 State Ave.

Action: Referred to License.

17. APPLICATION FOR PRECIOUS METALS DEALER:

Metro Pawn Inc. DBA Metro Pawn, 5030 State Ave. (2)
Metro Pawn Inc. DBA Metro Pawn, 2005 W. 43rd Ave. (2)
Jung Hee Park DBA Han's Jewelers, 7700 State Ave.

Action: Referred to License.

18. APPLICATIONS FOR PRIVATE SECURITY BUSINESSES:

Champion National Security, Inc./Northwest Registered Agent DBA Champion National Security, Inc, 1616 Gateway Blvd., Richardson, TX

Crowd Systems Inc./ Jill Bergerhofer DBA Crowd Systems Inc., 4050 Pennsylvania #111, Kansas City, MO

Metropolitan Public Safety, LLC/Nelly Ochoa DBA Metropolitan Public Safety, LLC 923 NE Woods Chapel Rd. #185, Lee's Summit, MO

NPB Security Service/National Registered Agents, Inc of Kansas DBA NPB Security Service, 77 S. 7th St. Tfwy.

KCPI Security Inc./Registered Agents Inc. DBA KCPI Security Inc., 1101 Walnut St., Unit 303, Kansas City, MO

Remote Risk Management, LLC/Harry Sims DBA Remote Risk Management, 931 US1, Avenel, NJ

Action: Referred to License.

19. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:

Deanna Lammers DBA Chateau Avalon, 701 Village West Pkwy

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 1953

Full Commission Meeting Date: 1/31/19

Committee: Public Works & Safety

Date of Standing Committee Action: 1/28/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/25/2019	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution authorizing the Mayor to extend the agreement with the city of Bonner Springs, Kansas, for street maintenance and police services to the unincorporated area of Loring for an additional year.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Loring Reso, UG.BonnerSprings.1Year.Agreement(2019)				

RESOLUTION NO. _____

**BE IT RESOLVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

That the Mayor 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 to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government as Addendum to the Interlocal Cooperation Agreement among the Unified Government of Wyandotte County/Kansas City, Kansas and Bonner Springs, Kansas for street maintenance and police services to the unincorporated area of Loring being dated _____.

The County Administrator and Unified Government employees are directed to take any action required and to execute any instruments necessary to satisfy the intent of this Resolution.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of _____ 2019.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By:

David Alvey
Mayor/Chief Executive

(SEAL)
ATTEST

Unified Government Clerk

Approved as To Form:

Misty S. Brown, Deputy Chief Counsel

ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT

THIS ADDENDUM is made and entered into this ____ day of _____, 2018, by and between the Unified Government County/Kansas City, Kansas, the City of Bonner Springs, Kansas, adding additional terms to the Interlocal Cooperation Agreement entered into by and among the parties and the City of Edwardsville and dated May 16, 1996, and to the 1997, 1998, 1999, 2001, 2002, 2003, 2007, 2013, and 2018 Addenda to the Agreement.

WHEREAS, the parties wish to amend certain provision of the Agreement and addenda.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 8 of the Agreement is amended to read as follows:

8. Street Maintenance. Bonner Springs will provide for a one (1) year period street maintenance, traffic control signs and devices, snow removal, right-of-way mowing, pavement markings and guardrail maintenance for the Loring area, the unincorporated areas of Delaware township south of Bonner Springs. The Unified Government agrees to pay in each fiscal year \$106,651.13 beginning in fiscal year 2019. Bonner Springs shall perform, pursuant to its ordinances and state laws, noxious and general weed control within the Loring area, as well as within Bonner Springs. The Unified Government agrees to provide storage and sale of weed control chemicals. The Unified Government does further agree to use whatever authority is has under Kansas law to assist Bonner Springs in the above noted responsibilities. The Unified Government will be responsible for property maintenance of Unified Government owned properties in Bonner Springs and the Loring Area.

2. Paragraph 10 of the Agreement is amended to read as follows:

10. Emergency Services. Bonner Springs will provide police, fire, and ambulance services to the Loring area for a one (1) year period, beginning January 1, 2019 for the annual sum of \$27,329.35.

3. Paragraph 11 of the Agreement is amended to read as follows:

11. Payments. All annual payments to be made pursuant to this agreement shall be made no later than March 1, 2019.

4. The Interlocal Cooperation Agreement dated 1996, subsequent addenda and their terms re incorporated herein.
5. All other provisions of the Interlocal Cooperation Agreement and the 1998 addendum shall remain as previously agreed to, consistent with this addendum.

IN WITNESS WHEREOF, the parties hereto have executed the above and foregoing Addendum the day and year and written above.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

David Alvey
Mayor/CEO

Attest:

Unified Government Clerk

Date: _____

(Seal)

CITY OF BONNER SPRINGS, KANSAS

By: _____
Jeff Harrington
Mayor

Attest:

Christina Brake, City Clerk

Date: _____

(Seal)



Staff Request for Commission Action

Tracking No. 19556

Full Commission Meeting Date: 1/31/19

Committee: Public Works & Safety

Date of Standing Committee Action: 1/28/19

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
01/25/2019	Misty Brown	x5067	mbrown@wycokck.org	Administrator's Office

Item Description:

A Resolution authorizing the Unified Government to enter into a Public Partnership Agreement with Kaw Valley Drainage District and the Corps of Engineers.

The UG has received a Public Partnership Agreement (PPA) for improvements to the flood protection system in Argentine. This agreement will have two local sponsors- one being the UG and the other Kaw Valley Drainage District (KVDD). This agreement is for the design and construction improvements to the flood protection system to the Argentine unit. During the 2019 budget process, the commission approved a 35% cost-share for the Strong Avenue pump on the Argentine unit. The budget allocation for that project is \$1.2 million dollars. However, by entering into this agreement, the UG's total share for the entire improvement project will be just over \$600,000.00 plus the cost for utility and right-of-way acquisitions. The federal government passed the Bi-Partisan Act of 2018/Natural Disaster Relief to fund the Argentine Levee unit, and what was budgeted as a cost-shared project for just the Strong Ave pump station will now financially support the flood protection improvements for the Argentine unit.

The UG is working closely with KVDD who will also be responsible for costs related to the Argentine pump station, as well as right-of-way acquisition and utility relocations. Next steps will include the UG and KVDD bringing an Agreement to Commission for approval for our continued work together on this project.

It is requested that this item be fast tracked to the January 31, 2019 full commission meeting.

Action Requested:

Fast track and adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

PPA.Resolution, Argentine Levee Unit PPA

RESOLUTION NO. _____

**BE IT RESOLVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

That the Mayor 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 authorized and directed to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government the Project Partnership Agreement between the Department of Army and the Unified Government of Wyandotte County/Kansas City, Kansas and the Kaw Valley Drainage District of Kansas City, Wyandotte County, Kansas for the Argentine Levee Unit Flood Risk Management Project. The Mayor, County Administrator and Unified Government employees are directed to take any action required and to execute any instruments necessary to satisfy the intent of this Resolution.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of _____ 2019.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By:

David Alvey
Mayor/Chief Executive

(SEAL)
ATTEST

Unified Government Clerk

Approved as To Form:

Misty S. Brown, Deputy Chief Counsel

PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE KAW VALLEY DRAINAGE DISTRICT OF KANSAS CITY,
WYANDOTTE COUNTY, KANSAS AND THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY AND KANSAS CITY, KANSAS
FOR
THE ARGENTINE LEVEE UNIT
FLOOD RISK MANAGEMENT PROJECT

THIS AGREEMENT is entered into this _____ day of _____, _____, by and between the Department of the Army (hereinafter the "Government"), represented by the Commander, Northwestern Division, U.S. Army Corps of Engineers and the Kaw Valley Drainage District of Wyandotte County, Kansas, represented by the President of the Board of Directors, and the Unified Government of Wyandotte County and Kansas City, Kansas represented by the County Administrator, (hereinafter the "Non-Federal Sponsors").

WITNESSETH, THAT:

WHEREAS, construction of the Missouri River and Tributaries project for flood risk management at Kansas Cities, Missouri and Kansas (hereinafter the "Authorized Project") was authorized by the Flood Control Acts of 1936, 1944, 1946 and 1954;

WHEREAS, the Authorized Project was modified by the Section 1001(28) of the Water Resources Development Act of 2007, Public Law 110-114, to increase the degree of protection for the Argentine Levee Unit on the Kansas River in Kansas (hereinafter the "Project", as defined in Article I.A. of this Agreement);

WHEREAS, Section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), specifies the cost-sharing requirements applicable to the Project;

WHEREAS, notwithstanding Section 103 of the Water Resources Development Act of 1986, as amended, Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123 enacted February 9, 2018 (hereinafter "BBA 2018"), authorizes construction at full Federal expense to the extent that appropriations provided under the Construction heading of the BBA 2018 are available and used for such purpose;

WHEREAS, the provisions of Section 902 of the Water Resources Development Act of 1986, as amended, do not apply to the funds provided in BBA 2018 that will be used for construction of the Project;

WHEREAS, 33 U.S.C. 701h authorizes the Government to undertake, at the Non-Federal Sponsor's full expense, additional work while the Government is carrying out the Project; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement and acknowledge that Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), provides that this Agreement shall be enforceable in the appropriate district court of the United States.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I – DEFINITIONS

A. The term “Project” means modifications to the Argentine Levee Unit on the Kansas River to increase project capabilities and reliability; including improvements to 3 pump stations, increasing the levee and floodwall height, replacing stoplog gaps, and utility crossing relocations as generally described in the Review of Completed Project, Kansas City Levees, Missouri and Kansas, Interim Feasibility Report, dated August 2006, and approved by the Chief of Engineers on December 19, 2006.

B. The term “real property interests” means lands, easements, and rights-of-way, including those required for relocations and borrow and dredged material placement areas. Acquisition of real property interests may require the performance of relocations.

C. The term “relocation” means the provision of a functionally equivalent facility to the owner of a utility, cemetery, highway, railroad (excluding existing railroad bridges and approaches thereto), or public facility when such action is required in accordance with applicable legal principles of just compensation. Providing a functionally equivalent facility may include the alteration, lowering, raising, or replacement and attendant demolition of the affected facility or part thereof.

D. The term “placement area improvements” means the improvements required on real property interests to enable the ancillary placement of material that has been dredged or excavated during construction, operation, and maintenance of the Project, including, but not limited to, retaining dikes, wasteweirs, bulkheads, embankments, monitoring features, stilling basins, and de-watering pumps and pipes.

E. The term “functional portion thereof” means a portion of the Project that has been completed and that can function independently, as determined in writing by the District Commander for Kansas City District (hereinafter the “District Commander”), although the remainder of the Project is not yet complete.

F. The term “betterment” means a difference in construction of an element of the Project that results from the application of standards that the Government determines exceed those that the Government would otherwise apply to construction of that element.

G. The term “fiscal year” means one year beginning on October 1st and ending on September 30th of the following year.

H. The term “additional work” means items of work related to, but not cost shared as a part of, the Project that the Government will undertake on the Non-Federal Sponsor’s behalf while the Government is carrying out the Project, with the Non-Federal Sponsor responsible for all costs and any liabilities associated with such work.

ARTICLE II - OBLIGATIONS OF THE PARTIES

A. In accordance with Federal laws, regulations, and policies, the Government shall complete design and undertake construction of the Project. As of the effective date of this Agreement, the amount of BBA funds available for the Project is estimated at \$88,311,000.

B. In accordance with Article III, the Non-Federal Sponsor shall provide the real property interests, placement area improvements, and relocations required for construction, operation, and maintenance of the Project.

C. To the extent non-BBA 2018 Federal Construction funds were provided for the Project, a minimum non-Federal cost share of 35 percent is required. As of the effective date of this Agreement, the amount of remaining non-BBA 2018 Federal Construction funds available for the Project is estimated at \$2,367,000, resulting in an estimated total cost-shared amount of \$3,641,000, with the non-federal cost share estimated at \$1,274,000 and the required minimum 5 percent cash contribution estimated at \$62,200. In addition to providing the required minimum 5 percent cash contribution, the Non-Federal Sponsor shall provide its remaining required minimum non-federal share of the cost-shared work either in cash, or by electing to waive reimbursement of such amount for privately owned real property interests, relocations, placement area improvements, and investigations for hazardous substances to be acquired, provided, made, or conducted after the effective date of this Agreement, as provided for in Article V, or a combination of both. No later than 90 calendar days after the effective date of this Agreement, the Non-Federal Sponsor shall pay the amounts required to meet its cost share to the Government by delivering a check payable to “FAO, USAED, Kansas City (G5)” to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government.

D. To the extent practicable and in accordance with Federal law, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts, including relevant plans and specifications, prior to the Government’s issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Government, as it determines necessary, shall undertake actions associated with historic preservation, including, but not limited to, the identification and treatment of historic properties as those properties are defined in the National Historic Preservation Act (NHPA) of 1966, as amended. All costs incurred by the Government for such work (including the mitigation of adverse effects other than data recovery) shall be included in construction costs and

shared in accordance with the provisions of this Agreement. If historic properties are discovered during construction and the effect(s) of construction are determined to be adverse, strategies shall be developed to avoid, minimize or mitigate these adverse effects. In accordance with 54 U.S.C. 312507, up to 1 percent of the total amount authorized to be appropriated for the Project may be applied toward data recovery of historic properties and such costs shall be borne entirely by the Government. In the event that costs associated with data recovery of historic properties exceed 1 percent of the total amount authorized to be appropriated for the Project, in accordance with 54 U.S.C. 312508, the Government will seek a waiver from the 1 percent limitation under 54 U.S.C. 312507 and upon receiving the waiver, will proceed with data recovery at full federal expense. Nothing in this Agreement shall limit or otherwise prevent the Non-Federal Sponsor from voluntarily contributing costs associated with data recovery that exceed 1 percent.

F. When the District Commander determines that construction of the Project, or a functional portion thereof, is complete, within 30 calendar days of such determination, the District Commander shall so notify the Non-Federal Sponsor in writing and the Non-Federal Sponsor, at no cost to the Government, shall operate, maintain, repair, rehabilitate, and replace the Project, or such functional portion thereof. The Government shall furnish the Non-Federal Sponsor with an Operation, Maintenance, Repair, Rehabilitation, and Replacement Manual (hereinafter the "OMRR&R Manual") and copies of all as-built drawings for the completed work.

1. The Non-Federal Sponsor shall conduct its operation, maintenance, repair, rehabilitation, and replacement responsibilities in a manner compatible with the authorized purpose of the Project and in accordance with applicable Federal laws and specific directions prescribed by the Government in the OMRR&R Manual. The Government and the Non-Federal Sponsor shall consult on any subsequent updates or amendments to the OMRR&R Manual.

2. The Government may enter, at reasonable times and in a reasonable manner, upon real property interests that the Non-Federal Sponsor now or hereafter owns or controls to inspect the Project, and, if necessary, to undertake any work necessary to the functioning of the Project for its authorized purpose. If the Government determines that the Non-Federal Sponsor is failing to perform its obligations under this Agreement and the Non-Federal Sponsor does not correct such failures within a reasonable time after notification by the Government, the Government, at its sole discretion, may undertake any operation, maintenance, repair, rehabilitation, or replacement of the Project. No operation, maintenance, repair, rehabilitation, or replacement by the Government shall relieve the Non-Federal Sponsor of its obligations under this Agreement or preclude the Government from pursuing any other remedy at law or equity to ensure faithful performance of this Agreement.

G. Not less than once each year, the Non-Federal Sponsor shall inform affected interests of the extent of risk reduction afforded by the Project.

H. The Non-Federal Sponsor shall participate in and comply with applicable Federal floodplain management and flood insurance programs.

I. In accordance with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), the Non-Federal Sponsor shall prepare a floodplain management plan for the Project within one year after the effective date of this Agreement and shall implement such plan not later than one year after completion of construction of the Project. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood risk reduction provided by such work. The Non-Federal Sponsor shall provide an information copy of the plan to the Government.

J. The Non-Federal Sponsor shall publicize floodplain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with the Project.

K. The Non-Federal Sponsor shall prevent obstructions or encroachments on the Project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) that might reduce the level of flood risk reduction the Project affords, hinder operation and maintenance of the Project, or interfere with the Project's proper function.

L. The Non-Federal Sponsor shall not use Federal program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Project. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

M. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

N. In addition to the ongoing, regular discussions of the parties in the delivery of the Project, the Government and the Non-Federal Sponsor may establish a Project Coordination Team to discuss significant issues or actions. The Non-Federal Sponsor shall be solely responsible for any costs it incurs for participation in the Project Coordination Team, without reimbursement by the Government.

O. The Non-Federal Sponsor may request in writing that the Government perform betterments or additional work on behalf of the Non-Federal Sponsor. Each request shall be subject to review and written approval by the Division Commander for Northwestern Division (hereinafter the "Division Commander"). If the Government agrees to such request, the Government shall provide written notice to the Non-Federal Sponsor of the amount of funds required to cover such costs in advance of the Government performing such work.

1. As of the effective date of this Agreement, the costs for betterments are projected to be \$0 and the costs for additional work are projected to be \$0. Such costs are not included as part of the estimated total cost of the Project.

2. No later than 60 calendar days of receiving written notice from the Government of the costs of betterments or additional work, the Non-Federal Sponsor shall make the full amount of such required funds available to the Government by delivering a check payable to "FAO, USAED, Kansas City (G5)" to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. If at any time the Government determines that additional funds are required to cover such costs, the Non-Federal Sponsor shall provide those funds within 30 calendar days from receipt of written notice from the Government.

ARTICLE III - REAL PROPERTY INTERESTS, PLACEMENT AREA IMPROVEMENTS, RELOCATIONS, AND COMPLIANCE WITH PUBLIC LAW 91-646, AS AMENDED

A. The Government, after consultation with the Non-Federal Sponsor, shall determine the real property interests needed for construction, operation, and maintenance of the Project. The Government shall provide the Non-Federal Sponsor with general written descriptions, including maps as appropriate, of the real property interests that the Government determines the Non-Federal Sponsor must provide for construction, operation, and maintenance of the Project, and shall provide the Non-Federal Sponsor with a written notice to proceed with acquisition. The Non-Federal Sponsor shall acquire the real property interests and shall provide the Government with authorization for entry thereto in accordance with the Government's schedule for construction of the Project. The Non-Federal Sponsor shall ensure that real property interests provided for the Project are retained in public ownership for uses compatible with the authorized purposes of the Project.

B. The Government, after consultation with the Non-Federal Sponsor, shall determine the placement area improvements necessary for construction, operation, and maintenance of the Project, and shall provide the Non-Federal Sponsor with general written descriptions, including maps as appropriate, of such improvements and shall provide the Non-Federal Sponsor with a written notice to proceed with such improvements. The Non-Federal Sponsor shall construct the improvements in accordance with the Government's construction schedule for the Project.

C. The Government, after consultation with the Non-Federal Sponsor, shall determine the relocations necessary for construction, operation, and maintenance of the Project, and shall provide the Non-Federal Sponsor with general written descriptions, including maps as appropriate, of such relocations and shall provide the Non-Federal Sponsor with a written notice to proceed with such relocations. The Non-Federal Sponsor shall perform or ensure the performance of these relocations in accordance with the Government's construction schedule for the Project.

D. To the maximum extent practicable, not later than 30 calendar days after the Government provides to the Non-Federal Sponsor written descriptions and maps of the real

property interests, placement area improvements, and relocations required for construction, operation, and maintenance of the Project, the Non-Federal Sponsor may request in writing that the Government acquire all or specified portions of such real property interests, construct placement area improvements, or perform the necessary relocations. If the Government, in its sole discretion, agrees to such a request, the Government, on behalf of the Non-Federal Sponsor, shall acquire such real property interests, construct such placement area improvements, and perform such relocations using BBA 2018 funds, applying Federal laws, policies, and procedures. The Government shall acquire real property interests in the name of the Non-Federal Sponsor except, if acquired by eminent domain, the Government shall convey all of its right, title and interest to the Non-Federal Sponsor by quitclaim deed or deeds. The Non-Federal Sponsor shall accept delivery of such deed or deeds. The Government's providing real property interests, placement area improvements, or performing relocations on behalf of the Non-Federal Sponsor does not alter the Non-Federal Sponsor's responsibility under Article IV for the costs of any cleanup and response related thereto.

E. As required by Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4630 and 4655), and Section 24.4 of the Uniform Regulations contained in 49 C.F.R. Part 24, the Non-Federal Sponsor assures that (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under Sections 4622, 4623 and 4624 of Title 42 of the U.S. Code; (2) relocation assistance programs offering the services described in Section 4625 of Title 42 of the U.S. Code shall be provided to such displaced persons; (3) within a reasonable period of time prior to displacement, comparable replacement dwellings will be available to displaced persons in accordance with Section 4625(c)(3) of Title 42 of the U.S. Code; (4) in acquiring real property, the Non-Federal Sponsor will be guided, to the greatest extent practicable under State law, by the land acquisition policies in Section 4651 and the provision of Section 4652 of Title 42 of the U.S. Code; and (5) property owners will be paid or reimbursed for necessary expenses as specified in Sections 4653 and 4654 of Title 42 of the U.S. Code.

ARTICLE IV - HAZARDOUS SUBSTANCES

A. The Non-Federal Sponsor shall be responsible for undertaking any investigations to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA") (42 U.S.C. 9601-9675), that may exist in, on, or under real property interests required for construction, operation, and maintenance of the Project. However, for real property interests that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigations unless the District Commander provides the Non-Federal Sponsor with prior specific written direction, in which case the Non-Federal Sponsor shall perform such investigations in accordance with such written direction.

B. In the event it is discovered that hazardous substances regulated under CERCLA exist in, on, or under any of the required real property interests, within 15 calendar days of such discovery, the Non-Federal Sponsor and the Government, in addition to providing any other

notice required by applicable law, shall provide written notice to each other, and the Non-Federal Sponsor shall not proceed with the acquisition of such real property interests until the parties agree that the Non-Federal Sponsor should proceed.

C. If hazardous substances regulated under CERCLA are found to exist in, on, or under any required real property interests, the parties shall consider any liability that might arise under CERCLA and determine whether to initiate construction, or if already initiated, whether to continue construction, suspend construction, or terminate construction.

1. Should the parties initiate or continue construction, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for the costs of cleanup and response, including the costs of any studies and investigations necessary to determine an appropriate response to the contamination. Such costs shall be paid solely by the Non-Federal Sponsor without reimbursement by the Government.

2. In the event the parties cannot reach agreement on how to proceed or the Non-Federal Sponsor fails to provide any funds necessary to pay for cleanup and response costs or to otherwise discharge the Non-Federal Sponsor's responsibilities under this Article upon direction by the Government, the Government may suspend or terminate construction, but may undertake any actions it determines necessary to avoid a release of such hazardous substances.

D. In the event of a discovery, the Non-Federal Sponsor and the Government shall initiate consultation with each other within 15 calendar days in an effort to ensure that responsible parties bear any necessary cleanup and response costs as defined in CERCLA. Any decision made pursuant to this Article shall not relieve any third party from any liability that may arise under CERCLA.

E. As between the Government and the Non-Federal Sponsor, the Non-Federal Sponsor shall be considered the operator of the Project for purposes of CERCLA liability. To the maximum extent practicable, the Non-Federal Sponsor shall operate, maintain, repair, rehabilitate, and replace the Project in a manner that will not cause liability to arise under CERCLA.

ARTICLE V - REIMBURSEMENT

A. The Government, in accordance with the provisions of this Article and subject to the availability of BBA 2018 funds, shall reimburse the Non-Federal Sponsor for costs it incurs to acquire real property interests from private owners, to construct placement area improvements, to perform relocations, and to conduct investigations for hazardous substances determined by the Government to be required for construction, operation, and maintenance of the Project.

B. To the maximum extent practicable, no later than 3 months after it provides the Government with authorization for entry onto a real property interest or pays compensation to the private owner, whichever occurs later, the Non-Federal Sponsor shall provide the Government with documents sufficient to determine the amount of reimbursement to be provided

for the real property interest in accordance with paragraphs C.1. of this Article. To the maximum extent practicable, no less frequently than on a quarterly basis, the Non-Federal Sponsor shall provide the Government with documentation sufficient for the Government to determine the amount of reimbursement to be provided for other reimbursable items in accordance with paragraph C. of this Article.

C. The Government and the Non-Federal Sponsor agree that the amount of costs eligible for reimbursement shall be determined and reimbursed in accordance with the following procedures, requirements, and conditions. Such costs shall be subject to audit in accordance with Article IX.B. to determine reasonableness, allocability, and allowability of costs.

1. Real Property Interests.

a. General Procedure. Only costs associated with real property interests acquired from private owners after the effective date of this Agreement are eligible for reimbursement. The Non-Federal Sponsor shall obtain, for each real property interest acquired from a private owner, an appraisal of the fair market value of such interest that is prepared by a qualified appraiser who is acceptable to the parties. Subject to valid jurisdictional exceptions, the appraisal shall conform to the Uniform Standards of Professional Appraisal Practice. The appraisal must be prepared in accordance with the applicable rules of just compensation, as specified by the Government.

(1) Date of Valuation. The fair market value of real property interests acquired by the Non-Federal Sponsor after the effective date of this Agreement shall be the fair market value of such real property interests at the time the interests are acquired.

(2) Except for real property interests acquired through eminent domain proceedings instituted after the effective date of this Agreement, the Non-Federal Sponsor shall submit an appraisal for each real property interest to the Government for review and approval no later than, to the maximum extent practicable, 60 calendar days after the Non-Federal Sponsor provides the Government with an authorization for entry for such interest or concludes the acquisition of the interest through negotiation or eminent domain proceedings, whichever occurs later. If, after coordination and consultation with the Government, the Non-Federal Sponsor is unable to provide an appraisal that is acceptable to the Government, the Government shall obtain an appraisal to determine the fair market value of the real property interest for reimbursement purposes.

(3) The Government shall reimburse the Non-Federal Sponsor the appraised amount approved by the Government. Where the amount paid or proposed to be paid by the Non-Federal Sponsor exceeds the approved appraised amount, the Government, at the request of the Non-Federal Sponsor, shall consider all factors relevant to determining fair market value and, in its sole discretion, after consultation with the Non-Federal Sponsor, may approve in writing an amount greater than the appraised amount for reimbursement purposes.

b. Eminent Domain Procedure. For real property interests acquired by eminent domain proceedings instituted after the effective date of this Agreement, the Non-

Federal Sponsor shall notify the Government in writing of its intent to institute such proceedings and submit the appraisals of the specific real property interests to be acquired for review and approval by the Government. If the Government provides written approval of the appraisals, the Non-Federal Sponsor shall use the amount set forth in such appraisals as the estimate of just compensation for the purpose of instituting the eminent domain proceeding. If the Government provides written disapproval of the appraisals, the Government and the Non-Federal Sponsor shall consult to promptly resolve the issues that are identified in the Government's written disapproval. In the event the issues cannot be resolved, the Non-Federal Sponsor may use the amount set forth in its appraisal as the estimate of just compensation for purpose of instituting the eminent domain proceeding. The fair market value for reimbursement purposes shall be either the amount of the court award for the real property interests taken or the amount of any stipulated settlement or portion thereof that the Government approves in writing.

c. Waiver of Appraisal. Except as required by paragraph C.1.b. of this Article, the Government may waive the requirement for an appraisal pursuant to this paragraph if, in accordance with 49 C.F.R. Section 24.102(c)(2):

(1) the private owner is donating the real property interest to the Non-Federal Sponsor and releases the Non-Federal Sponsor in writing from its obligation to appraise the real property interest, and the Non-Federal Sponsor submits to the Government a copy of the owner's written release; or

(2) the Non-Federal Sponsor determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the real property interest proposed for acquisition is estimated at \$25,000 or less, based on a review of available data. When the Non-Federal Sponsor determines that an appraisal is unnecessary, the Non-Federal Sponsor shall prepare the written waiver valuation required by 49 C.F.R. Section 24.102(c)(2) and submit a copy thereof to the Government for approval. When the anticipated value of the real property interest exceeds \$10,000, the Non-Federal Sponsor must offer the private owner the option of having the Non-Federal Sponsor appraise the real property interest.

d. Incidental Costs. The Government shall reimburse the Non-Federal Sponsor for incidental costs, documented to the satisfaction of the Government, that it incurs in acquiring from private owners any real property interests required pursuant to Article III for the Project. Such incidental costs shall include closing and title costs, appraisal costs, survey costs, attorney's fees, plat maps, mapping costs, actual amounts expended for payment of any relocation assistance benefits provided in accordance with Article III.E., and other payments by the Non-Federal Sponsor for items that are generally recognized as compensable, and required to be paid, by applicable state law due to the acquisition of a real property interest pursuant to Article III.

2. Placement Area Improvements. The Government shall reimburse the Non-Federal Sponsor for costs, documented to the satisfaction of the Government, it incurs in constructing the placement area improvements required for the Project. Only placement area improvements provided after the effective date of this Agreement are eligible for reimbursement. Such costs shall include, but not necessarily be limited to, actual costs of constructing the

improvements; planning, engineering, and design costs; supervision and administration costs; and documented incidental costs associated with providing the improvements, but shall not include any costs associated with betterments, as determined by the Government.

3. Relocations. The Government shall reimburse the Non-Federal Sponsor for costs, documented to the satisfaction of the Government, that it incurs in performing relocations directly related to construction, operation, and maintenance of the Project. Only relocations performed after the effective date of this Agreement are eligible for reimbursement.

a. For a relocation other than a highway, the costs eligible for reimbursement shall be only that portion of relocation costs that the Government determines is necessary to provide a functionally equivalent facility, reduced by depreciation, as applicable, and by the salvage value of any removed items.

b. For a relocation of a highway, which is any highway, roadway, or street, including any bridge thereof, that is owned by a public entity, the value shall be only that portion of relocation costs that would be necessary to accomplish the relocation in accordance with the design standard that the State of Kansas would apply under similar conditions of geography and traffic load, reduced by the salvage value of any removed items.

c. Relocation costs include actual costs of performing the relocation; planning, engineering, and design costs; supervision and administration costs; and documented incidental costs associated with performance of the relocation, as determined by the Government. Relocation costs do not include any costs associated with betterments, as determined by the Government, nor any additional cost of using new material when suitable used material is available.

4. Investigations for Hazardous Substances. The Government shall reimburse the Non-Federal Sponsor for costs, documented to the satisfaction of the Government, it incurs in conducting investigations for hazardous substances in accordance with Article IV.A. Only investigations for hazardous substances performed after the effective date of this Agreement are eligible for reimbursement.

5. Compliance with Federal Labor Laws. Any reimbursement afforded under the terms of this Agreement is subject to satisfactory compliance with applicable Federal labor laws covering non-Federal construction, including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (labor standards originally enacted as the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Anti-Kickback Act), and reimbursement may be withheld, in whole or in part, as a result of the Non-Federal Sponsor's failure to comply with its obligations under these laws.

D. Notwithstanding any other provision of this Agreement, the Non-Federal Sponsor shall not be entitled to reimbursement for real property interests that were previously provided as an item of local cooperation for another Federal project, any costs incurred by the Non-Federal Sponsor using Federal program funds, any costs incurred prior to the effective date of this

Agreement, or real property interests (other than those acquired through relocations) that are owned or controlled by public entities.

ARTICLE VI - TERMINATION OR SUSPENSION

A. If at any time the Non-Federal Sponsor fails to fulfill its obligations under this Agreement, the Government may suspend or terminate construction of the Project unless the Assistant Secretary of the Army (Civil Works) determines that continuation of such work is in the interest of the United States or is necessary in order to satisfy agreements with other non-Federal interests.

B. If the Government determines at any time that the Federal funds made available in BBA 2018 for construction of the Project are not sufficient to complete such work, the Government shall so notify the Non-Federal Sponsor in writing within 30 calendar days, and upon exhaustion of such funds, the Government shall suspend construction until the parties execute an amendment to this Agreement that provides for cost-sharing of the remaining work.

C. If hazardous substances regulated under CERCLA are found to exist in, on, or under any required real property interests, the parties shall follow the procedures set forth in Article IV.

D. In the event of termination, the parties shall conclude their activities relating to construction of the Project. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay the costs of termination, including any costs of resolution of real property acquisition, resolution of contract claims, and resolution of contract modifications.

E. Any suspension or termination shall not relieve the parties of liability for any obligation incurred. Any delinquent payment owed by the Non-Federal Sponsor pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.

ARTICLE VII - HOLD AND SAVE

The Non-Federal Sponsor shall hold and save the Government free from all damages arising from design, construction, operation, maintenance, repair, rehabilitation, and replacement of the Project, except for damages due to the fault or negligence of the Government or its contractors.

ARTICLE VIII - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE IX - MAINTENANCE OF RECORDS AND AUDITS

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to Project costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Project. Government audits shall be conducted in accordance with applicable Government cost principles and regulations.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement by the Government.

ARTICLE X - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE XI - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:

President of the Board of Directors
Kaw Valley Drainage District
Wyandotte County, Kansas
719 Osage Ave.
Kansas City, Kansas 66115

And

County Administrator
Unified Government of Wyandotte County and Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101

If to the Government:

Project Manager, CENWK-PMC
Argentine Levee Unit
Kansas City District
601 E 12th Street, 5th Floor
Kansas City, Missouri 64106

B. A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

ARTICLE XII - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XIII - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

ARTICLE XIV – JOINT AND SEVERAL RESPONSIBILITY OF THE NON-FEDERAL SPONSORS

The obligations and responsibilities of the Non-Federal Sponsors shall be joint and several, such that each Non-Federal Sponsor shall be liable for the whole performance of the obligations and responsibilities of the Non-Federal Sponsors under the terms and provisions of this Agreement. The Government may demand the whole performance of said obligations and responsibilities from either of the entities designated herein as one of the Non-Federal Sponsors.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the Commander, Northwestern Division, U.S. Army Corps of Engineers.

DEPARTMENT OF THE ARMY

KAW VALLEY DRAINAGE DISTRICT

BY: _____
Douglas B. Guttormsen
Colonel, Corps of Engineers
District Engineer

BY: _____
James L. Jenkins
President of the Board of Directors

DATE: _____

DATE: _____

UNIFIED GOVERNEMENT OF WYANDOTTE
COUNTY AND KANSAS CITY KANSAS

BY: _____
Douglas Bach
County Administrator

DATE: _____



Staff Request for Commission Action

Tracking No. 19557

Full Commission Meeting Date: 1/31/19

Committee: Full Commission

Date of Standing Committee Action: 11/8/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/17/2019	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> A resolution authorizing and directing the sale and delivery of general obligation improvement municipal temporary notes, Series 2019-I				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Note Resolution (2019-I)				

[BASIC DOCUMENTS - REGISTERED NOTES]

- A. Excerpt of Minutes of Meeting approving Note Resolution
 - B. Note Resolution
-

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON JANUARY 31, 2019**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Note Sale, bids for the purchase of Municipal Temporary Notes, Series 2019-I, dated February 26, 2019, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____, was the best bid for the Notes, a copy of which is attached hereto as **EXHIBIT B**.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2019-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-____-19 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A
BID TABULATION

EXHIBIT B

BID OF PURCHASER

RESOLUTION NO. R-__-19

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

JANUARY 31, 2019

**MUNICIPAL TEMPORARY NOTES
SERIES 2019-I**

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RESOLUTION NO. R-__-19

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2019-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Unified Government (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (collectively the “Improvements”) to be made in the Unified Government, to-wit:

ACD	CMIP	Project Name	Improvement Fund Deposit*
970	1615	131st St and Leavenworth Road Intersection	\$100,000.00
963	5045	51st N. of Cleveland, RCB Replacement	715,744.19
963	5048	77th and Troup, 96" Storm Replacement	81,489.80
941	0419	Arterial/Collector Resurfacing, 2019 (970-1302)	650,000.00
962	2169	Bridge #223 (36th and Ohio Ave.) Replacement	410,000.00
970	1071	Brune Elementary Road Improvements	2,000,000.00
976	8176	City Hall Structure Study and Stabilization	355,000.00
969	9255	Downtown Grocery Store	2,400,000.00
948	0117	Elevator Upgrades City 2017 (969-8167)	103,132.67
948	0118	Elevator Upgrades City 2018 (969-8167)	152,646.99
948	0218	Facilities Parking Maint & Repair-City 2018 (969-8513)	559,705.64
941	0918	Fairfax Industrial Area Improvements 2018	100,000.00
970	1054	Fiber Connectivity Projects	1,119,030.97
969	8079	Fire Station	4,125,306.98
963	6048	Green Infrastructure Improvements	500,000.00
962	2141	Holiday Drive Bridge Replacements	407,058.66
963	6045	Kaw Point Bio-solids Digestion	3,000,000.00
963	5056	Kaw River Bank Stabilization at Turkey Creek	2,500,000.00
963	5047	Leavenworth Road, 63rd to 38th Street – Storm Water Improvements	619,298.72
970	1612	Leavenworth Rd Improvement 78th - 63rd	1,263,234.99
969	8208	Memorial Hall HVAC	2,801,948.30
970	1614	Metropolitan Bikeway Improvements	101,764.66
970	1619	Minnesota Avenue, 6th to 7th Improvements	130,000.00
962	2142	North 34th Street Box Culvert	387,800.13
969	8215	Parking Management System	175,000.00
963	6046	Piper Creek Interceptor	2,000,000.00

963	6132	Plant 20 & 3 Equipment and Structural Rehab	915,808.64
963	6047	Plant 20 Biosolids Dewatering	1,000,000.00
969	8212	Police Tow Lot	2,554,376.69
943	0118	Priority Traffic Signal Replacements 2018 (970-3345)	305,294.00
963	6131	Pump Station 18, 5, 4 Upgrade	1,221,078.20
963	6354	Pump Stations SCADA	3,071,141.25
941	1018	Railroad Crossing Improvement, 2018	150,000.00
970	1225	Route 107 Bus Stop and Station Upgrades	599,517.10
970	3334	Safe Routes to School, Group D	309,398.03
970	3335	Safe Routes to School, Group E	158,501.43
963	5049	Strong Avenue Levee Pump Station Flood Control	1,222,347.10
969	8518	Urban Renewal Project – Demolition	1,017,646.65
963	6056	Wolcott Expansion/Conner Creek	4,088,296.51
971	4253	Wyandotte County Park Road Repairs	200,000.00
971	4425	Wyandotte County Lake Waterline Study & Repair	552,078.81
		Series 2019-I Total Improvement Fund Deposit =	\$44,123,647.11

* Excludes \$[] to be used to pay costs of issuance and capitalized interest.

; and

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, all aspects of the Improvements will not be completed prior to the maturity date of the Refunded Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on a portion of the Refunded Notes by the issuance of additional temporary notes of the Issuer; and

WHEREAS, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements and to retire a portion of the Refunded Notes; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and hereby awards the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$[PRINCIPAL AMOUNT] to pay a portion of the costs of the Improvements, refund the Refunded Notes and to pay certain costs of issuing the Notes.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, K.S.A. 17-4754, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Dated Date” means February 26, 2019.

“Debt Service Account” means the Debt Service Account for Municipal Temporary Notes, Series 2019-I (within the Bond and Interest Fund) created pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating

such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Instructions” means the Continuing Disclosure Instructions dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for Municipal Temporary Notes, Series 2019-I created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to this Note Resolution and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Note which shall be April 1, 2019 and the Maturity of the Notes.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the Treasurer and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the Municipal Temporary Notes, Series 2019-I, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: General Counsel

(b) To the Paying Agent at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Treasurer

(c) To the Purchaser:

(d) To the Rating Agency(ies):

Moody’s Municipal Rating Desk

7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007
S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Treasurer.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Notes.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the Issuer; (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time

of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

"Person" means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the principal amount of the Notes plus accrued interest to the date of delivery[, plus a bid premium of \$_____].

"Purchaser" means _____, _____, _____, the original purchaser of the Notes, and any successors and assigns.

"Rating Agency" means any company, agency or entity that provides financial ratings for the Notes.

"Rebate Fund" means the Rebate Fund for Municipal Temporary Notes, Series 2019-I created pursuant to *Section 501* hereof.

"Record Dates" for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

"Redemption Date" when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

"Redemption Price" when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Refunded Notes" means a portion of the Series 2018-I Notes maturing on March 1, 2019 in the aggregate principal amount of \$26,774,145.19.

"Refunded Notes Paying Agent" means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

"Refunded Notes Redemption Date" means March 1, 2019.

"Refunded Notes Resolution" means the resolution which authorized the Refunded Notes.

"Replacement Notes" means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2018-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2018-I, dated February 27, 2018.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the Municipal Temporary Notes, Series 2019-I, of the Issuer in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) retire the Refunded Notes; and (c) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in *Article III* hereof and shall bear interest at the rates per annum as follows:

Stated Maturity	Principal	Annual Rate
<u>March 1</u>	<u>Amount</u>	<u>of Interest</u>
2020	\$[PRINCIPAL AMOUNT]	_____%

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in *Section 204* hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *EXHIBIT A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of

such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar

authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall

forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the Mayor/CEO or chief financial officer of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO or chief financial officer of the Issuer are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on September 1, 2019, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Notes to be Redeemed. Notes shall be redeemed only in an Authorized Denomination. When less than all of the Notes are to be redeemed and paid prior to their Stated Maturity, such Notes shall be redeemed in such manner as the Issuer shall determine. Notes of less than a full Stated Maturity shall be selected by the Note Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Note Registrar may determine.

In the case of a partial redemption of Notes by lot when Notes of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each minimum Authorized Denomination of face value shall be treated as though it were a separate Note of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Note is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this **Section** are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the State Treasurer and the Note Registrar. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 20 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Instructions. Further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed; (4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer (excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated areas of the Unified Government) in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Improvement Fund for Municipal Temporary Notes, Series 2019-I; and
- (b) Debt Service Account for Municipal Temporary Notes, Series 2019-I; and
- (c) Rebate Fund for Municipal Temporary Notes, Series 2019-I.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

(a) All accrued interest received from the sale of the Notes shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) retiring the Refunded Notes; (c) paying interest on the Notes during construction of the Improvements; (d) paying Costs of Issuance; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution to the transcript of proceedings for the Notes to include the Substitute Improvements; and (4) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Notes allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-52-18 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law. If the Issuer desires to reallocate Note proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-52-18 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Note proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and

directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction

of the Improvements, earnings on the investment of such funds may be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with **Article III**. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to **Article VII** hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Instructions in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Instructions, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;
- (c) permit preference or priority of any Note over any other Note; or

(d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Notes and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on January 31, 2019.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

**EXHIBIT A
(FORM OF NOTES)**

**REGISTERED
NUMBER R-1**

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY
MUNICIPAL TEMPORARY NOTE
SERIES 2019-I**

Interest
Rate: _____

Maturity
Date: March 1, 2020

Dated
Date: February 26, 2019

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable on April 1, 2019 (the "Interest Payment Date"), and at maturity or earlier redemption until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Note shall be paid at maturity or upon earlier redemption to the person in whose name this Note is registered at the maturity or redemption date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the Unified Government, Kansas City, Kansas (the "Paying Agent" and "Note Registrar"). The interest

payable on this Note on any Interest Payment Date shall be paid to the person in whose name this Note is registered on the registration books maintained by the Note Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “Municipal Temporary Notes, Series 2019-I,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, K.S.A. 17-4754, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Redemption Prior to Maturity. The Notes are subject to redemption prior to maturity, as set forth in the Note Resolution.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal,

interest and any redemption premium payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Note shall be made in accordance with existing arrangements among the Issuer, the Note Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE NOTE RESOLUTION, THIS GLOBAL NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Note may be transferred or exchanged, as provided in the Note Resolution, only on the Note Register kept for that purpose at the principal office of the Note Registrar, upon surrender of this Note together with a written instrument of transfer or authorization for exchange satisfactory to the Note Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Note or Notes in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Note Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Notes and the cost of a reasonable supply of note blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Notes are issued in fully registered form in Authorized Denominations.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Note Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Note Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

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

[(Facsimile Seal)]

By: _____
 (manual or facsimile)
 Mayor/CEO

ATTEST:

By: _____
 (manual or facsimile)
 Clerk

This Municipal Temporary Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(Facsimile Seal)

 (manual or facsimile)
 Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of Municipal Temporary Notes, Series 2019-I, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

Office of the Treasurer of the Unified
Government of Wyandotte County/Kansas City,
Kansas, Kansas City, Kansas, as Note Registrar
and Paying Agent

Registration Number: _____

By: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of February 26, 2019.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Staff Request for Commission Action

Tracking No. 19558

Full Commission Meeting Date: 1/31/19

Committee: Full Commission

Date of Standing Committee Action: 11/8/18

(If none, please explain):

Publication Required: Yes 02/07/2019

<u>Date:</u> 01/17/2019	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2019-A. A resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2019-A.				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Bond Ordinance and Resolution (2019-A)				

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Summary Ordinance
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON JANUARY 31, 2019**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Bond Sale, bids for the purchase of General Obligation Improvement Bonds, Series 2019-A, dated February 26, 2019, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____, was the best bid for the Bonds, a copy of which is attached hereto as **EXHIBIT B**.

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019-A, OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL
TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON
SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER
DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING
CERTAIN COVENANTS WITH RESPECT THERETO.**

Thereupon, Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-__-19, was signed and approved by the Mayor/CEO and attested by the Clerk, and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the Unified Government.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-__-19 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-19 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A

BID TABULATION

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2019-A**

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-__-19

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

PASSED

JANUARY 31, 2019

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2019-A**

ORDINANCE NO. O-__-19

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized certain improvements to be made in the Unified Government (such improvements and any Substitute Improvements are further described in a resolution adopted by the governing body of the Unified Government on this date, and are hereinafter referred to as the “Improvements”); and

WHEREAS, the governing body of the Unified Government is authorized by law to issue general obligation bonds of the Unified Government to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and hereby awards the sale of such Bonds to the best bidder.

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

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2019-A, dated February 26, 2019, authorized by this Ordinance.

“Clerk” means the duly appointed and acting Clerk of the Unified Government or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Notes” means a portion of the Series 2018-I Notes maturing on March 1, 2019 in the aggregate principal amount of \$17,999,299.51.

“Series 2018-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2018-I, dated February 27, 2018.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the Unified Government authorized in the manner set forth in the Bond Resolution.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement Bonds, Series 2019-A, of the Unified Government in the principal amount of \$[PRINCIPAL AMOUNT] for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Unified Government newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the Unified Government on January 31, 2019 and **APPROVED AND SIGNED** by the Mayor/CEO.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

(PUBLISHED IN THE *WYANDOTTE ECHO* ON FEBRUARY 7, 2019)

SUMMARY OF ORDINANCE NO. [____]

On January 31, 2019, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2019-A Bonds approved by the Ordinance are being issued in the principal amount of \$[PRINCIPAL AMOUNT], to finance certain internal improvements in the Unified Government, and constitute general obligations of the Unified Government payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Clerk of the Unified Government, 701 N. 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://public.wycokck.org/sites/ugordinancesresolutions/Pages/default.aspx>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 31, 2019.

Chief Counsel

RESOLUTION NO. R-__-19

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

JANUARY 31, 2019

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2019-A**

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RESOLUTION NO. R-__-19

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-__-19 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement Bonds, Series 2019-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means February 26, 2019.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement Bonds, Series 2019-A created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Disclosure Instructions" means the Continuing Disclosure Instructions dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

"DTC" means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

"DTC Representation Letter" means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

"Event of Default" means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Instructions) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement Bonds, Series 2019-A created pursuant to *Section 501* hereof.

“Improvements” means the following improvements and any Substitute Improvements:

ACD	CMIP	Project Name	Improvement Fund Deposit *
941	0818	ADA Pedestrian Ramp Improvements, 2018 (970-1141)	\$814,117.32
941	0418	Arterial/Collector Resurfacing, 2018 (970-1302)	814,117.32
942	0118	Emergency Bridge Repair, 2018 (962-2301)	300,000.00
948	0217	Facilities Parking Maintenance & Repair-City 2017 (969-8513)	360,964.35
970	1054	Fiber Connectivity Projects	598,615.68
970	1215	Hutton Road - Cleveland to Leavenworth	2,035,293.30
941	0116	Industrial District Rehab, 2016 (970-1113)	259,497.73
941	0117	Industrial District Rehab, 2017 (970-1113)	508,823.31
941	0118	Industrial District Rehab, 2018 (970-1113)	600,000.00
941	0218	Neighborhood Street Resurfacing, 2018	1,831,763.97
941	0219	Neighborhood Street Resurfacing, 2019	1,810,000.00
969	8171	New Boilers Municipal Office Building/City Hall	674,694.12
970	1332	Parallel Resurfacing, 82nd to 89th	508,823.31
963	6124	Pump Station Elimination	1,798,611.94
962	9246	Riverview Avenue Bridge Replacement	2,283,580.11
970	3335	Safe Routes to School, Group E	383,471.21
970	1613	Safe Routes to School, Group F- White/West and Willard	101,764.66
963	5046	Stream Bank Stabilization Improvements	200,000.00
963	6056	Wolcott Expansion	5,110,370.64
971	4252	Wyandotte County Lake Park Roads Repairs	203,529.33
Total Improvement Fund Deposit =			\$21,198,038.29

* Excludes \$[] to be used to pay costs of issuance.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2020.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Chief Counsel

(b) To the Paying Agent at:

State Treasurer of the State of Kansas Landon
Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

(d) To the Rating Agency(ies):

Moody’s Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. O-__-19 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general

obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f); or (m) other investment obligations authorized by the laws of the State, all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery[, plus a premium of \$[_____] , less an underwriting discount of \$[_____]].

“Purchaser” means _____, _____, _____, the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement Bonds, Series 2019-A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2018-I Notes maturing on March 1, 2019 in the aggregate principal amount of \$17,999,299.51.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

“Refunded Notes Redemption Date” means March 1, 2019.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2018-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2018-I, dated February 27, 2018.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Term Bonds” means the Bonds scheduled to mature in the year 20__.]

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE

BONDS

Section 201. Authorization of the Bonds. The Bonds have been previously authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine.

All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in **Article III** hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>	Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>
2020	\$	%	2030	\$	%
2021			2031		
2022			2032		
2023			2033		
2024			2034		
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		

[TERM BONDS

Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>
20__		

1

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated

Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such

officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a

successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an

unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2028, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2027, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[Mandatory Redemption. Term Bonds.] The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such Term Bonds:

**Principal
Amount**

Year

*Final Maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph

shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are

required by the Disclosure Instructions. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Improvement Bonds, Series 2019-A; and
- (b) Debt Service Account for General Obligation Improvement Bonds, Series 2019-A (within the Bond and Interest Fund); and
- (c) Rebate Fund for General Obligation Improvement Bonds, Series 2019-A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) All accrued interest (if any) received from the sale of the Bonds shall be deposited in the Debt Service Account.
- (b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) retiring the Refunded Notes; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

- (a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4)

the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-52-18 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law. If the Issuer desires to reallocate Bond proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-52-18 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Bond proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect

any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Article III** hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer of the Issuer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Instructions in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Instructions, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an

Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference

to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or

advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on January 31, 2019.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

EXHIBIT A
(FORM OF BONDS)

**REGISTERED
NUMBER___**

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY
GENERAL OBLIGATION IMPROVEMENT BOND
SERIES 2019-A**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: February 26, 2019**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2020 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Improvement Bonds, Series 2019-A,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal,

interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

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

[(Facsimile Seal)]

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 2019-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

Registration Number _____

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of February 26, 2019.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$ _____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Staff Request for Commission Action

Tracking No. 181

Full Commission Meeting Date: 1/31/19

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/14/19

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/22/2019	Chris Slaughter	x8977	CSlaughter@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration.

Item (1) - Applications (8)

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Applications

WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	STANDING COMMITTEE RECOMMENDATION
MARTIN LUGO	2437 S 12th St	2441 S 12th Ter	PROPERTY ACQUISITION	APPROVED
MARTIN LUGO	2437 S 12th St	2443 S 12th Ter	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1612 S Bethany St	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1614 S Bethany St	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1620 S Bethany St	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1628 S Bethany St	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1630 S Bethany St	PROPERTY ACQUISITION	APPROVED
MARK O'BRYAN	1640 S Baltimore St	1632 S Bethany St	PROPERTY ACQUISITION	APPROVED
LAND BANK ADVISORY BOARD RECOMMENDATION	The Land Bank Advisory Board recommends forwarding the application(s), to the Land Bank Board of Trustees, for final approval.			

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Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected, or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Sign here

Martin Hugo

Date

10/12/18

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101





Application for Land Bank Property Acquisition



Print Name

Land Bank Property You Wish to Purchase: 2441 S 12th Ter

Parcel ID Number: 129327

Intended Usage of Property: _____

Applicant Information (Please Print)

Name: Martin Hugo

Company/Organization: _____

Mailing Address: 808 N 89th KS KS 66112

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ___ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ___ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

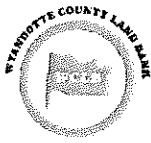
I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge and will remain confidential.

Sign here

Date 10/12/18

Print Name

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
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- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
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 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
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- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Sign here

Date 10/12/18

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101





Application for Land Bank Property Acquisition



Print Name

Land Bank Property You Wish to Purchase: 2443 S 12th Ter

Parcel ID Number: 129326

Intended Usage of Property: _____

Applicant Information (Please Print)

Name: Martin Hugo

Company/Organization: _____

Mailing Address: 808 N 89th KC KS 66112

Phone Number(s) _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ___ No X
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ___ No X

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge and will remain confidential.

Sign here

Date 10/12/18

Print Name

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

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 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

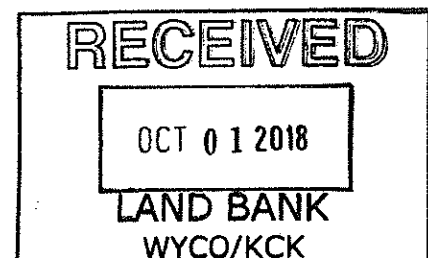
I have read and understand the information provided above and contained in this application.

Tammy L O'Bryan
Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot

Parcel ID Number: 143040

Intended Usage of Property: Yard Extension/Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan

Company/Organization: _____

Mailing Address: 1640 So Baltimore K.C.K.S 66103

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.

Yes _____ No X

2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.

Yes _____ No X

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Tammy L O'Bryan Date 10-1-18
Sign here

Tammy L O'Bryan
Print Name



Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

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- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

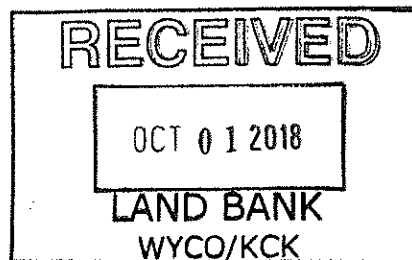
I have read and understand the information provided above and contained in this application.

Tammy L O'Bryan
Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot

Parcel ID Number: 143267

Intended Usage of Property: Yard Extension / Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan

Company/Organization: _____

Mailing Address: 11640 So Baltimore KCKS 66103

Phone Number(s): 112 211 1234

E-mail(s): tbryan@kcks.com

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Tammy L O'Bryan Date 10-1-18
Sign here

Tammy L O'Bryan
Print Name



Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

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- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
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 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
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Signature (Required)

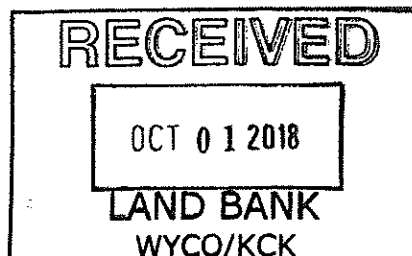
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Tammy L O'Bryan
Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot
Parcel ID Number: 143268
Intended Usage of Property: Yard Extension / Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan
Company/Organization: _____
Mailing Address: 1640 So Baltimore KCRS 666103
Phone Number(s): 11011-44
E-mail(s): tbryan@kcrs.com

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No X
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Yes _____ No X

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Tammy L O'Bryan Date 10-1-18
Sign here

Tammy L O'Bryan
Print Name



Application for Land Bank Property Acquisition



Use this application if:

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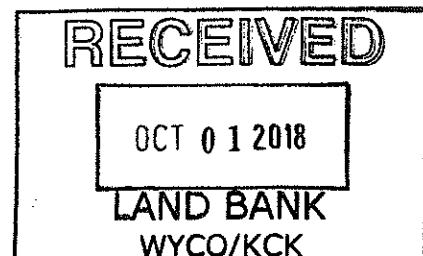
Tammy L O'Bryan

Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot

Parcel ID Number: 143041

Intended Usage of Property: Yard Extension / Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan

Company/Organization: _____

Mailing Address: 11640 So Baltimore KCKS 66103

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No X
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Tammy L O'Bryan Date 10-1-18
Sign here

Tammy L O'Bryan
Print Name



Application for Land Bank Property Acquisition



Use this application if:

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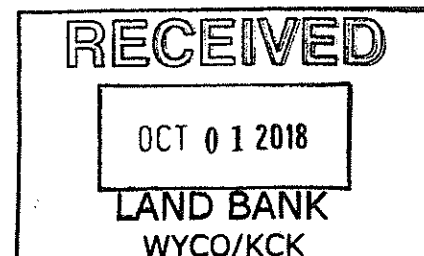
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Tammy L O'Bryan
Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot

Parcel ID Number: 143042

Intended Usage of Property: Yard Extension / Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan

Company/Organization: _____

Mailing Address: 1640 50 Baltimore LCKS 66103

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

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Please explain a "yes" answer on a separate attachment.

Yes _____ No X

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Yes _____ No X

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Signature (Required)

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Tammy L O'Bryan Date 10-1-18

Sign here

Tammy L O'Bryan

Print Name



Application for Land Bank Property Acquisition



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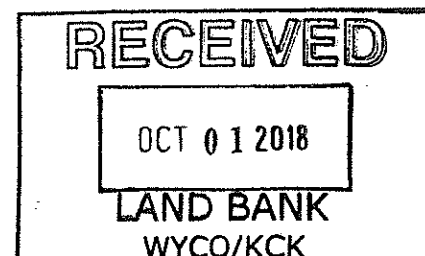
I have read and understand the information provided above and contained in this application.

Tammy L O'Bryan
Sign here

Date 10-1-18

Tammy L O'Bryan

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: Vacant Lot

Parcel ID Number: 143043

Intended Usage of Property: Yard Extension / Preserve

Applicant Information (Please Print)

Name: Tammy L O'Bryan

Company/Organization: _____

Mailing Address: 1640 So Baltimore KCKS 66103

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.

Yes _____ No X

2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.

Yes _____ No X

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Tammy L O'Bryan Date 10-1-18
Sign here

Tammy L. O'Bryan
Print Name