

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 9, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 9, 2020, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District, and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Philbrook, Commissioner Eighth District; were absent. The following officials were also in attendance: Gordon Criswell, Melissa Sieben, and Alan Howze, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Byron Toy, Lead Planner; Kim Portillo, Principal Planner; Mike Farley, Planner; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Misty Brown, Deputy Chief Counsel; Jeff Fisher, Executive Director of Public Works; Dave Reno, Public Works Community Engagement Officer; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey said before we begin, I want to announce that if you're interested in addressing the Commission on the Public Hearing Agenda item regarding the stormwater fee, please sign up at either of the tables located at the entrances. If you have not signed up and you wish to address the Commission on that item, please go to one of those tables and sign up. When that item is up for discussion, the Clerk will call the names in order according to the sign-up sheets. She'll also announce who's on deck, which means you'll be up next to the podium. When you come to the podium, located by the railing up front, please state your name and city of residency for the record. You'll be given up to three minutes to state your comments. The Clerk will announce when you have one minute remaining to allow you time to complete your comments.

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

INVOCATION was given by Reverend Al Henager, University of Kansas Hospital Clinical Pastoral Education Supervisor.

Mayor Alvey asked the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions, Mr. Mayor.

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular commission meeting. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND 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 member of the Commission wished to disclose any contact with proponents or opponents on any items on the Planning and Zoning Agenda. **Commissioner Bynum** said I've had contact on #SP-2019-112. **Commissioner Burroughs** said #SP-2019-116, #MP-2019-6, #2019-28, and #2019-76.

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

Mayor Alvey asked does any member of the Commission, County Administrator or anyone in the attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Tom Groneman, Kansas City, Kansas**, said I would like to request that Item 1, #SP-2019-76, be set-aside.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.**

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 192...CHANGE OF ZONE APPLICATION #3210 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Change of zone from A-G Agriculture District to CP-2 Planned General Business District for the American Royal Hotel at 11704 State Avenue,
and

SPECIAL USE PERMIT APPLICATION ITEM #4 – 196...SPECIAL USE PERMIT APPLICATION #SP-2019-116 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Special use permit for American Royal events and amenities at 11704 State Avenue,
and

PLAN REVIEW APPLICATION ITEM #1 – 198...PLAN REVIEW APPLICATION #PR-2019-28 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Preliminary plan review for American Royal events and amenities at 11704 State Avenue,
and

MASTER PLAN AMENDMENT ITEM #1 – 1910...MASTER PLAN AMENDMENT #MP-2019-6 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master plan amendment from Planned Commercial/Business Park to Commercial/Entertainment at 11704 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant has filed a change of zone, preliminary plat, special use permit, preliminary plan review, and master plan amendment to subdivide the properties into three lots to build a 353,637 square foot hotel, a 1,100,025 square foot indoor and outdoor multi-use complex, and associated trailer and RV parking and two 30,000 square foot storage buildings on 128.55 acres located at 1620 North 118th Street, 11704 State Avenue and 11602 State Avenue. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment #MP-2019-6, Change of Zone Application #3210, Special Use Permit Application #SP-2019-116, and Plan Review Application #PR-2019-28 subject to:

Urban Planning and Land Use Comments:

NOTE: While the proposed use is not entirely commercial in nature, some aspects of the Commercial Design Guidelines are necessary to assure compatibility in the area.

General Planning:

1. The applicant is requesting additional flexibility to amend the final plan review in excess of the administrative determination to make such change:
 - a. Sec. 27-210(g)(1)a. Increases in density or residential uses by more than five percent up to ten percent (10%);
 - b. Sec. 27-210(g)(1)b. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent or 5,000 square feet, whichever is less up to ten percent (10%);
 - c. Sec. 27-210(g)(1)c. Increases of lot coverage by more than five percent by up to ten percent (10%);
 - d. Sec. 27-210(g)(1)g. Decreases of any peripheral setback of more than five percent by up to ten percent (10%); and/or
 - e. Sec. 27-210(g)(1)h. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas by up to ten percent (10%).
2. Submit a design criteria manual for the overall development as there could be expansions or additions in the future.
Applicant Response: We will assemble and document design criteria as we proceed with the design of the facility and submit the final development plan.
3. Any proposed wind turbines must comply with the wind turbine ordinance.
Applicant Response: Understood.
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. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street.
Applicant Response: Revised sheets are showing sidewalks on the north side of State Avenue, east and west sides of 118th Street, south side of American Royal Way and east and west sides of 115th Street.
5. Over-the-road trucks shall not be parked on the property overnight.
Applicant Response: Traditional over-the-road commercial trucks will not be using this facility for overnight parking. However, there will be instances where livestock trucks will be parking overnight.
6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property.
Applicant Response: This has been added to the resubmitted sheets.
7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.

Applicant Response: This has been added to the resubmitted sheets.

Building Architecture:

1. Please provide a sight line drawing of the south façade. There are seven dock doors that are on the rear of the building, which faces State Avenue. How will these be screened from public view?

Applicant Response: This drawing has been added to Sheet AS100. There is a vegetated berm along State Avenue that limits that views of the dock doors. Additionally, the number of dock doors on the south side of the building has been reduced to three.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - a. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
 - b. Field painted or prefinished corrugated metal siding;

Corrugated metal panels are not permitted per the Commercial Design Guidelines for the hotel. Standing seam metal paneling may only account for 15% of the exterior building material per façade on the hotel building. Please revise hotel building elevations to comply with the Commercial Design Guidelines and Sec. 27-576(e)(1).

Applicant Response: The building elevations have been revised so that the material designations are in compliance with the Commercial Design Guidelines. It is also noted that the metal paneling on the hotel is not corrugated and is below 15% per façade.

3. 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: All roof drains will be internal at the American Royal Complex and at the hotel with the exception of the eastern and western most eaves of the barns. Those will be gutters and downspouts where the downspouts will match the color of the building and be collected underground and connected to the stormwater collection system.

4. Downspouts shall be internalized for the hotel building.

Applicant Response: Understood.

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

Applicant Response: Understood.

Landscaping and Screening:

1. Based on the landscaping requirements in the A-G Agriculture District for the indoor and outdoor multi-event center, parking lot, and, 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 1 – 281 trees
- b. Lot 2 – 131 trees
- c. Lot 3 – 377 trees

In summary, 789 trees are required to be planted for the agricultural and 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 2 requires 131 trees, which does not include the requirement for street trees and parking lot islands.

Applicant Response: The landscape plan has been revised to the tree counts above on Lots 1 and 2. The function of Lot 3 for truck and livestock trailer parking does not allow for a lot of trees planted within the parking area. We are showing trees around the perimeter with a lower quantity of approximately 185 trees.

Staff Response: The City Planning Commission cannot give deviations in landscaping below the district requirement. A variance from the Board of Zoning Appeals is required to have less than 377 trees on Lot 3. The stipulation is either meet the code or file for and be granted a variance.

2. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Applicant Response: Trees are being planned for the interior of parking lots except on the south side of the barns, due to the restrictions they would cause on the operation of the facility and ability for livestock trucks and trailers to navigate safely through the area as they load and unload.

Staff Response: Staff understands the request; however, the City Planning Commission cannot give a deviation in landscaping requirement. A variance from the Board of Zoning Appeals is required in order to reduce the number shade trees in the parking lot. The stipulation is either meet the code or file for and be granted a variance.

3. Per the Commercial Design Guidelines for the hotel:
 - 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.
Applicant Response: Hotel service is located in the back of the building and the parking lots are located with the majority of spots in the back.
 - b. Parking located between the front of the building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
Applicant Response: This setback has been provided.
 - c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Applicant Response: Understood.

4. All landscaping must be irrigated.
Applicant Response: Primary landscaping areas will be irrigated, but it would not be feasible or sustainable to irrigate all areas on a project of this scope and magnitude. Parking lot islands with trees will not be irrigated, for example. That being said, the applicant is committed to sustainably maintaining the property at a high level.

Staff Response: Parking lot islands shall be irrigated.

5. 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: Understood.

6. 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: Understood.

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.

Applicant Response: Understood.

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

Applicant Response: Understood.

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

Applicant Response: Understood.

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

Applicant Response: Understood.

11. The hotel rooftop elevator equipment shall be screened by the parapet of the building.

Applicant Response: Understood.

12. 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: Understood.

13. All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot; therefore, the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Applicant Response: We are working with BPU on the locations.

14. Outside storage and/or storage yards are not permitted A-G Agriculture District.

Applicant Response: As noted in the application (specifically in the description of requested special uses as described therein), there will be covered outside storage yards for dirt and arena flowing materials as part of this project.

Staff Response: Those dirt and area flooring materials are stored within two enclosed buildings on Lot 3.

Signage:

Shall comply with the sign ordinance.

Applicant Response: As discussed at the November 14th meeting, the signage will be developed as the design progresses and we will apply for any signage variances required later in the project.

Street Connections:

Please explain the nature of and timing of connections to Parallel and Delaware Parkway.

Applicant Response: As noted above in Section 1(d) under Street Review No. 1, the traffic impact study does not assume or recommend any extension of 115th Street beyond the applicant's property to Parallel Parkway or any extension of Delaware Parkway. The applicant recognizes that there may be certain efficiencies to be gained by coordinating the timing of the infrastructure improvements for the proposed complex, and those which may be necessary or desirable for other, future development. The applicant is engaged in ongoing discussions with the UG regarding the same, and currently awaiting the UG's proposed alignment for the future 115th Street and Delaware Parkway extensions. However, those future improvements are not part of this application.

Staff Response: The City is working on connecting Parallel Parkway and Delaware Parkway.

Grading:

Please explain how this project's grading will facilitate future development on adjacent sites.

Applicant Response: The profile grade of American Royal Way and 115th Street allow (sic) for development to the north and east of this project. The profile of 115th Street generally follows existing grade and the ground to the east drops toward a creek to the east. The profile matches the existing low points of the property to the east. The profile of American Royal Way is generally in cut and allows for better access to the property to the north as this property sits at a lower elevation than the American Royal. The existing ground cannot be matched perfectly due to road design criteria. The low points in both the road and property to the north will need to be filled and the high points cut off to facilitate development of pad sites. The road profile attempts to average these cuts and fills so the property to the north can develop without the need to haul in or haul off excess material. Further discussion can be had with a plan and the adjacent owners and City as we have reviewed this in detail.

Staff Response: To accommodate a better grading plan, we suggest allowing the plan to shift in any direction up to 100 feet while continuing to meet code requirements when presented as a final plan.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. The applicant shall continue to coordinate with UG Public Works and Planning & Zoning on the public street improvements related with the proposed development, i.e., 115th Street and 118th Street.
 - b. The applicant shall continue to coordinate with UG Public Works and Planning & Zoning on the public sanitary sewer improvements related with the proposed development.
 - c. This project includes public street and storm sewer improvements. The public street and storm 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.
 - d. This project includes public sanitary sewer improvements. 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.
 - e. All public sanitary sewer easement documents shall be reviewed and 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.
 - f. Retaining walls greater than 3' 6" shall be designed by a professional structural engineer registered in the state of Kansas. In this regard, plans and profile for the proposed retaining

walls shall be provided to UG staff for review and approval prior construction permit acquisition. See UG checklist, standards and criteria.

- g. 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.
 - h. 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: For future reference, 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 shall be in accordance with UG standards and criteria.

Staff Conclusion:

The applicant has continued to work with staff to address Planning and Engineering comments, which we will continue to engage throughout this process. This development will have substantial and positive impact on the community and will be a great asset. Subject to approval, staff stipulates the following:

- 1. A \$50 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
- 2. Obtain a variance for reducing the total number of trees for Lot 3 parking lot (proposed 185 trees).
- 3. Obtain a variance for reducing the total number of trees for Lot 1 in parking lot adjacent to the small barn.
- 4. Irrigate the parking lot island trees.
- 5. Allow American Royal Way and the site plan as a whole to shift up to 150 feet, as necessary to align and make both parties on either side of the street amenable to its placement.
- 6. Aforementioned stipulations stated in the report.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment #MP-2019-6, Change of Zone Application #3210, Special Use Permit Application #SP-2019-116, and Plan Review Application #PR-2019-28, subject to the stipulations. Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Mayor Alvey said that takes us to set-aside item B-1, #SP-2019-76.

ITEM NO. 1 – 191...SPECIAL USE PERMIT APPLICATION #SP-2019-76 - WATHIQ KASSIM

Synopsis: Renewal of a special use permit (#SP-2016-92 - expired 1/5/2019) for vehicle repair/body shop at 744 Kansas Avenue, submitted by Robin Richardson, Director of Planning. The automotive repair business had been operating under a previous special use permit issued in January 2017 for two years. While the special use permit the applicant is requesting is for a currently operating automotive repair shop, the previous special use permit is expired as of January 2019. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-76, subject to:

Urban Planning and Land Use Comments:

1. Why did the applicant allow the Special Use Permit to lapse?
Applicant Response: In January I had my bookkeeper go to the UG and renew the business licenses for all my businesses including the body shop at 744 Kansas Avenue. Mistakenly I thought that was all I needed to do.
Staff Response: In the future, applicant should take care to reapply on time.
2. Have there been any complaints by neighborhoods about the property, especially related to noise or fluid leakage?
Applicant Response: There have been no complaints from anyone regarding operation of this business.
3. Has the applicant kept compliance with the Commercial Design Guidelines and maintained four trees on the property as required?
Applicant Response: Trees have been planted in accordance with landscape design plan.
Staff Response: Applicant has provided photographs of the recently planted trees, found in the “Attachments” section. Staff is unable to identify the tree species in the photos, but the Landscape Plan lists 2.5” caliper Honey Locust trees as the designated size and species to be planted. Applicant must ensure that Honey Locust trees are planted. Furthermore, staff has deemed the current planting arrangement to be inadequate. Applicant removed just enough concrete and added only enough dirt to allow for the trees to be planted at their current size. However, in order for the trees to grow to full size and provide the necessary aesthetics, shade, and screening required by the zoning code, the trees must be given a larger planting bed in which to grow. Therefore, applicant has until May 15, 2020, to accomplish the following:
 - a. Ensure the trees planted in November 2019 are Honey Locusts and replace them with Honey Locusts if they are not.
 - b. Remove more concrete and expand the planting bed to 6” x 6” in order to accommodate a full-grown Honey Locust tree. According to the Unified Government Parks Department, Honey Locusts can grow over 40’ tall.
 - c. Each tree must be placed at the center of each 6’ x 6’ planting bed, in order to avoid barriers such as walls or concrete stifling the growth of the tree’s trunk, branches, and/or roots in one of more directions.
 Failure of the applicant to fulfill this stipulation will result in immediate revocation of Special Use Permit SP-2019-76. Staff would also like to remind applicant that planting the

requisite trees was a stipulation of SP-2016-92, and yet for over three years after the special use permit was granted, no trees were planted.

4. Has asphalt been removed from the landscaped area?

Applicant Response: The concrete and dirt have been removed.

Staff Response: The amount of concrete applicant removed is inadequate to support a full-grown tree. The abovementioned stipulations have already addressed the issue, but staff reiterates the following stipulation: enough concrete must be removed so that a full-grown Honey Locust tree can adequately spread out its roots and have room for those roots and the trunk of the tree to grow to natural dimensions. At this time, a 6' x 6' square of dirt is considered adequate.

5. Please provide current photos of all four sides of the building, as well as of the parking lot.

Applicant Response: The appearance of the building has not changed but photos are being provided with this submission.

Staff Response: Photographs have been received and can be found in the "Attachments" section.

6. Has trash enclosure been built out of the same material as the primary structure, per the Commercial Design Guidelines?

Applicant Response: Trash enclosure has been built in accordance with the commercial guidelines. Photos of trash enclosure are included with this submission.

Staff Response: Photographs of the trash enclosure have been included (and can be found in the "Attachments" section), but the trash enclosure is not compliant with the Commercial Design Guidelines. Unified Government Code of Ordinances Section 27-525(5)c states "Ground-mounted equipment shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material." Additionally, one stipulation for approval of SP-2016-92 required that "trash enclosure must be made of same material as the primary structure per the Commercial Design Guidelines." This stipulation is echoed in the landscape plan for SP-2016-92 (also found in the "Attachments" section).

Applicant must provide a trash enclosure for the dumpsters made of masonry and in materials consistent with that of the main building. Failure of the applicant to fulfill this stipulation will result in immediate revocation of Special Use Permit SP-2019-76. Staff would also like to remind applicant that providing a trash enclosure made as the same material as the primary structure was a stipulation of SP-2016-92.

7. Does the applicant have proper sign permits for all signs on the property?

Applicant Response: There are no signs on the property.

8. Have county fire inspectors inspected the building for its fire safety-worthiness?

Applicant Response: Fire Department inspected the building [on] October 12, 2019 and found no issues.

Staff Response: See Fire Department comments below.

9. Please provide recent photos of the exterior and interior of the property.

Applicant Response: The appearance of the building has not changed but photos are being provided with this submission.

10. This Special Use Permit shall be valid for one year, subject to previous stipulations, due to the past and present issues cited in this report.

Public Works Comments: none.

Fire Department Comments:

Recommend no renewal until compliance is obtained submitting plans for review and approved inspection(s) completed by Fire Department and Building Inspection Department.

Applicant Response: Property is in compliance as of October 11, 2019.

Staff Response: Applicant has provided proof of passed inspection.

Mayor Alvey said I would ask staff to make some opening remarks.

Rob Richardson, Director of Planning, said there is a memo being passed around. Mr. Groneman joined this case late and helped us overcome some communication issues. After the Planning Commission, we discovered a couple of items that needed to be revised and this memo revises stipulations 3, 4 and 6. Basically, it says implement the originally approved landscape plan and there's no further modifications to the dumpster screen that are necessary. The applicant and staff have agreed with that, and we would recommend your approval of those revised stipulations.

Mayor Alvey said I would ask the applicant to come forward and present the application.

Commissioner Kane asked didn't you say you've met with him already. **Mr. Richardson** said yes. They've agreed to what's in this memo.

Mayor Alvey asked if there was anyone present that would like to speak in support of the application. No one came forward. **Mayor Alvey** asked if there was anyone present that would like to speak in opposition. No one came forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-76 for one year, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 194...SPECIAL USE PERMIT APPLICATION #SP-2019-113 - EDWARD J. BAIN

Synopsis: Home occupation special use permit for a short-term rental/Airbnb at 1324 North 75th Drive, submitted by Robin Richardson, Director of Planning. The applicant is requesting

permission to operate an Airbnb in his place of residence. The upstairs of the house has three bedrooms and two full bathrooms. The downstairs has one bedroom and one full bathroom. The applicant intends to live in the downstairs area and rent the upstairs area to guests. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-113, for two years subject to:

Urban Planning and Land Use Comments:

1. Describe how you will communicate with the neighbors.
Applicant Response: I will primarily use face to face interaction. I have already introduced myself to one neighbor across the street. On moving day, I plan to visit each neighbor and let them know I am planning on having Airbnb.
2. Describe how you will pay appropriate lodging taxes. (If you use Airbnb, the platform collects the taxes for you.)
Applicant Response: I plan to let Airbnb collect taxes for me.
3. How many rooms are rented?
Applicant Response: Up to three.
4. What is the maximum number of people that will be staying at any one time?
Applicant Response: Six.
5. What is the maximum number of vehicles and where will they park?
Applicant Response: Driveway can fit five vehicles. Additionally, the garage can fit two more.
6. How often are guests in the residence?
Applicant Response: I would guess a couple times per week.
7. Do you have a rental license from the Unified Government for the facility?
8. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.
Applicant Response: Upstairs of the house has three bedrooms and two full baths along with the kitchen and living room. That is the area that is for rent. I would live downstairs where there is a full bath and bedroom. In a typical situation the guest would enter through the front door directly to the upstairs. I would enter through the garage which goes directly to the basement.
9. Describe how you will maintain a safe environment including: (See Below)
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
Applicant Response: Working smoke detectors in each room. Amazon Echo Smart Home fire detection as well on each level.
 - b. GFCI outlets are required in bathrooms.
Applicant Response: I believe this is done, but will double check
 - c. Double keyed locks are not allowed
Applicant Response: The front door currently has two locks. I intend to only use one.
 - d. Copper cannot be used for gas supply lines
Applicant Response: I do not believe copper is used for gas supply lines
 - e. Windows must be operable, not blocked or boarded.
Applicant Response: Windows are operable.
 - f. Handrails are required at sets of 4 or more stairs/risers.
Applicant Response: Already done.

- g. Hot water tank and furnace must be vented properly and operational.

Applicant Response: Already done.

- h. Electric panel and circuits must be safe.

Applicant Response: Already done.

Business License Comments:

If approved, applicant will need to file and maintain a current occupation tax application with this office.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-113 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 195...SPECIAL USE PERMIT APPLICATION #SP-2019-114 - BILL DUCKWORTH WITH BRICK ROAD MOTORSPORTS

Synopsis: Special use permit for a used car lot at 2820 Roe Lane, Unit U, submitted by Robin Richardson, Director of Planning. Applicant has stated that the property will only be used for car sales and that there will be no auto repair performed on the property. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-114:

Urban Planning and Land Use Comments:

1. Provide a site plan that includes designated parking spaces. Commercial uses require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. Applicant has reported the building as 22,721 square feet. Therefore, applicant must provide a parking plan identifying 91 parking spaces.*

*Calculation: $(22,721/1000)*4 = 90.884$, which rounds up to 91.

Applicant Response: I have provided a site plan which includes parking spaces. The confusion is about the size of the building which houses several other businesses. Brickroad Motorsports will only use 800 square feet of actual building space. There are over 30 available parking spaces but Brickroad will only access 3 at the most. I have provided a breakdown of the building and its other tenants. There are pictures of Brickroad’s office to clarify any confusion.

Staff Response: Applicant has submitted documents detailing the office space within the larger building. At 800 square feet, the required parking spaces is calculated to be four spaces.** Applicant has provided a parking plan for the entire building that shows sufficient parking spaces for his cars, customers, and any employees while still providing adequate parking for

all other building tenants and their needs. Parking plan and photos of the office space can be found in the “Attachments” section.

****Calculation:** $(800/1000)*4 = 3.2$, which rounds up to 4.

2. What steps has or will applicant take to prevent automotive fluids from contaminating the groundwater?

Applicant Response: The types of vehicles to be sold will be in running condition; not salvaged or repairable vehicles. Vehicles requiring any light maintenance will be serviced at an off-site location in Johnson County.

Brickroad Motorsports is self-financed and will only sell 2 to 3 cars at a time. It would not be necessary to undertake any additional pollution prevention measures with this low volume of drivable vehicles.

Staff Response: Applicant shall take appropriate measures to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements.

3. Note that absolutely no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

Applicant Response: Brickroad Motorsports is self-financed and will only sell 2 to 3 cars at a time.

4. In order to maintain the special use permit, applicant and the business must remain in compliance with all local, state, and federal business and automotive sales-related laws and regulations.

Applicant Response: Understood.

5. Special use permit may be approved for two years.

Applicant Response: Understood.

Public Works Comments: none.

Business License Comments:

If approved, applicant will need to file and maintain a current occupation tax application with this office.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-114 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 196...SPECIAL USE PERMIT APPLICATION #SP-2019-116 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Special use permit for American Royal events and amenities at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3210.

VACATION APPLICATION

ITEM NO. 1 – 197...VACATION APPLICATION #U/E-2019-14 - MICHAEL CALLAHAN

Synopsis: Vacation of utility easements at 5125 and 5205 North 130th Terrace, submitted by Robin Richardson, Director of Planning. The applicant intends to combine the two parcels for the purpose of new construction. He states that combining the two parcels is more consistent with the surrounding parcels. The Planning Commission voted 5 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2019-14, subject to:

Urban Planning and Land Use Comments: No comments.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommending 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: none.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2019-14, subject to the stipulations.**
Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 198...PLAN REVIEW APPLICATION #PR-2019-28 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Preliminary plan review for American Royal events and amenities at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: Item previously heard with Change of Zone Application #3210.

ITEM NO. 2 – 199...PLAN REVIEW APPLICATION #PR-2019-30 - KURT WINTERS WITH UG WATER POLLUTION CONTROL DEPARTMENT

Synopsis: Preliminary and final plan review for upgrades to the existing Wolcott Wastewater Treatment Plant influent pump station at 5425 North 99th Street, submitted by Robin Richardson, Director of Planning. Also included is construction of a new electrical building and generator. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2019-30, subject to:

Urban Planning and Land Use Comments:

1. Review and respond to the attached comments from the Conservation District
Applicant Response: Understood. The Conservation District had no comments.
2. Update the site plan to include FEMA FIRM panel number and effective date, floodway and floodplain boundaries, and base flood elevations.
Applicant Response: Understood, this information has been added to the site plan.
3. A floodplain development permit is required prior to start of construction; to include disturbance of land in the floodplain.
Applicant Response: Understood. This will be a part of the building permit submittal.
4. Any mechanical, electrical, or other utility equipment location within the Special Flood Hazard Area (SFHA)/100-year flood zone, must be located 18 inches above the base flood elevation.
Applicant Response: Understood. The current design provides a minimum of 18 inches above the base flood elevation for all mechanical, electrical, and other utility equipment.
5. Submit elevations and materials for generator and electrical building.
Applicant Response: Elevations are attached as requested. Please note the final dimensions of these facilities may change depending on the selected vendor, but the dimensions noted should be relative to all acceptable suppliers.
6. Update elevation certificates to identify which structure they are for.
Applicant Response: The certificates have been updated noting which piece of equipment/structure the certificate is for.
7. Sheet 15C110 states that Phase 2 will include fuel and material storage containers. Provide location of storage; they cannot be stored within the Special Flood Hazard Area (SFHA) floodplain. Sec. 27-552(a)5 states that the storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
Applicant Response: Understood, a note has been added requiring all fuel and material storage containers to be stored and placed above the SFHA floodplain per Sec. 27-552(a)5
8. Barbed wire fencing is not permitted in the R-1 Single Family District. Section 8-225 states that barbed wire fences, sharp pointed fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted in residential districts.
Applicant Response: A variance request will be submitted requesting permission for the installation of a barbed wire fence pointed inwards towards the site. The proposed barbed wire fence will be similar to what is existing on site currently.

Staff Comment: As a stipulation of approval, the applicant must apply for a variance and be approved by the Board of Zoning Appeals prior to permit and installation of barbed wire.

9. Transformer pad must be screened.

Applicant Response: We are of the opinion that existing trees and vegetation provide ample screening from adjacent properties and 99th Street. Refer to Sheet 15C100 for site photos.

10. Provide landscaping and screening details. Surrounding properties on all four sides are either residential or agricultural and require year-round screening.

Applicant Response: We are of the opinion that existing trees and vegetation provide ample screening from adjacent properties and 99th Street. Refer to Sheet 15C100 for site photos.

11. Provide details on noise projection created by the generator. This has potential to become a nuisance to nearby businesses and residents.

Applicant Response: No response.

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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2019-30, subject to the stipulations. Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 1910...MASTER PLAN AMENDMENT #MP-2019-6 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master plan amendment from Planned Commercial/Business Park to Commercial/Entertainment at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: Item previously heard with Change of Zone Application #3210.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 193...SPECIAL USE PERMIT APPLICATION #SP-2019-112 - PETE DAVIS JR. WITH KZK PROPERTIES

Synopsis: Special use permit for a car dealership with auto repair at 1830 Quindaro Boulevard, submitted by Robin Richardson, Director of Planning. Besides selling cars, the dealership will also engage in automotive repair, auto detailing, and auto stereo installation. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit Application #SP-2019-112, subject to:

Urban Planning and Land Use Comments:

1. Applicant provided photographs of the interior of the commercial building and the exterior of the property. However, these photos were copied directly from the staff report for SP-2019-87. Due to previous concerns of intellectual property issues stemming from the address in question, staff requests that applicant either verify that it was he who took the photos or provide written permission from the photographer certifying that they are allowing applicant to submit their photographs for use in the staff report.

Applicant Response: The photographs of the interior of the commercial building and the exterior of the property was taken myself, the owner of the establishment Pete Davis.

2. What steps has or will applicant take to prevent automotive fluids from contaminating the groundwater?

Applicant Response: Auto Plug is to remove the waste which will be reflected in the final scope of work. As promised, the areas shall be appropriately related to both below connections and the open area above. Will use resources such as Earth911.com. The link provides a list of recycling centers in the area. Also including all spill responsibilities shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standards Specifications, Section 2150.

Staff Response: In addition to the steps listed above by applicant, a specific spill prevention plan should be developed, and all shop staff should be trained to engage in daily preventative maintenance and address larger spills. The oil/water separator on the property should be identified. Oil pans/mats should also be used at location with proper waste disposal procedures in place to contain hazardous, flammable, and nonflammable materials.

3. What steps has or will applicant take to mitigate any potential ill effects of the gases from detailing paint?

Applicant Response: There will be no detailing paint involved to cause any ill effects.

4. Provide a rendering or drawing of the fence as it is proposed.

Applicant Response: I shall provide a rendering or drawing of the fence as it is proposed and included in the blueprint copy.

Staff Response: Fence drawings have been provided and can be found in the “Attachments” section.

5. Note that absolutely no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

Applicant Response: There will absolutely be no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

6. In order to maintain the special use permit, applicant and the business must remain in compliance with all local, state, and federal business and automotive sales and repair-related laws and regulations.

Applicant Response: Understood.

7. Special use permit may be approved for two years

Applicant Response: Understood.

Planning Staff Notes:

A separate applicant applied for and received the following: 1) a variance allowing a proposed carport to have a setback of 19 feet, 1 ¼ inches, 2) a variance allowing the sight distance triangle to be calculated as 15 feet and 140 feet on the legs (clearing up a discrepancy in the zoning code), and 3) a special use permit allowing for operation of a car dealership with automotive repair, auto detailing, and auto stereo installation. All variances still apply to the land, but the special use permit does not have any relevance to this application.

Public Works Comments: none.

Business License Comments:

There is no current business registered at this address. It had operated as a service station from 1967 to 2015. If approved, applicant will need to file and maintain a current occupation tax application with this office.

Additional Stipulation from Meeting:

No more than two cars for sale can be on the property at any time.

Mayor Alvey asked staff to offer some opening remarks.

Rob Richardson, Director of Planning, said this item was actually approved under a different individual's name earlier in the year. They're part of a partnership and the partnership broke up. The remaining partner has had to come back and get a special use permit in their name. There's really no issues or neighborhood complaints. The staff and Planning Commission recommend approval.

Mayor Alvey asked is the applicant here. Please come forward to present your application and state your name and address for the record.

Pete Davis, Jr., said my application is for 1830 Quindaro, Kansas City, KS.

Mayor Alvey asked is there anyone present who would like to speak in favor of this. A woman appeared stating she is in favor. **Mayor Alvey** asked is anyone present who would like to speak in opposition. No one appeared.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-112 for two years, subject to the stipulations.**

Commissioner Bynum said I have a question for Rob and it kind of pertains to multiple items that would come before us. This one just happening to be the one that's in front of us tonight. In the staff report, one of the standard items that we always see is master plan designation. It says Citywide Master Plan designates this property as community commercial. We have an adopted Northeast Master Plan for this area, so I just wonder is it a technicality? Why do we not reference our adopted, as policy, Northeast Master Plan when we have items that are within those boundaries?

Mr. Richardson said I'm not sure that doesn't reference that, but typically on a special use permit, we don't analyze unless it's something that is significant and going to be a permanent SUP—the master plan, because we consider them temporary, so we don't really analyze those. Quindaro was all commercial of some kind, in this section anyway, and in the new master plan as well. I don't remember the exact term, but it is commercial and the Citywide Plan is also commercial in this plan. I will check on that and get back with you.

Commissioner Townsend said staff had already addressed the question that I did have about actually taking on the same address a couple of months ago, so he has clarified that, that there was a partnership. I'm hoping that in this endeavor you'll be a good partner to people who are already there with established businesses. Just as a reminder, it is a temporary two-year, so if there's a problem, it could come under review again; but other than that, I wish you well.

Mayor Alvey said thank you. We have a motion and a second. Roll call, please.

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

Mayor Alvey said that concludes the Planning and Zoning portion of tonight’s meeting. We’ll now move to the regular portion of our agenda.

REGULAR AGENDA

MAYOR’S AGENDA

No items

REGULAR CONSENT AGENDA

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

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Regular Consent Agenda.** Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 1 – 191086...RESOLUTION: HOMELAND SECURITY REGION L 2019 HAZARD MITIGATION PLAN

Synopsis: A resolution adopting the Homeland Security Region L 2019 Hazard Mitigation Plan, submitted by Matt May, Emergency Management Director. On December 9, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-1-20,** A resolution authorizing the adoption of the Kansas Homeland Security Region L Hazard Mitigation Plan as an official plan of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the**

resolution. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 191087...ORDINANCE: REVISIONS TO LOW PRESSURE SEWER SYSTEM FEES

Synopsis: An ordinance relating to the maintenance fee assessed to persons with building sewers connected to a low pressure sewer system; amending Sections 30-1 and 30-72, submitted by Jeff Fisher, Executive Director of Public Works. On December 9, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-1-20**, “An ordinance relating to the maintenance fee assessed to persons with building sewers connected to a low pressure sewer system; amending original Sections 30-1 and 30-72 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 191139... PLAT: TURNER DAC

Synopsis: Plat of Turner DAC located at 55th Street and Douglas Avenue, being developed by Turner School District #202, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 4 – 191140...PLAT: HIGHLANDS AT PIPER FOURTH PLAT

Synopsis: Plat of Highlands at Piper Fourth Plat located at 105th Street and Clubhouse Drive, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 191140...PLAT: HIGHLANDS AT PIPER FIFTH PLAT

Synopsis: Plat of Highlands at Piper Fifth Plat located at Clubhouse Drive and 105th Street, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 191142...PLAT: HIGHLANDS AT PIPER SIXTH PLAT

Synopsis: Plat of Highlands at Piper Sixth Plat located at Kane Drive and 105th Street, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 191142...PLAT: HIGHLANDS AT PIPER SEVENTH PLAT

Synopsis: Plat of Highlands at Piper Seventh Plat located at 106th Terrace and Augusta Drive, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 - MINUTES

Synopsis: Minutes from regular sessions of November 14, November 21, and December 5, 2019; and special sessions of December 5 and 12, 2019.

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 12, 19, and 26, 2019; and January 2, 2020.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 1911...PRESENTATION/PUBLIC HEARING: PROPOSED STORM-WATER RATE TRANSITION

Synopsis: Presentation and public hearing on recommendations to the current stormwater fee, which would fairly and adequately fund the maintenance and enhancement of stormwater

infrastructure like inlets, culverts, underground pipes, and roadside ditches, submitted by Jeff Fisher, Executive Director of Public Works.

Mayor Alvey said our last item for the evening is a presentation and a public hearing regarding the stormwater rate. I'm going to turn this over to Assistant County Administrator Criswell to make some opening remarks.

Gordon Criswell, Assistant County Administrator, said we have a presentation tonight from Public Works and their team concerning our stormwater recommendations. I would remind the Commission that no action is required tonight. The Public Works staff and their team have been working on this project for about two years now. They've had multiple community engagement meetings with all sorts of stakeholders who have an interest in how we address our stormwater rates.

I'll turn this over to Jeff Fisher, our Public Works Director, and his team to make presentation. Following the presentation, I believe, there are a couple of either groups or individuals that have signed up to make public comment.



Unified Government

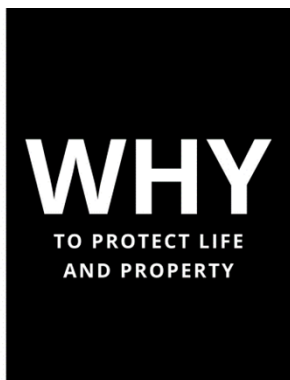
JANUARY 2019

Jeff Fisher, Executive Director of Public Works, said I'll make some introductions while we're setting up. We have Anna White with Black & Veatch, an economist who has been with us throughout. She does this work all over the country. Dave Reno, next to her, Public Works Community Engagement Officer. He has been charged with the public engagement throughout. Sarah White, Project Manager; and Troy Shaw, County Engineer.

I would like to recognize some people that may or may not be in the audience tonight but have been instrumental in developing and helping us shape this proposal. Mary Collins, Elnora

January 9, 2020

Jefferson, Rachel Jefferson, Doug Clements, Matt Warren, Tony Privitera, Daniel Silva, Phil Gibbs, Pete Cashen, Greg Mosher, and several others. We appreciate all their time and energy.



The single purpose of the stormwater utility is to protect life and property. Back in the 2000s, the UG, for a lot of reasons, elected to create the utility. Obviously, probably as many issues then as we have now. That's why you create the stormwater utilities. 2009, it was created, stood up and they elected to go with a flat fee. It's a simple way to go. It makes sense in the future to transition. In 2009, that started out at \$2.50 per property per month; \$2.50 per property per month. In 2012, it was about \$4.50 per property per month and is generating currently \$3.5M per year.

In the preliminary master plan that has been conducted, we have \$141M in capital needs in just 8 of the 50 basins in KCK and several million per year in O&M needs. The UG will never get caught up at its current rate. That is the current situation.





Currently, there are over 1,000 work orders, open work orders, in our system relating to stormwater.



January 9, 2020

You're going to see several photos go across the screen that represent some of those work orders.



I have a handful that I'm going to run through that I personally visited or witnessed myself like road flooding on Donahoo out west.

January 9, 2020



The 2017 storms affected Argentine and other areas in a big way.



January 9, 2020



There's an area north of Leavenworth Road in the central part of the city that has reoccurring street flooding because of lack of ditches.





59th Street was closed in 2019 for a significant period of time because of a culvert under the road that had failed. It was about 20 feet deep.



In fact, in order to pay for that, the UG had to defer five other planned projects.



There are countless feet of corrugated pipe in the system that we don't see



that are rusting



and causes imminent failure.



We do not have a ditching program



but will under the transition to a new rate structure.

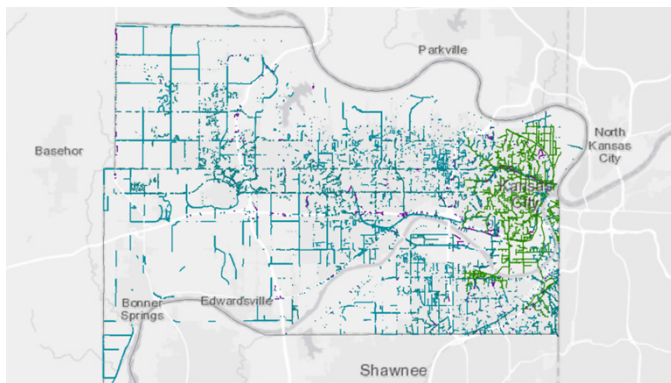


There are direct benefits to the street conditions.



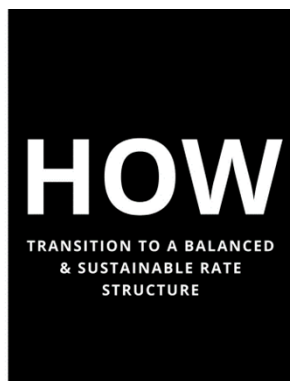
We've talked about pavement conditions over the last year and a half. Our average pavement condition index of 56. We know that's going to take a strong commitment for a long period of time to move the needle on that—a stormwater system and to compliment that is very important to roadside ditches. They don't just serve to convey water; they protect the integrity of the road.

All of these are issues that folks see every time it rains, and currently staff can only help with a fraction of those.



This is a snapshot of a stormwater system, both enclosed pipe and open ditch and swales. There's 284 miles of pipe, 132 miles of ditches and swales. If you were to string that end to end, that

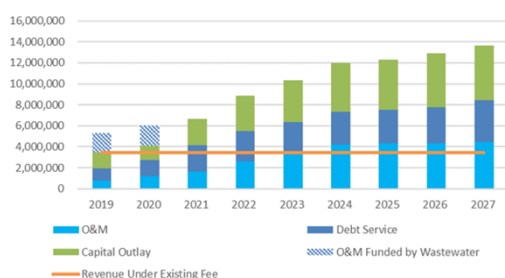
would stretch across the state of Kansas about 410 miles. The program is not sustainable, it's not fair or equitable or balanced. It's getting more expensive. The effects on property values are apparent. It affects people's lives and businesses.



Anna is going to describe how we transition from current to a more viable rate structure.

Anna White, Black & Veatch, said there's a financial burden associated with solving all of these issues and it requires a transition to a balanced financial plan and an equitable and sustainable rate structure.

What Drives Future Costs?



The cost to provide reliable stormwater service to the community includes operation and maintenance expense and capital expenditures. This graphic illustrates those projected costs through 2027 as the UG begins to address some of the issues that Jeff just highlighted. The capital projects are assumed to be funded from a combination of cash financing and future debt. The green portion of these bars represents the cash financing of both the capital projects and the CMIP, the Capital Maintenance Improvement Program. The dark blue portion of these bars represent the annual debt service payments on both existing and proposed debt.

As you can see, as projects are initiated, both the cash financing and the debt service will increase. In addition, operating expenses, which are represented by the bright blue portion of the bars, are increasing as well to address two things. First, it is to fully fund the stormwater operating costs that are currently funded from the wastewater fee. This amount is represented by the portion of the bars in 2019 and 2020 with the crosshatched pattern. The other is to increase the operating budget by \$500K per year to catch up with deferred maintenance and to ensure that the utility can keep up with maintenance requirements.

As you can see by the bright blue portion of the bars, by 2023 anticipated operating expenses will be equal to what the total costs were in 2019 for operation of maintenance expense, capital spending, and debt service. This is additional funding for O&M that will benefit everyone in the community and help address the open work orders that Jeff mentioned.

Flat Rate

Not based on impervious area (hard surface)

	2020	2021	2022	2023	2024	2025	2026
Monthly Fee	\$8.69	\$11.46	\$13.20	\$15.16	\$15.36	\$15.98	\$16.76

As you know, there is a financial burden associated with moving away from postponing and deferring maintenance activities and addressing the capital needs. We could stay with the flat rate, but this is what the monthly fee would increase to each year to meet those costs. The fees that are shown here are not equitable or sustainable, and staying with the flat fee rate structure really limits the UG's ability to generate the necessary funding for the stormwater program.

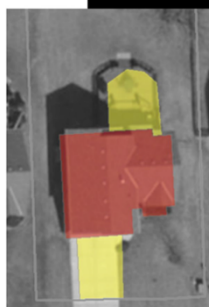
Impervious (Hard) Surface

WHAT IS IMPERVIOUS AREA?

All types of hard surfaces including pavement, buildings, patios, driveways, parking lots, and compacted gravel.

WHAT ARE THE BENEFITS?

Aligns stormwater charges with the level of stormwater runoff a property contributes.



A balanced approach

Therefore, it was decided that the solution would be a rate structure based on impervious area which is an industry accepted, reasonable estimate of the stormwater service demands that properties place on the system and enables an equitable approach to recovering stormwater costs. Obviously, a significant change like this requires public feedback which Dave is going to talk more about.

Community Engagement



COMMUNITY MEETINGS

9 Open Houses
3 Business Meetings
2 Credit Program Meetings
4 Advisory Group Meetings
Multiple KCK Chamber Meetings
Multiple Stakeholder Meetings



PRINT & DIGITAL

Targeted Mailers
Citizen Newsletter (65,000)
Bilingual Event Flyers
FAQ Webpage
Stormwater@wycokck.org
30-minute Video
News Media Interviews
UG TV



SOCIAL MEDIA

Facebook Events
Livable Neighborhoods
Nextdoor
UG E-News
Neighborhood Business & Revitalization Organizations

Dave Reno, Public Works Community Engagement Officer, said as Jeff mentioned, the Unified Government has \$141M in unmet stormwater needs. To begin addressing these needs, staff formed an action plan. The plan cannot exist in a vacuum. Community feedback matters. Over the past year, staff has worked hard to ensure they obtained it by holding multiple open houses, meeting multiple times with the KCK Chamber, running an informational video on UGTV, and communicating through digital and print platforms like Facebook, Nextdoor, E-News and the Citizens Newsletter.



Visualizing the outreach perform can be difficult, but this engagement calendar should help. In the top left-hand corner is December 2018 and in the bottom right-hand corner is December 2019. The black stars represent each time a member or multiple members of staff interacted with the community about the stormwater proposal.

What's important to note here are the blue, green and purple stars. These stars represent fundamental changes to the stormwater plan. The blue star represents the creation of a Credit and Appeals Program based on feedback. The green star represents the first time staff cut the Capital Program. In this context, Capital Program is a technical way to say projects that solve problems. The first time this fund was cut, it was cut by nearly 50% from \$58M to \$36M.

The purple star represents the development of a tiered alternative similar to a system used by Ames, Iowa. The tiered alternative itself represents more than 20 changes to the stormwater proposal. The tiered alternative was shown at recent open houses and on the website. The community was invited to join staff at recent open houses through an article in the Citizens Newsletter, a newsletter that's delivered to more than 65,000 addresses.

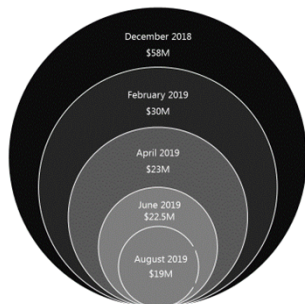
Community engagement has very much shaped this proposal and Anna will walk us through how.



Ms. White said based on the feedback that we've received over the last year, we've come up with two rate structure options. Both of these options are based on a previous area. Both will recover the same amount of revenue, but as Dave mentioned, they also both reflect a significantly scaled down Capital Program.

Scaling Down the Capital Program

Responding to community feedback



A deficiency study was conducted for eight watersheds that were identified as high priority watersheds based on the number of known problems in those areas which identified \$141M worth of stormwater needs. So, when considering a new rate structure, we originally started with a plan to address and fund \$58M of those projects in the eight watersheds. However, based on public feedback and the concern that the impact of this would have on residents, we have continuously and substantially scaled back the number of projects to be funded over the study period. The proposed rates are based on a \$19M Capital Plan that reflects only 7 of the 12 identified projects which we acknowledge that this would result in a decrease in the level of service, but we know that the fee cannot initially support a Capital Plan of \$58M.

Option 1 - Individually Calculated

Based on impervious area (hard surface)

	2021	2022	2023	2024	2025	2026	2027
Rate per 500 ft ²	\$0.67	\$0.88	\$1.04	\$1.22	\$1.22	\$1.28	\$1.35
Minimum Charge	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50
Percent of Parcels Not Impacted	70%	58%	43%	28%	28%	28%	28%

Rate Option 1 is an individually calculated monthly charge based on the rates for 500 sq. ft. of impervious area as shown. The minimum charge is \$4.50, so properties that are, for example,

vacant land with no structures or agricultural properties with no structures, they would pay the minimum charge of \$4.50. If a parcel has, for example, 2,500 sq. ft. of impervious area, a hard surface, it's 5 units at 500 sq. ft. per unit, so the calculated monthly charge would be \$3.35 which is \$5 times the \$0.67 shown there for 2021. Since the calculated charge would be \$3.35, this property would pay the minimum charge of \$4.50.

At the bottom of the slide, you can see the percentage of parcels that will pay the minimum charge of \$4.50 through 2027. This percentage decreases over time as the rate for 500 sq. ft. increases.

Option 2 - Tiered
Based on impervious area (hard surface)

Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025	2026	2027
1	0 - 2,000	42.53%	\$4.50	\$4.50	\$5.09	\$5.89	\$5.92	\$6.20	\$6.57
2	2,001 - 4,000	40.65%	\$4.84	\$4.84	\$5.48	\$6.34	\$6.37	\$6.67	\$7.07
3	4,001 - 6,000	7.39%	\$6.15	\$8.21	\$9.58	\$11.08	\$11.14	\$11.66	\$12.36
4	6,001 - 10,000	3.61%	\$9.59	\$12.82	\$14.94	\$17.29	\$17.38	\$18.20	\$19.29
5	10,001 - 20,000	2.41%	\$17.61	\$23.52	\$27.43	\$31.74	\$31.90	\$33.41	\$35.41
6	20,001 - 30,000	0.94%	\$31.92	\$42.65	\$49.73	\$57.54	\$57.84	\$60.57	\$64.19
7	30,001 - 60,000	1.14%	\$53.29	\$71.19	\$83.01	\$96.06	\$96.55	\$101.12	\$107.15
8	60,001 - 100,000	0.48%	\$99.53	\$132.97	\$155.05	\$179.42	\$180.33	\$188.86	\$200.13
9	100,001 - 250,000	0.51%	\$189.81	\$253.57	\$295.67	\$342.14	\$343.88	\$360.15	\$381.64
10	250,001 - 500,000	0.22%	\$436.30	\$582.88	\$679.65	\$786.47	\$790.47	\$827.86	\$877.27
11	500,001 - 1,000,000	0.08%	\$864.01	\$1,154.27	\$1,345.90	\$1,557.43	\$1,565.37	\$1,639.40	\$1,737.24
12	1,000,001 - 5,500,000	0.04%	\$1,844.67	\$2,464.39	\$2,873.52	\$3,325.15	\$3,342.09	\$3,500.16	\$3,709.04
13	5,500,001 +	0.00%	\$5,803.83	\$7,753.61	\$9,040.86	\$10,461.82	\$10,515.10	\$11,012.44	\$11,669.63
Percent of Parcels not impacted			43%	43%	0%	0%	0%	0%	0%

Option 2 is a tiered rate structure with 13 tiers based on ranges of impervious area. As an example, the parcel with 2,500 sq. ft. of impervious area, which fall into Tier 2, pays a monthly charge of \$4.84. We're showing on this slide both the percentage of parcels that fall within each tier in the column percent parcels and then, also at the bottom, the percentage of parcels that will not see an impact. You will probably notice that the percentage of parcels not impacted under this option is less than Option 1. It's only the parcels that fall in Tier 1 in 2021 and 2022 will not be impacted.

By putting the properties into these blocks, it helps to address the magnitude of the bill impact, but it all depends on where the parcels and impervious area falls within the tier. Properties at the higher end of the tier would pay a larger monthly charge under Option 1. By putting the parcels into these groups, it mitigates the impact on these larger properties within each tier. We can see the impact of the tiered rate structure in this next slide.

Comparing Options 1 & 2

Based on impervious area (hard surface)

	Option 1 (individually calculated)	Option 2 (13 tiers)	Overland Park (2019 Rates)	Lawrence (2019 Rates)	Topeka (2020 Rates)
IA = 2,420 ft ²	\$4.50	\$4.84	\$2.75	\$4.47	\$6.00
IA = 6,000 ft ²	\$8.04	\$6.15	\$6.64	\$11.08	\$14.87
IA = 200,000 ft ²	\$268.00	\$189.81	\$221.33	\$369.40	\$495.54
IA = 2,000,000 ft ² (Very Large)	\$2,680.00	\$1,844.67	\$2,213.28	\$3,694.00	\$4,955.40
IA = 6,200,000 ft ² (Highest Tier, Very Large)	\$8,308.00	\$5,803.83	\$6,861.17	\$11,451.39	\$15,361.74

This table highlights two things. First, the difference between Option 1 and Option 2 for five examples and second, the comparison with other select communities. The examples that we're showing here, with the exception of the first one, all depict a lower monthly charge under Option 2, but it all depends, again, on where the parcels and impervious areas fall within the tier as to whether Option 2 results in a lower or higher monthly charge compared to Option 1. Properties at the low end of the tier would pay more with Option 2 while properties at the higher end of the tier would pay more with Option 1. Again, this rate structure mitigates the impact on the larger properties within each tier.

If you look at some of the surrounding communities, Johnson County has a stormwater ad valorem tax that is used to partially fund stormwater projects that's in the county, so communities in Johnson County, such as Overland Park, have the opportunity to receive funds from the county's stormwater tax to partially fund some of the capital improvements.

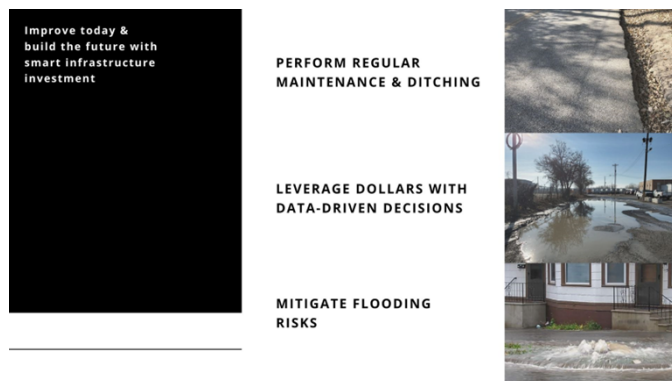
Overland Park has not increased its stormwater fee in over 10 years, but they are currently contemplating an increase for 2021. The city of Lawrence is also currently conducting a rate study to determine an increase for 2021.

The city of Topeka, the City Council just recently approved a series of three 7.5% revenue increases for 2021, 2022, and 2023. So, therefore, by 2021 when the proposed stormwater fee would be implemented by the UG, each of these communities will have increased their fees as well. While both Option 1 and Option 2 already compare favorably to the existing rates for both Lawrence and Topeka, they will be even more favorable in 2021 when these communities have increased their fees.



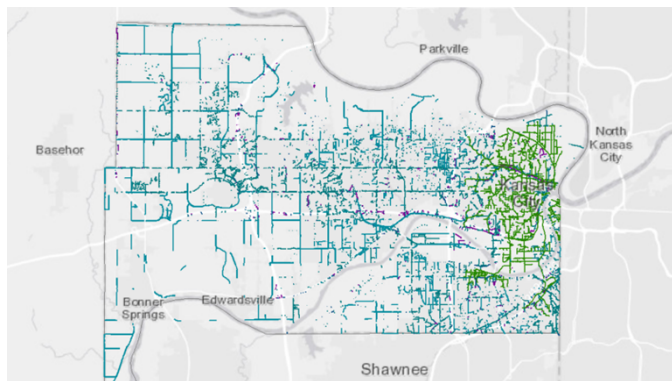
So, what is Kansas City, Kansas community going to get with this proposal? It's a sustainable program with a funding system and tangible benefits, which Jeff is going to discuss more.

Mr. Fisher said whether the Commission chooses Option 1 or Option 2, there will be tangible benefits.

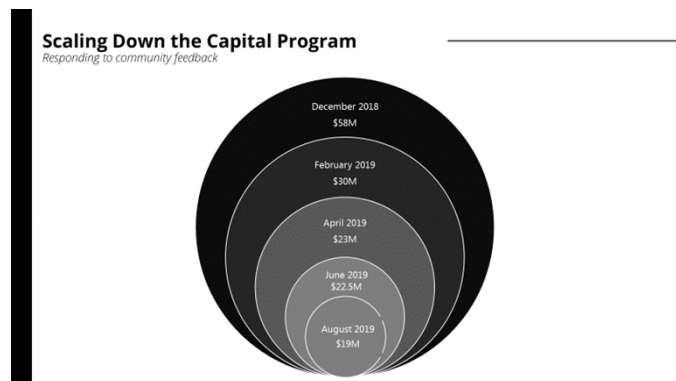


There will be things like ditching, there will be an increase in repair and replacement through increased maintenance and capital investment. We will improve the quality of life for residents and businesses. We've also tried to leverage these funds against other funds like preservation dollars each year, Water Pollution Control dollars and projects, other sources through state and federal where available, and pursue low interest loans through the federal government like (inaudible) where those make sense. We've already started using green infrastructure in projects. We'll continue to do that. Staff is developing policy around that, that will help.

This proposal allows the Unified Government to address, over time, all of the issues you saw in those pictures that we face every time it rains.



Again, the community stormwater system is made up of about 410 miles of pipe, ditches and swales across the city. Different sectors of the community may receive different types of services, but all benefit from the system; at least from the simple reason that all residences and businesses rely on the stormwater system to take care of their day-to-day needs, going to work, going home, shopping, receiving deliverables.



Again, there is \$141M of needs in just 8 of the most troublesome basins of the 50 total basins. As a result of one year of engagement, now we have \$19M over 7 years and an increase level of O&M.

Flat Rate	PROS - Meets funding needs - Easiest to administer - Easy to understand	CONS - Level of increases would conflict with Consent Decree proposals - Less balanced than Options 1 & 2 - No fee reduction credit program
1 Individually Calculated	PROS - Meets funding needs - Based on an individual's amount of hard surface - Legally defensible & reflects best practice - Fee reduction credit program	CONS - Initial administrative requirements - Bill impact for parcels with large amounts of impervious surface
2 Tiered	PROS - Meets funding needs - Easier to administer - Reduces bill impact for parcels with large amounts of impervious surface - Fee reduction credit program	CONS Less balanced than Option 1

The pros and cons of the options are these. The current rate structure, the flat fee, again, is not fair, it's not equitable or balanced. It's not fair for a small home to pay the same as Walmart or Target. It's not fair for a small restaurant to pay the same as Cabela's. It's problematic for the consent decree to raise our flat rate structure as high as it would need to be raised to generate these revenues. So, really it only leaves Option 1 and Option 2 in staff's opinion.

Decision Points			
	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

The most objective way for staff to determine best option is to use industry litmus test questions like these. I'm going to run through each of these with Anna.

Decision Points			
	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Will properties pay according to the amount of stormwater runoff they contribute? **Ms. White** said with the flat fee the answer is no. It's not based on impervious area. Option 1 and Option 2, which are based on impervious area, do reflect the amount of stormwater contributed by each property.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked is the rate equitable for all customers. **Ms. White** said, again, a flat fee is not equitable for all customers. Option 1 is the most equitable as it's based on each parcels' individually calculated impervious area. Option 2 is not as equitable as Option 1 because properties are grouped into tiers, but it is more equitable than the flat fee.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked is the fee easy for customers to understand. **Ms. White** said the flat fee is very easy for customers to understand. Option 1 is a little more difficult as each owner needs to understand what their impervious area is and how to do the calculation to determine how many stormwater units they have. Option 2 is easier to understand. Once you know your impervious area, you find what tier you would fall into.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked will the rate structure sustain operations, maintenance, and capital needs. **Ms. White** said due to the increases necessary in the flat fee in order to implement the plan that we have proposed, the flat fee would not result in sustainable funding. Option 1 and Option 2 would.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked does the rate structure include a fee reduction credit program. **Ms. White** said flat fee does not allow the option to have a credit program while Options 1 and 2 would.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked does the rate structure reasonably mitigate the monthly bill impact. **Ms. White** said, again, due to the necessary increases in the flat fee to implement the proposed program, it

does not mitigate the bill impact for residents. Option 2 does mitigate the impact for residents, but as you all know, there's a significant increase for businesses, but this is addressed under Option 2.

Staff Recommendation

Based on impervious area (hard surface)

	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?	
Is the rate equitable for all customers?	
Is the fee easy for customers to understand?	
Will the rate structure sustain operations, maintenance, and capital needs?	
Does the rate structure include a fee reduction credit program?	
Does the rate structure reasonably mitigate the monthly bill impact?	

Mr. Fisher said based on the questions and all of the feedback from all sectors of our community, staff believes Option 2 is the most well-rounded and best option.

Staff Recommendation - Option 2

3 Years - Commission may transition to Option 1 in the future

Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025	2026	2027
1	0 - 2,000	42.53%	\$4.50	\$4.50	\$5.09	\$5.89	\$5.92	\$6.20	\$6.57
2	2,001 - 4,000	40.65%	\$4.84	\$4.84	\$5.48	\$6.34	\$6.37	\$6.67	\$7.07
3	4,001 - 6,000	7.39%	\$6.15	\$8.21	\$9.58	\$11.08	\$11.14	\$11.66	\$12.36
4	6,001 - 10,000	3.61%	\$9.59	\$12.82	\$14.94	\$17.29	\$17.38	\$18.20	\$19.29
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13	5,500,001 +	0.00%	\$5,803.83	\$7,753.61	\$9,040.86	\$10,461.82	\$10,515.10	\$11,012.44	\$11,669.63
Percent of Parcels not impacted			43%	43%	0%	0%	0%	0%	0%

Staff recommends that on January 30th the Commission adopt Option 2 with the first three years of rates. Staff will report back to the Commission annually, and after two to three years, maybe a few adjustments; staff would recommend adopting another three years. It's noteworthy that it would be easy to transition from Option 2 to Option 1 in the future.

Staff recommends—in conclusion, I will wrap up by saying the UG has described and quantified the needs in its most trouble basins, 8 of 50. The public has shaped this proposal through a year of engagement. The proposal is well-rounded considering feedback from all sectors of the community. The workplan is a great step in the right direction. Adopting this proposal sets the right path. We will field any questions.

Mayor Alvey said I think we will do the public hearing and then we will have time for comments and questions from the Commission. As we open the public hearing, again, we have people signed up and I would ask Ms. Cobbins to read the statement governing the public hearing portion.

Bridgette Cobbins, UG Clerk, read the statement.

David Knetter, 13301 Hollingsworth Road, said my family has a couple of farms in the western part of the county. With a quick look around the city, I'm sure everybody can find a storm sewer or a culvert that needs some maintenance. As I understand it, in order to address the situation, the city in part of the questionnaire, asked the citizens if someone who created more runoff should pay more of a fee to deal with stormwater than someone who created less. I'm sure that most respondents were thinking of the Walmart or Cabela's parking lot versus someone in a residential neighborhood with a single-family home. I would guess that people were overwhelming in favor of Walmart paying more than a single-family home.

Our farms typically have a house, a couple of barns, and a gravel driveway. In every case, any runoff is controlled by the surrounding land that includes acres of grass or crops and a watershed system with terraces and pond which was installed at my own expense. Not a drop of water ever sees the inside of a storm sewer, yet when I inquired about the amount of the fee for the farm that my 94-year-old mother lives, I was told it would be nearly \$500 a month after the first couple of years. Needless to say, I was outraged. A subsequent request came back with an estimate of just over \$50 a month. While the second estimate seemed like a gift compared to the first one, it still seems like too much to pay for managing stormwater that I already manage myself.

Even more concerning was the estimate of the fee on ground that we have in the Missouri River bottoms that range from \$4.50 a month to \$55 a month per parcel for land that has no buildings. If there is any runoff, it goes straight to the Missouri River. **Ms. Cobbins** said you have one minute. **Mr. Knetter** said any drainage pipes or culverts are purchased and maintained by members of my family. Although this new program, which I'm sure was conceived with the best of intentions, will cost my family hundreds of dollars a month. This is not something I can afford. I'm not Walmart. I'm just some guy with a gravel driveway.

To me, this plan may have started off with good intentions, but it has some flaws and it is not ready for approval.

Daniel Silva, KCK, said the KCK Chamber is proud to serve 550 plus members including businesses, nonprofits, post-secondary institutions. As a member of the business organization, the Chamber prides itself in its role as (inaudible) and a pro-business advocate offering platforms for small and large businesses alike so every voice and legislative issues that directly impact their operations and services. We, at the KCK Chamber, want to thank Mayor Alvey, County Administrator Doug Bach, and the Director of Public Works Jeff Fisher and his entire team for working with us on trying to come up with a solution that works for the entire community.

We do understand and support the need for a rate change to support infrastructure needs in our community. With that, we are hopeful that future collaboration and open dialogue will continue to evolve regarding this matter and any issues that directly affect the Wyandotte County business and community at large will go through this engagement process.

We, at the KCK Chamber, support a stormwater plan that will generate sufficient funding for certain identified critical infrastructure improvements and operations and maintenance costs for a definite and set period of time. A plan that equably and objectively and reasonably allocates the related increase financial obligations across all property types including business property—non-residential properties would include businesses, churches, nonprofits; they all will be impacted by the rate change.

Also, we support a plan to provide for the utilization where and available of additional sources of funding to equitably replace the stormwater fees assessed to all property types. We understand there will be an increase. We do support the increase. Businesses want to ensure that there is an equitable way of arriving at their rate, but also for us to look at outside funding streams to help support and offset some of these costs for the community at-large.

I think we would also ask, before the Commission votes on passing a rate change, to consider and ask questions around what the Credit Program will look like—**Ms. Cobbins** said you have one minute—**Mr. Silva** said for those businesses or property owners that have already invested in the stormwater runoff and to prevent more runoff, what that Credit Program specifically looks like for them, what the building process and the appeals process looks like, and how labor intensive and cost intensive will that be. Will there be exceptions for those properties that are along the river? Will there be a sunset to this rate change? I think, Jeff, you addressed it in your previous comments that you will revisit it from time to time. Again, keep in mind that we're

talking about impacting not just residential, but non-residential properties which also includes more than just businesses. I hope you all take that into consideration when you vote on this.

Mary Collins, 2225 Washington Blvd., said I would like to begin my remarks by offering my thanks to all of you for undertaking this effort to make our community safer and improving the environmental quality of our neighborhoods. I'd also like to commend city staff and their consultant team for the incredible amount of high quality work that they've put into this process both in technical terms and how public outreach was managed.

I attended the very first public presentation at the Beatrice Lee Community Center in 2018 and the updated presentation held at the Neighborhood Resource Center in September. In between, I participated in the Citizens Advisory group and attended all four sessions of that working group. We were presented with a good overview of the technical issues and various options for addressing our community's needs for stormwater management. If you take away nothing else from my remarks, please do note my admiration for the UG staff and their outstanding work on our behalf. You are well served by Mr. Fisher and his staff and we are all.

That said, I find myself in disagreement with the final proposal before you this evening. One of the main principals that I considered in thinking about this initiative is that of fairness and equity. Every property that has impervious surface produces stormwater runoff that we, as a community, must deal with. We have neighbors that have experienced terrible flooding in their homes in some storm conditions. We have streets that we all use that are damaged by uncontrolled runoff. Uncontrolled runoff is an environmental challenge that we must meet, so every property must continue to the solution in proportion to their contribution to the problem. The most equitable way for me to meet that standard is through a flat rate fee, the Option 1 before you, that is applied equally to all properties no matter their size or location. **Ms. Cobbins** said you have one minute.

Ms. Collins said we have no objection to paying a flat fee for our electric or our natural gas or our water usage. It should not be different for this utility either.

The proposed and development Credit Program, which recognizes individual efforts to construct and maintain mitigation plans, is analogous to our individual efforts to install more insulation in our homes, to reduce water usage, and to use energy efficient appliances, so there is an option to address some of the concerns of one of the previous gentleman.

A tiered system forces those at the lower end of the tier to subsidize those at the higher end. That's also true between the tiers. That is not fair; it's not equitable. I understand that this is a new and contentious issue that you face this evening. It is a vitally important one and one that should be implemented in the most equitable way possible. In my opinion, after spending a year on this, it's Option 1.

Greg Kindle, Wyandotte Economic Development Council and a resident of KCK, said I just have a few brief comments, but for us, it comes down to the importance of balance between what's actually needed by the plan, over what timeframe, and who bears the cost. No doubt the stormwater fees being the same for residential and business has not been equitable. What we have appreciated is the UG's team willingness to have a lot of conversations and to engage. Jeff's team has done a wonderful job in the process whether we like the options or not.

The decision before you has been a long time coming; it's been more than 10 years in coming, and the decision you make tonight is going to have even a longer term impact. From an economic development perspective, we do have needs in this community that need addressed to maintain the economic vitality of both the residential and business community. My caution is not to swing the cost pendulum so far on the commercial side that we slow or halt continued economic development. It is a balancing act with no easy answer.

Our hope is that you will keep in mind that there is a limit to how much we can or should ask from any one group. Whatever plan you determine is the right one, we encourage you to make sure that everybody can understand how their bill is being determined. For us, that's an ongoing issue. We're on the frontline for business and commercial projects. If we can't figure out what their impervious square footage is, it's going to be difficult for us to communicate that throughout the process. We would just encourage you all to continue the conversation and try to find the right plan that is a balance for everybody.

Elnora Tellis-Jefferson, KCK, said I want to thank the elected officials and also Jeff Fisher and his team. As he said, I've been a member of the Steering Committee. I've learned a lot and I still have a lot to learn, but I've certainly enjoyed the opportunity to do so and appreciate the transparency and the openness with which it has been conducted. Thank you again.

This may not be the correct time to ask this question, but I do believe it should be addressed either now or sometime in the future with something that says it will be addressed in the future. I remember that County Commissioner Doug Bach, during the period where we were looking to vote on the CNIP sales incentive, sales tax, and one of the things that Doug mentioned and says that the burden of that tax would not fall on the individual citizen, but more so the individual who purchased at the Legends and bought at the Legends of people who perhaps do not live in the county.

This is the crux of what I'm stating. The assessment is one thing, how the rate is applied, what mathematical components they used in that. The other piece to that is the billing and exactly where does that fall and on whom does that fall? We're not talking about a new input, a new resource of money, so we're talking about money that basically is going to come from the taxpayers and the citizens of Wyandotte County. If something is applied, if this is applied and say, for example, to a post-secondary institution, you look at how that post-secondary institution pays the bill right now. Does that institution go out and get a new source of funding or is that charged and passed onto the ratepayer either in a mill levy or a tuition or whatever that is.

Again, I want to repeat, while this may not be the time for that, I believe it should be looked at because—**Ms. Cobbins** said you have one minute—**Ms. Tellis-Jefferson** said we do not have the resource of revenue. We have the same population of people and how burdensome is that going to be on any one category of ratepayer.

Broderick Crawford said as others have stated, I thank you all for your due diligence in pursuing this effort in addressing obvious unequitable situation with our stormwater. Certainly, I thank the staff also for the work they've done, but I have some concerns as it relates to community engagement. I've noticed that there were several sessions that were held in community centers, but to my knowledge, the number of residents participating were less than double digits. When you look at the 65,000 mailers that were sent out, how many of those mailers actually had individuals who participated. It's one thing to send something out, it's another thing to actually engage with the actual residents. I would submit that certainly taking another look at what true resident engagement looks like in this community because those are the individuals that are bearing the biggest burden of our taxes. So, how we are engaging those individuals that have to pay and

continue to have to pay, I think should have a greater priority than some of the business partners who often get tax abatements to do the work that they do.

As a resident who lives at 824 State Ave., as a businessowner who is the President of the NBC Community Development Corporation, I would ask that you also consider relooking at how we are engaging our residents.

I am certainly opposed to Option 2 because it seems to skew the benefit to businessowners. I'm certainly receptive to taking a look at residents, like the gentleman who spoke earlier, but I think we really need to look at how we are burdening our taxpayers in this county with the highest tax burden in our area with additional fees.

Rachel Jefferson said thank you and all that great jazz. I really appreciate being a part of the process but I'm going to save most of time for actually speaking to what we're here today. I served on the Citizens Advisory Committee and was able to attend three out of those four meetings. I really do appreciate the lengths that Public Works has gone to and this Commission has gone to work this solution. I think we all have come to realize that this—whatever option we continue with in the future is necessary for our community to increase our stormwater rate fees whether it be through the tiered option or the individual option.

I am opposed to Option 2 mostly because of several things that people have already stated tonight. One, we are aware, from sitting on the Citizens Advisory Committee, that although Public Works did engage in a lot of community meetings or contacted community people to come to those meetings, the majority of attendees were actually large impervious surface area owners. So, therefore, we didn't actually get to hear from those smaller impervious surface area owners in these meetings. I think, again, that speaks to what Broderick just said about how are we conducting community engagement as a whole in this city. Is it simply enough to mail out something and say we expect you to show up, or is it something that we really need to get boots on the ground and engage our residents so we have a more robust democracy?

Also, I think this really boils down to something pretty simple, you pay for what you use. Individual rates, as was seen in the slideshow before, are generally seen as more equitable, best practice, and legally defensible. As we learned in these Citizen Advisory Committee meetings, it really is the best practice if we go for individual rate instead of pushing the burden of the stormwater fee onto smaller impervious surface area owners.

If a larger property owner wants to pay less, then they have the options to do that through the Credit Program, which I have all confidence in Public Works to figure out. **Ms. Cobbins** said you have one minute. **Ms. Jefferson** said please install green infrastructure, apply for credits, that in the end only helps our general environmental condition. The gentleman that spoke earlier, the farmer, it sounds like he's already got a lot of green infrastructure on his property where he could very easily apply for the Credit Program.

I think we need to be thinking about how we want to envision our future here, our environmental future, environmental health and are we going to keep pushing the burden onto our residents that rightfully should be on people who are making money from our residents in this community.

I also want to speak to something that was said in our Citizen Advisory Committee. The consultants, themselves, stated that the notion of this deterring—this fee deterring future business in KCK is a false one. I think we get scared by that a lot. I think we hear this is going to stop business from coming to our community so we can't do it, but is that really true? Let's investigate that. There are studies out there actually. I've asked the consultants for one and they're going to be providing it to me, so let's really know what we're talking about here when we're making this decision.

Mayor Alvey said I want to thank each one of you for coming out tonight. It's very helpful to us. I would ask any member of the Commission, comments or questions?

Commissioner Townsend said thank you to all who took the time to speak tonight. While we have the benefit of staff here and our consultants, I would like them to talk about something I didn't hear that was only briefly touched on and that is the nature of the Credit Program; and also how, under either scenario, would a citizen be able to identify or otherwise confirm how much impervious surface they have; those two key things.

Mr. Fisher said I will take the lead on that and ask the staff to help if I miss anything. There are three points that I noted. One, if its AG or vacant, that is a \$4.50 a month charge. If it's AG with hard surface, through that second round of public engagement and as a result of that feedback, staff has developed a 30 to 1 ratio credit so 30 greenspace to hard surface. I believe Mr. Knetter

will be eligible for that. Then there is a direct discharge credit, so a property that's adjacent to the river, stormwater is not passing through the UG system, it's just passing over their property and right into the river, there is a 75% direct discharge credit as well.

Your second question which was how will they have access to the information they need. **Commissioner Townsend** said how would a citizen be able to identify how much impervious surface or if they had a question as to the amount that they've been identified as having? How would that be verified or to whom could they speak? With regard to the credit, if you could address say for a situation like Mr. Knetter, I hope I'm not terribly off on his name, how his situation might apply to this 30 to 1 credit and is there another type of credit for someone who has a smaller footprint?

Mr. Fisher said I will try to speak to the access to information and ask Anna to hit on the 30 to 1 credit ratio in greater detail. I think there are a few different ways a citizen or business can gain access to that information. They can certainly call staff or there's email. There will also be a website dedicated to all of the information around this program. What we intend to do is have a feature on the webpage where they can go in and punch in their address and it will tell them how much impervious surface they have and possibly calculate their monthly bill. That's our intention. Do you have anything to add Anna?

Ms. White said like Jeff said, if they just ask someone within Public Works or send an email, we can look up the impervious area for any parcel within the county and get them that information.

Mr. Fisher said could you speak to the 30 to 1. **Ms. White** said the ratio credit was something that we added just recently based on feedback that we received from property owners like Mr. Knetter. The ratio credit is based on a credit that Kansas City, MO, also has. If a property has a ratio of green surface to hard surface of 30 to 1 or more, they can qualify for a credit of 50%. A property that is 20 acres large and has a house and a driveway, would most likely qualify for that credit unless it's a very large house.

Listening to Mr. Knetter talk, it also sounds like he may qualify for the direct discharge credit as well. If his property drains directly into the Kansas or Missouri River, he would be eligible up to a 75% credit for that as well.

Commissioner Townsend said so the property owner would have to ask specifically about what credit he/she may be eligible for, is that correct? **Ms. White** said yes. Right now, we can

look up and see who might qualify for the ratio credit because we do know the gross area and the impervious area for all of the parcels. Going forward, there would be a credit manual that would be available online and probably in print that would describe all of the different credits that are offered, what you need to do to qualify for those credits, and how you would apply for a credit.

Mayor Alvey said, Jeff, for instance, the direct discharge credit, why would that not be a 100% credit? I think I know the answer but would ask that you explain. **Mr. Fisher** said it's simply because they use—they benefit from the system to get there and to leave. If they're a business, they're using the stormwater system to meet their day-to-day needs. **Mayor Alvey** said there's still a system-wide charge just to do the basic infrastructure. That individual parcel may only produce this much, but there is a carrying cost, as it were, an infrastructure cost that has to be borne by every parcel. **Mr. Fisher** said right.

Commissioner Kane asked how many people attended those meetings. **Mr. Fisher** asked the second round of meetings. **Commissioner Kane** asked how many people went to the meetings you guys had. **Mr. Reno** said the second round was about 120. **Commissioner Kane** said okay, so 120 some odd. How many people live in Wyandotte County? **Mr. Reno** said 163,000-165,000. **Commissioner Kane** said 100 and some odd people went, and we have 160,000 some odd people living in Wyandotte County.

I got an email from a senior citizen today from Piper that some of the Piper residents have heard that a vote will be taken tonight on a new method of assessing taxes for water drainage. We have not received any written information on this method of assessment. We have not gotten an opportunity to vote on this method. If we had received this information, we would have had the opportunity to vote, as a citizen, (inaudible) would have faced a great deal of opposition from western Wyandotte County. My hope is that you can express this concern in the meeting. She would like to be here, but she cannot drive at night.

You know, you have 100 people making a decision for 100 and some odd thousand people and they haven't been contacted properly because we did this through the newsletter, our Facebook and our website; is that what we did? **Mr. Reno** said yes and also on UGTV and through the Citizens Newsletter. **Commissioner Kane** said there's a lot of people that don't have a computer,

don't even look at the TV that much, they're not engaged. What's going to happen when this passes, or if it passes, then we're going to get phone calls saying where the hell did this come from.

Something that you had to think about too is the school districts just passed their school bond, Piper and Wyandotte County, right? All that money is already accounted for. Where are they going to come up with the remaining money? JUCO, I guess, is somewhere in the neighborhood of \$70,000. I don't know what Donnelly College is, but you ought to be madder than hell.

None of those projects are west of 435. What's this going to do to the new businesses and why would we want to rush something through when only a couple of hundred people had a chance to talk? We should have went out walking through the neighborhoods and asking them, hey, we have an issue. What do you think? Not a survey that we sent out with some questions that I thought were ridiculous, but what do you think about what's coming on because you didn't respond to us before because a lot of them just don't know. I'm telling you right now that there are some people, like my mother and father-in-law, that cannot afford to pay a dime more than what they're paying.

I'm extremely frustrated by this because we didn't do it the way we should and we're not anywhere close, in my mind, where we can pull the trigger on something that we don't know is going to work or not. Every single parcel should have known what exactly what was going to happen at the Knetter farm. He should have known, alright, here's what's going to happen at my place instead of them having to call and say what's going to happen to me. Oh, we're going to charge you an x amount of dollars until you tell us that's too much.

We're supposed to be transparent and we're about as solid as this blue piece of paper because we can't see what's going on and I can't explain it to me constituents. I can tell you right now a lot of them have voiced their opinion. I know some of the commissioners think this is a great idea, but I vote the way the district says, and the district does not like this.

Commissioner Bynum said I have a comment and then a couple of questions. My comment is that I do continue to have a serious concern for the burden that either Option 1 or 2 places on our churches, our schools, and our other nonprofits entities. I just want to be on record that I'm not satisfied yet with the burden on those specific categories.

One of the questions I have is do we know yet how we would manage the situation of a commercially-leased property where it's the renter who is holding the utility bill or are we taking

the position that that's just between the building owner and the renter to figure out amongst themselves? That would be one question I would have.

Mr. Fisher said I think generally we intend to bill whoever is on the BPU bill and then they would work that out. We can change things. I think we can be flexible on that. **Commissioner Bynum** asked is it our overall intent that this stormwater utility would be borne by the property owner. **Mr. Fisher** said yes. **Commissioner Bynum** said so when we have a situation where we're going to put this on the utility bill and that bill is being paid by a commercial property renter, then I guess they can just duke it out basically. I mean, if I'm the property owner, at that point I'm going yeah, and sorry dude. I don't know that we have a satisfactory resolution for that.

Along the lines of what we've heard some other people say, we do manage here at the Unified Government to calculate our annual tax bills and get those off in the mail. We get a rendition mailed in the spring and then we get a bill mailed in the winter. So, we have the capacity to do some sort of parcel by parcel mailer perhaps as another effort at community engagement in terms of here is the impervious area of the property that on our records you own and here's what your bill is going to look like.

Do I understand that the goal is that this would begin January of '21? **Mr. Fisher** said that is correct. **Commissioner Bynum** said so we've got a year to work on communicating with every parcel holder with regards to what their potential bill would look like kind of along the lines of what Commissioner Kane was saying.

Last, just a comment, but in the community, we have multiple good examples of not only organizations like Rachel Jefferson's historic Northeast Midtown Association, which does do good community engagement, countywide community engagement efforts—we have the example of the Affordable Care Act and the efforts at getting folks enrolled in health insurance coverage, but we were very effective with that several years ago with the rollout of the ACA in cutting the number of uninsured in Wyandotte County in half because of those kinds of boots on the ground community engagement efforts.

In 2012 when Google came to town and said, you may all not remember this as clearly as I do, but you had to turn your neighborhood green so that you could get the Google fiber. You can know that we had boots on the ground all over this town to turn every neighborhood green for Google fiber, so we do have examples of how to put people on the streets to communicate

something that should be a good thing for our community. I think if we had some more conversations about that kind of community engagement, it would be really helpful to this process.

Commissioner Johnson said, Mr. Fisher, I want to appreciate the work you all put into this proposal for tonight. As I recall, when we first took on this mission, we asked that you go back (inaudible) undertaking for our community from all basis, residents or whether commercial. In my opinion, I think that you all did the best that you all (inaudible). That's not to say that it was a perfect attempt. As far as I'm concerned, I think we still have time to try to make sure we (inaudible) as many times as possible and at some point, we're going to have to decide. I don't know, is there some reason why we need to make a decision on this by the 31st? I don't know the answer to that question.

Mr. Fisher said I think the only reason is that the UG has went through a public engagement for a solid year. The needs are not going away. It's getting more expensive. It just seems like we need to make the decision as soon as the Commission is willing. **Commissioner Johnson** said that's fair enough. I think that's a reasonable answer. I agree with that in terms of the 31st.

One of the things that I will offer is that in the presentation—the presentation stated that the new format, whether it be Option 1 or 2, would be or is easier to understand. I would push back on that. I would just ask that you bring up the screen that shows Options 1 and 2. I just wanted to share or offer my thoughts regarding that, the one that says comparing Options 1 and 2.

If I were a pastor of a church that had a large lot, how would I communicate to them what my fee would be? Would we be saying, for instance, let's just say we fell into the third column around the 200—so you see Option 1 would be 268 and Option 2 would be 189. How would I communicate to that person? Would that be a monthly—this is just for people that is watching. Would this be a monthly fee? Would this be an annual fee? **Ms. White** said this is a monthly fee so the numbers that are shown on this table are the monthly fees. **Commissioner Johnson** said so that person would have to go from \$4.50 monthly fee to \$189.81—I'll just use the lower of these two. **Ms. White** said yes, that is correct. **Commissioner Johnson** said I don't know that that is very easy to understand. Now we've gone to this screen. If we go to the other one I saw later on in the presentation, more detail involved, I think that we need to be mindful of how we communicate that to all of our residents in terms of helping them to understand where they fall so

we take the burden off of them trying to figure out where they fall. I don't know how we do that, but I think we need to help them to understand where they would fall within those ranges.

There was some discussion about keeping the flat rate option. I suppose that if we, in fact, would look at keeping the flat rate option, we would probably have to increase the flat rate in order to deal with the issues. I don't know to what decree that would be in order to cover. Have you all looked at that in terms of how much that would be, a flat rate option? **Mr. Fisher** said yes. I think we're trying to get to a slide that would help with that, Commissioner. Right there, from \$4.50 to \$8.69 and then almost quadruple in that period. **Commissioner Johnson** said per month. **Mr. Fisher** said per month for everybody. **Commissioner Johnson** said for everybody and that would cover our costs? **Mr. Fisher** said yes.

Commissioner Johnson said if I had a large church property, I think I might like the \$11.46 in 2021 versus the \$189.81. It's just a thought on that. **Mr. Fisher** said it's probably worth noting that about 80% of the parcel owners fall within like Tier 1 and 2 in Option 2, so that's how many parcel owners are going to be doubled and quadrupled in that period, 80% of your property owners. **Commissioner Johnson** said from \$4.50 though. **Mr. Fisher** said yes. **Commissioner Johnson** said \$4.50 per month. **Mr. Fisher** said to \$16.76 by year 2026. **Commissioner Johnson** said per month. **Mr. Fisher** said per month.

Melissa Sieben, Assistant County Administrator, said, Mayor, I just want to clarify. What we're saying is, in Option 1 and 2, either of those, and, Jeff, please correct me if I'm wrong, about 80% of the properties within Kansas City, Kansas, would stay at \$4.50 in the first few years. **Commissioner Johnson** said that's correct in the first few years, but ultimately, we'd be down to close to zero. **Ms. White** said in Option 1 yes, that is correct. It's about 76%. In Option 2, its lower, it's about 45%. **Ms. Sieben** said thank you for clarifying, but with a flat fee—**Ms. White** said zero percent. **Commissioner Johnson** said I think that helps make my point.

The other point that I would ask then is for those persons that might be eligible for a credit, one of the two or three that you offered tonight, would it be unreasonable to just be able to push that information to them as opposed to requiring that they find out themselves and then come to a website? I think if we would be more proactive with that to let them know that here's what's happening, whichever way we decide this, but there are some options that are available to you. I

would just offer that we would be more proactive in offering that information to them and helping them to understand how to navigate that. **Mr. Fisher** said I believe we can do that, yes.

Commissioner McKiernan said, Mr. Fisher, you and I have talked many times about this. I've talked with your team many times. I want to echo what everybody else has said that you all need a lot of thanks for confronting a monster of a problem. We, as a community, have neglected for decades to invest in our infrastructure. The bill is coming due and we're trying to figure out how to wrap our arms around it for the life, health and safety of people who are here in Wyandotte County. We have to be very appreciative of that. I have joked with you before that when you arrived, we handed you the city and said it's all busted, please fix it, but don't charge us anymore money for that, and we know that's an impossibility.

I do agree that as much effort as we've put into it, we haven't really engaged the public I don't think as much as we could have or should have done. I remember vividly the phone call I got after the very first public meeting we had. A woman, who similar to Commissioner Kane's constituent, was under the mistaken impression that we were voting on something that day and she was incensed that she hadn't received any notification of it. We, as a community, need to wrap our arms and our brains around how we do that better at the more granular level and if that means that we walk door-to-door, then I think we may need to consider that and consider who we can help engage—who we can engage to help us do all of that.

I'm really appreciative of the sessions that you've had with us, as commissioners. I can certainly say that you have made remarkable changes to your original proposal based in part on feedback you got from the public but based in part on feedback you got from us because certainly I have been vocal in some of the feedback that I've given.

I will say that as its presented here today, I think Option 1 is the most equitable. You and I have talked about this before. I do think that the sliding scale based on impervious area is more equitable. I don't like, and we've talked about this before, I don't like when we get to the border of tiers and you've got one situation on top of that line and you've got a completely different situation on the bottom of that line where we transition into the next tier up. So, I'm really glad we don't have to make a decision on this tonight because I have many things that I still need to think about in this, but right now, I feel that Option 1 is the most equitable.

I'm on record, and I'll stay on record, as saying I feel that the fee increases are too steep too fast. I think the protectory, the slope of those increases goes up too fast. I think our first couple of years are actually pretty manageable, at least in what I've looked at so far, but then when they start to almost exponentially rise over the next four to eight years, I feel like the burden ramps up and at that point it's going to start to become unbearable. I'm on record in previous meetings and I stay there. My impression is that the slope is too high. Early years are manageable, but there is a timebomb waiting for down the road. Now, if I'm wrong, please educate me about that, but that's my impression as I look at that.

I have to say I also recognize that cutting down the slope of those increases, any reduction in the amount of money that we can devote to stormwater problem mitigation, is going to reduce the scope of projects. You've already cut it in half and I absolutely realize that if we collect less money, we will need to further trim our project list and delaying many of our projects could have a very tangible and very negative impact on residents and businessowners here in this county. I understand that you want to prevent those negative impacts, but we're in a balancing act right now on how much of this very necessary infrastructure work we can accomplish balanced against the burden of those people who vote will benefit from it but will also pay for it.

Commissioner Burroughs said I have a few questions if I may. These figures that you offered in these options, do they take into account any of the credit programs suggested or discussed? **Mr. Fisher** said no. **Commissioner Burroughs** said they haven't, so we won't see the financial impact it is—**Mr. Fisher** said let me make sure I'm following you. I think I do understand your question better and I apologize. We have accounted for a certain percentage of the parcel owners taking advantage of those credits. Does that answer your question? **Commissioner Burroughs** said yes.

The next question I have is the impact of the financials through the Credit Program, plus we will probably have a setoff or a write-off portion that we'll need to set-aside. We see that with our utilities and other organizations. Do we have percentages and a dollar value of what that setoff and write-off might be? **Mr. Fisher** said we have accounted for that. **Ms. White** said I honestly can't tell you the percentage or the dollar amount off the top of my head, but, yes, we have included a contingency for doubtful analysis. **Commissioner Burroughs** said so those are two things that will affect—that you say will affect the revenue but are already included in the presentations tonight with the options that were presented. **Mr. Fisher** said yes.

Commissioner Burroughs said for the public and others that may be listening, what about the sidewalks, alleys and public streets; are they included as part of the property owners impervious area? **Mr. Fisher** said I'm sorry, ask that again. **Commissioner Burroughs** said the sidewalks, alleys and/or streets—**Mr. Fisher** said no, they are not included. **Commissioner Burroughs** said they are not inclusive. I think that's important that they understand that that is not part of the stormwater fee.

The last two items I have is the billing process will be handled through our BPU which I would imagine if I was a customer and saw my increase on my BPU bill, that an (inaudible) is going to be given and be directed toward our utility and not necessarily the Unified Government. **Mr. Fisher** said yes, they would field a lot of calls and obviously a lot of those would be forwarded to the UG staff and my staff. **Commissioner Burroughs** said thank you for that. I think that's important that we ensure that we have partners in this process but not to burden them anymore than what we may already have.

The last final thing is, could you share with us what happens if we do nothing? **Mr. Fisher** said all those photos that we've showed up there and over 1,000 open work orders, they will just keep getting bigger. The problems will get more expensive, property values will be impacted, residents will be frustrated, businesses will be frustrated, that's the life of no change.

If I could, because it reminds me of Commissioner Bynum that brought this up. The next phase of work before January 2021 would be working through those billing issues with BPU, setting up our staff and resources to field the inquiries, make that information accessible, send that information out to set up the website; all of those things would be done in that one year, 11 months.

Mayor Alvey said I want to clarify a couple of things. I think one of the effects if we don't move forward on this, we still have a bill due for the wingwall like Turkey Creek. We have to pay for that. We had to appropriate funds for that because it was collapsing and it was getting worse. **Mr. Fisher** said that's correct. **Mayor Alvey** said we also had to pay in order to prevent greater damage and greater expense later on for an Argentine pump station. **Mr. Fisher** said correct. **Mayor Alvey** said we're already on tap for those expenses. **Mr. Fisher** said that's correct. **Mayor Alvey** said that okay. This points to the necessity. I think it's important for us to understand that no one wants to pay more for anything; that's a fundamental. We're always looking to get more for less. That's a fundamental. It's also a fundamental that the longer you delay maintenance on important

infrastructure, the worse it becomes, the more expensive it becomes, the more damage it does, the more it causes damage to the investment.

I would think if we look back over the last 60 to 70 years in the history of Kansas City, Kansas, perhaps Wyandotte County as a whole, but I don't want to include Edwardsville and Bonner Springs in this, is that we have failed to invest in our community. We have failed to do the things that make Kansas City, Kansas, an attractive, a more attractive, safer, more livable community. Every time we fail to do that, we put additional pressure on the infrastructure, we put additional pressure on our property values. So, what that simply does is when people take a look and say do I want to build my business in Kansas City, Kansas, do I want to live in Kansas City, Kansas, do I want to raise my family in Kansas City, Kansas; and they come in the neighborhoods and they find neighborhoods which have been neglected for decades. They make a decision and they find a better place to go.

No one wants to pay more. We want someone else to pay for it. I think we have to understand that if we don't take steps and we don't do it quickly, we're simply going to continue to fall behind. These things have to be done and we have to find the spirit within our community to understand that if we want this community to grow and to be the kind of place that we're proud to bring people into and for our children to come up to and to raise their families here, we've got to stand up and say we know where this can be in 10 years, 15 years, 20 years and we know there's going to be some sacrifices and we're willing to make those sacrifices because it's important. We deserve it.

We have to get beyond this point where we say well it's not my neighborhood. I would assume that so many of these projects, these infrastructure projects, are really probably correlated with our poorest census tracts. I don't know if that's a fact, but it would seem to be because when you don't do those things, then that actually creates the poverty that is burdening us now and has burned us for decades.

It seems to me when we launched this effort, we understood there were things we needed to do. They should have been done a long time ago. It got kicked down the road. I'm not sure why but I have a feeling it's because no one wanted to have this discussion, no one wanted to step up and say yep, we understand this is a sacrifice, we're going to have to do it. We also understood that we have to find a more equitable way to distribute the cost, to allocate the burden and the impervious surface rate, again, has to be a fundamental part of the solution.

When you look at what we intend to do, what we intend to assess, this is in line with other municipalities. This is not out of the ordinary. You look at what Topeka, Overland Park is doing; we're well within the range of what others are doing.

I agree that the community engagement has to be better. We have to do that on so many fronts, but the community engagement means people have to stand up and say I care enough to get involved. I care enough to find out what's going on. Communication is a desire on both sides to communicate and oftentimes it's one way, it's only one way. Don't bother me until I'm going to have to pay more in taxes and then I'll get involved. Again, no one likes to pay more and if we do have to pay more, we want someone else to do it or we want to delay it, we want to put it off. We've done that too long; it doesn't work. We're going to continue, we're going to decline in so many ways if we don't find ways to invest in our infrastructure, improve the quality of life in our community so that we continue to grow our families, our neighborhoods.

I want to thank everyone for coming out tonight. For anyone who has been engaged in this in any way, even those who came in late, those that were there in the beginning, thank you for your time and effort. These kinds of conversations are necessary. They're vital and I think this is a great effort by our community.

I have to say this, sometimes when staff comes before us to present things to us, we put them on trial. We beat up on staff because they're doing the hard work of trying to find out, presenting us options and then we put them in the seat of well, we don't like this so we don't like what you're saying. You know, they are doing the work for us. That's their job. That's what they're paid for. I want to thank you for your efforts. I think it was well done.

Action: **Action deferred until a later Commission meeting.**

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 8:37 P.M.
January 9, 2020**

Bridgette D. Cobbins
Unified Government Clerk

dt/cg

January 9, 2020