

**FEBRUARY 25, 2016 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND MICHAEL MAY (RET.), ST. LUKE'S
LUTHERAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THE AGENDA**

XIII. ADMINISTRATOR'S AGENDA - ADDITIONAL INFORMATION

5. RESOLUTION: UG-HOLLYWOOD CASINO/SVV 2016 GRANT GUIDELINES

SYNOPSIS: A resolution adopting the UG-Hollywood Casino/Schlitterbahn Vacation Village Grant Fund 2016 Guidelines.

Tracking #: 16476

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

SERGEANT-AT-ARMS: MAJOR MICHAEL YORK

PLANNING COMMISSION

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3103 - ROBERT AND ANN TIMMONS**

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure at 4115 Luke Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 16447

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2016-5 - AARON KEMPKER WITH KANSAS CITY TRUCK REPAIR, LLC**

SYNOPSIS: Special Use Permit for a truck repair operation at 1516 North 13th Street, submitted by Robin H. Richardson, AICP, Director of Planning **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 16448

2. **#SP-2016-11 - TERRYL MUELLER**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-6) to keep farm animals for 4H projects at 827 South 76th Street, submitted by Robin H. Richardson, AICP, Director of Planning **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 16449

3. **#SP-2016-12 - CECILIA TOSCANO/EL POTRERO BAR AND GRILL INC.**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-16) for live entertainment in conjunction with a bar and grill at 4752 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 16450

4. **#SP-2016-13 - VONZEL SAWYER FOR NEW BETHEL CHURCH INC.**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-12) for a storage shed for the church at 735 Walker Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 16451

5. **#SP-2016-15 - WILLIE FIELDS JR. WITH SILVUR DOLLA ENTERPRISE LLC**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-81) for live entertainment at 16 North James Street with an expansion to 12 North James Street and Renewal of a Special Use Permit (#SP-2013-48) for parking at 2, 4, and 12 North James Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774, **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 16452

6. **#SP-2016-16 - TERRY ALCORN**

SYNOPSIS: Special Use Permit for the Temporary Use of Land for a storage container at 4415 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL UNTIL NOVEMBER OF 2017)**

Tracking #: 16453

7. **#SP-2016-17 - KELLY FOUNTAIN**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-62) for a kennel for ten (10) dogs at 3440 North 131st Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 16454

8. **#SP-2016-18 - MICHAEL AND JANET VITALE**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-1) for a kennel for four (4) dogs at 4315 North 112th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

Tracking #: 16455

9. **#SP-2016-19 - JAMES LEDFORD**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-58) for a sheep and goat farm at 7625 Riverview Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

Tracking #: 16456

10. **#SP-2016-20 - RHONDA SMITH WITH DIMPLES AND DIAPERS**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-1) for an after school program at 3202 West Barker Circle, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

Tracking #: 16457

11. **#SP-2016-21 - TIM SCRIBNER WITH PQ CORPORATION**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-10) for a construction trailer at 1630 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 16458

C. PLAN REVIEW APPLICATIONS

1. **#PR-2016-3 - DENEKEW BEWKETU WITH ETHIOPIAN ORTHODOX TEWAHEDO**

SYNOPSIS: Preliminary and Final Plan Review for a parking lot in conjunction with the church at 2925 Minnesota Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 16459

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2015-62 – ALICIA NAVA

SYNOPSIS: Special Use Permit for six (6) chickens at 4022 Silver Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR FOUR (4) CHICKENS FOR TWO (2) YEARS – 6/2 VOTE)**

Tracking #: 15298

B. MISCELLANEOUS

1. ORDINANCE AMENDMENT - DISCOUNT DOLLAR RETAIL STORES

SYNOPSIS: Certain amendment to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small, discount dollar retail stores, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL - 5/1 VOTE)**

Tracking #: 16460

2. ORDINANCE AMENDMENT - VENDING MACHINES

SYNOPSIS: Revisions to Sections 27-611-614 concerning vending machines as accessory uses in non-residential zoning districts in the Kansas City, Kansas Code of Ordinances, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL - 5/1 VOTE)**

Tracking #: 16461

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR FEBRUARY 25, 2016

One of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2015. #PR-2016-3 - Deneke Bewketu with Ethiopian Orthodox Tewahedo 2013 - \$32,241.20 2014 - \$17,130.96 2015 - \$18,277.28. The applicant has filed for tax-exemption.

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

REGULAR SESSION

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

1. RESOLUTION: HEALTH CARE FOUNDATION GRANT

SYNOPSIS: A resolution authorizing the Unified Government to enter into a contract with the Health Care Foundation of Greater Kansas City to accept a \$150,000 grant in support of the Healthy Campus Project, submitted by Jason Banks, Assistant to the Mayor/Manager. No Unified Government match is required.

*On February 1, 2016, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 16363

2. ORDINANCE: 39TH AND RAINBOW REFUNDING BONDS

SYNOPSIS: An ordinance authorizing the issuance of special obligation tax increment revenue refunding bonds (39Rainbow South TIF Project), Series 2016 in the maximum principal amount of \$4.3M to refund a 2013 bond issue, submitted by Lew Levin, Chief Financial Officer.

*On February 1, 2016, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 16354

3. RESOLUTION: PAYMENT TO BONNER SPRINGS, KS

SYNOPSIS: A resolution authorizing payment to Bonner Springs, KS, for sales tax associated with the relocation of Bonner Springs Ford from Bonner Springs to the Vacation Village STAR Bond District, Project Area 2 (auto mall), submitted by George Brajkovic, Economic Development Director. Based on sales figures, for FY2016 (if needed) and an additional 5-year term, Bonner Springs will receive an annual payment of \$81,250.

*On February 1, 2016, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 16360

4. **PLAT: PIPER COMMONS**

SYNOPSIS: Plat of Piper Commons located at Donahoo Road & 107th St./Hutton Road being owned by Mike Rhodes, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Tracking #: 16468

5. **APPOINTMENTS/REAPPOINTMENTS: BOARDS AND COMMISSIONS**

SYNOPSIS: Appointments/Reappointments: Boards and Commissions

Appointment of Roderick Bettis to the Self-Supported Municipal Improvement District Advisory Board, 2/25/16 to 5/31/20, submitted by Commissioner Bynum

Appointment of Cindy Cash to the Self-Supported Municipal Improvement District Advisory Board, 2/25/16 to 5/31/18, submitted by Commissioner Kane

Reappointment of Murrel Bland to the Landmarks Commission Board, 2/25/16 to 5/31/20, submitted by Commissioner Bynum

Reappointment of Barbara Jolley to the Self-Supported Municipal Improvement District Advisory Board, 2/25/16 to 5/31/20, submitted by Commissioner Markley

Tracking #: 16436

6. **MINUTES**

SYNOPSIS: Minutes from regular sessions of December 10, 2015 and January 7, 2016; and special sessions of January 28 and February 4, 2016.

Tracking #: Minutes

7. **WEEKLY BUSINESS MATERIAL**

SYNOPSIS: Weekly business material dated February 4, 11, and 18, 2016.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. **PUBLIC HEARING: UG PROPOSED BUDGETS, CDBG & ACTION PLAN**

SYNOPSIS: Conduct the first public hearing to receive citizen comments on:

a. UG 2016 Amended and 2017 Proposed Budgets

b. CDBG 2016-2017 Annual Action Plan

Tracking #: 16463

XII. STANDING COMMITTEES' AGENDA

1. REQUEST: REAPPROPRIATED CDBG FUND DISTRIBUTION

SYNOPSIS: Request distribution of reappropriated CDBG funds to the following organizations, submitted by Wilba Miller, Community Development Director.

- Heartland Habitat for Humanity -\$250,000
- UG Public Works Safe Routes - \$280,000
- UG Public Works Transit Sidewalks and ADA Ramps - \$78,000

This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on February 22, 2016. It was requested, and approved by the Mayor, to fast track this item to the February 25, 2016 full commission meeting.

Tracking #: 16437

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCES/RESOLUTIONS: GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-B AND SERIES 2016-C (2008 REFUNDING)

SYNOPSIS: Two ordinances authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2016-B and Series 2016-C, for the purpose of providing funds to refund a portion of the City's outstanding general obligation bonds; and two resolutions authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series 2016-B and Series 2016-C, submitted by Debbie Jonscher, Deputy Finance Director.

2016-B estimated amount \$20.8 million

2016-C estimated amount \$2.9 million

Action will result in future debt savings of approximately \$2.7 million

On February 4, 2016, the commission unanimously adopted Resolution No. R-3-16 authorizing the offering for sale of said bonds.

Tracking #: 16462

2. RESOLUTIONS: MEMORANDUM OF UNDERSTANDING-THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL #1

SYNOPSIS: Request adoption of three resolutions authoring the County Administrator to execute two Amendments to Memorandums of Understanding (MOU) and one MOU between the UG and The Service Employees International Union, Local #1 (formerly represented by SEIU Local No. 2000), submitted by Joe Connor, Assistant County Administrator.

- Amendment No. 1, period commencing retroactively on June 1, 2009 through and including May 31, 2012

- Amendment No. 2, period commencing retroactively on June 1, 2012 through and including May 31, 2015

- Memorandum of Understanding, period June 1, 2015 through December 31, 2017. This is the 6th of 13 labor contracts to be ratified which represents 52% of the union workforce under contract.

Tracking #: 16467

3. RESOLUTION: MEMORANDUM OF UNDERSTANDING-THE PAINTERS DISTRICT COUNCIL NO. 3

SYNOPSIS: Request adoption of a resolution authorizing the County Administrator to execute the following documents with the Painters District Council No. 3, submitted by Joe Connor, Assistant County Administrator.

- Amendment No. 3 to the Memorandum of Understanding, effective January 1, 2013 to December 31, 2015

- Memorandum of Understanding, effective January 1, 2016 to March 31, 2017. This is the 7th of 13 labor contracts to be ratified which represents 52% of the union workforce under contract.

Tracking #: 16466

4. RESOLUTION: MEMORANDUM OF UNDERSTANDING-WYANDOTTE COUNTY SHERIFF'S DEPARTMENT AND TEAMSTERS LOCAL NO. 955

SYNOPSIS: Request adoption of a resolution authorizing the County Administrator to execute a Memorandum of Understanding between the UG and the Wyandotte County Sheriff's Department and Teamsters Local No. 955, effective January 1, 2015 through December 31, 2017, submitted by Joe Connor, Assistant County Administrator. This is the 8th of 13 labor contracts to be ratified with represents 53% of the union workforce under contract.

Tracking #: 16469

5. UG-HOLLYWOOD CASINO/SVV 2016 GRANT GUIDELINES

SYNOPSIS: UG-Hollywood Casino/SVV 2016 Grant Guidelines, submitted By Joe Connor, Assistant County Administrator.

Information forthcoming.

Tracking #: 16470

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **COMMUNICATION: LAND BANK TRANSFERS**

SYNOPSIS: Communication requesting approval of the following Land Bank transfers, submitted by Chris Slaughter, Land Bank Manager.

Transfers from Land Bank

1124 and 1126 Armstrong Ave. to CHWC, for construction of a duplex

Transfers to Land Bank

720 Everett Ave. from the Unified Government of WyCo/KCK

629 Franklin Ave. from the Unified Government of WyCo/KCK

631 Franklin Ave. from the Unified Government of WyCo/KCK

633 Franklin Ave. from the Unified Government of WyCo/KCK

1522 Pacific Ave. from the Unified Government of WyCo/KCK

1524 Pacific Ave. from the Unified Government of WyCo/KCK

642 Parallel Pkwy. from the Unified Government of WyCo/KCK

646 Parallel Pkwy from the Unified Government of WyCo/KCK.

1903 N. Tremont St. from the Unified Government of WyCo/KCK

731 Barnett Ave. from the city of Kansas City, KS

733 Barnett Ave. from the city of Kansas City, KS

735 Barnett Ave. from the city of Kansas City, KS

747 Barnett Ave. from the city of Kansas City, KS

749 Barnett Ave. from the city of Kansas City, KS

751 Barnett Ave. from the city of Kansas City, KS

1972 Glendale Ave. from the city of Kansas City, KS

1009 Nebraska Ave. from the city of Kansas City, KS

1027 Nebraska Ave. from the city of Kansas City, KS

740 Tauromee Ave. from the city of Kansas City, KS

746 Tauromee Ave. from the city of Kansas City, KS

748 Tauromee Ave. from the city of Kansas City, KS

750 Tauromee Ave. from the city of Kansas City, KS

2942 N. Thompson St. from the city of Kansas City, KS

418 Walker Ave. from the city of Kansas City, KS

2920 Washington Ave. from the city of Kansas City, KS

(Per the Dec. 2014 NCD Standing Committee presentation, property controlled by the UG, city and Board of County Commissioners that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.)

*On February 1, 2016, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 16350

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

RESOLUTION NO. _____

WHEREAS, beginning in 2013, Kansas Entertainment, LLC, which operates the Hollywood Casino at Kansas Speedway has and will disburse a lump sum payment of \$500,000 annually to the Unified Government (“the Funds”); and

WHEREAS, under the Development Agreement between the Unified Government and Kansas Entertainment the Funds are to be disbursed at the Unified Government’s sole discretion to fund “Wyandotte County social services and charitable community activities”; and

WHEREAS, Schlitterbahn Vacation Village (SVV) and the Unified Government entered into a Vacation Village Development Agreement whereby SVV is to make an annual donation to a foundation or non-profit organization as designated by the Unified Government (“the Funds”); and

WHEREAS, under the Vacation Village Development Agreement between the Unified Government and SVV there are Funds to be disbursed in the amount of \$750,000 for 2016 with additional Funds available in future years; and

WHEREAS, because there are many worthy organizations, programs, and facilities that could benefit from the Funds, the Unified Government Commission has determined that it must establish criteria and a process for the distribution of the Funds; and

WHEREAS, the Unified Government Commission met in Special Session on February 4, 2016 to discuss the Standing Committee recommendations regarding the distribution of the Funds; and

WHEREAS, after reviewing the recommendations the Board of Commissioners wishes to further modify the previously adopted process for distribution of the Funds,

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

1. That the previously adopted Grant Fund Guidelines are hereby repealed.
2. That the attached **Unified Government-Hollywood Casino/Schlitterbahn Vacation Village Grant Fund 2016 Guidelines** are hereby adopted.
3. That the County Administrator or his designated representative is hereby directed to take all steps and to execute all documents necessary to implement this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 25th DAY OF FEBRUARY 2016.**

Unified Government Clerk

Unified Government-Hollywood Casino/Schlitterbahn Vacation Village Grant Fund 2016 Guidelines

FUNDING PRIORITIES

In keeping with the intent of Healthy Communities Wyandotte, the focus will be to fund programs that increase knowledge and action toward long term changes that enable our Wyandotte County community members to eat healthy food and be physically active.

Applications should demonstrate cultural relevance, address opportunities to increase knowledge and improve the food environment and/or support active living through utilization of Wyandotte County's environmental infrastructure.

GEOGRAPHY

The geographical focus of the Unified Government-Hollywood Casino/Schlitterbahn Vacation Village Charitable Fund is limited to Wyandotte County. Specifically, organizations must clearly demonstrate that the clients/beneficiaries of the program are residents of Wyandotte County.

GRANT REQUIREMENTS AND RESTRICTIONS

To be considered as a potential grantee, your organization must:

- Be a 501(c) (3) organization.
- Demonstrate use of funding will primarily be in Wyandotte County and clients/beneficiaries served are residents of Wyandotte County.

There is no restriction on minimum or maximum size of grant.

There is a total of \$1,227,400 available for grants in 2016.

The activities funded by the grants must be completed within one year.

In general, Unified Government will not award grants to the following:

- Capital campaign, endowment campaign or annual fund drive.
- Debt retirement or operating deficits.
- Direct support to individuals, including scholarships.
- Lobbying activities, legislation-related activities or political campaigns.
- Activities that specifically benefit the members of a veteran, fraternal, sectarian or religious group.
- Equipment expenses, unless the equipment will directly improve the organization's ability to provide and deliver services.

ELIGIBILITY GUIDELINES

For 2016-2017, highest consideration for funding will be given to programs or providers of projects that accomplish the following:

- Leverage additional funding, both private and public.
- Demonstrate alignment with the Board of Commissioners' Strategic plan (i.e. Social Service and Healthy Community/Recreation goals and Healthy Communities Wyandotte improvement plan).
- Collaborative efforts among programs or providers.
- Demonstrate an effort to minimize duplication.

- Have clearly established measurable outcomes and the ability to monitor and report them.
- Demonstrate programs that reach at-risk or underserved populations.
- Requests for general operating support will only be considered if the funding will be used to significantly expand the services of organizations.
- Applications must be submitted on-line through the Greater Kansas City Community Foundation. Information and the application process can be found at:
<https://www.growyourgiving.org/grant/unified-government-hollywood-casino-grant-fund>

SELECTION PROCESS

- The Greater Kansas City Community Foundation will review all grant applications for eligibility and conduct due diligence as required by the Unified Government Board of Commissioners. Due diligence may include:
 - Site visits to interview key staff, board members and key partners (collaborators and funders).
 - Review of full application including budget, sustainability plan, etc.
- The Board of Commissioners will serve as the Selection Committee
- Each Commissioner and the Mayor will be provided with a listing of all grant applications and, upon request, the actual applications.
- Each Commissioner and the Mayor will designate in writing how they wish to allocate their share of the total funds \$111,581.
- The final distribution of funds will be approved by majority vote of the Board of Commissioners at a Commission meeting.

TIMETABLE

Application Available	Monday, February 29, 2016
Grant Information Sessions	Wednesday, March 16, 2016 Wednesday, March 22, 2016
Application Deadline	Friday, April 8, 2016
GKCCF Review/ Eligibility Recommendations Complete	Friday, May 13, 2016
Commissioner/Mayor Review	Monday, May 16, 2016 through Thursday, May 26, 2016
Commissioner/Mayor Designations due	Friday, May 27, 2016
Distribution of Proposed Designations to Commission	Thursday, June 2, 2016
Commission Meeting to Vote on Distribution	Thursday, June 9, 2016
Notifications Sent	Friday, June 17, 2016



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Change of Zone Petition #3103

GENERAL INFORMATION

Applicant:
Robert and Ann Timmons

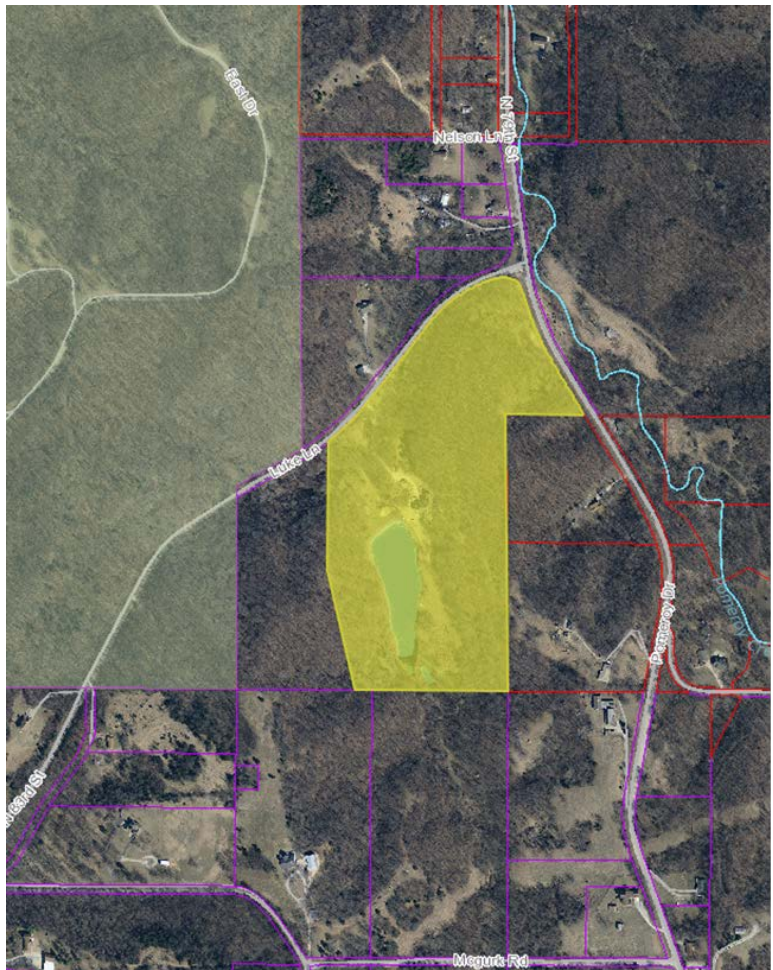
Status of Applicant:
Owners
4115 Luke Lane
Kansas City, Kansas

Requested Actions:
Change of Zone from
R-1 Single Family Residential
District to AG Agricultural
District

Date of Application:
December 28, 2015

Purpose:
Change of zone from R-1
Single Family Residential to AG
Agricultural

Property Location:
4115 Luke Lane



Existing Zoning: R-1 Single Family Residential

Surrounding Zoning:

North:	AG Agricultural District and R-1 Single Family District
South:	R-1 Single Family District and AG Agriculture District
East:	R-1 Single Family District
West:	AG Agriculture District and UG County Park Land

Existing Uses:

North:	Large Lot Residential
South:	Large Lot Residential
East:	Undeveloped Parcels and Large Lot Residential
West:	Large Lot Residential, Undeveloped Parcels, and Wyandotte County Lake Park

Total Tract Size: 34.54 acres

Master Plan Designation: The City-Wide Master Plan designates this property for rural-density residential use.

Major Street Plan: Luke Lane is a local street.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owners – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Timmons are seeking a change of zone from R-1 Single Family to AG Agricultural in order to accommodate a larger garage, approximately 2400 square feet.

City Ordinance Requirements: Article XXII Sections 27-1001 – 27-1419 and Article XXI Sections 27-501 - 27-1000

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is rural in nature.

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

This area has a mix of large lot residential and agricultural uses. This proposed change would not be incompatible in the area.

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

This is not foreseen to be an issue.

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

This property is not vacant.

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

This proposed use is not for the convenience of anyone but the property, but it is not expected to impact nearby properties in a significant way.

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

This proposed change is not expected to affect traffic, parking demand, or road conditions.

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

This change would still be in conformance with the Master Plan.

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

This is not foreseen to be an issue.

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

a. *Water service*

Existing

b. *Sanitary sewer service*

Existing

c. Storm water control

Existing

d. Police

Police service is provided by Police District #222

e. Fire

Fire service is provided by District #4

f. Schools

Kansa City, Kansas USD 500

g. Streets

See item #6 above

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

This is not expected to have an impact on the economy of the community.

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

The proposed use is expected to meet applicable ordinance requirements except for the lot size. This parcel is over 34 acres, far exceeding the required acreage for an agriculturally zoned property.

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

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 24, 2016. One person was in attendance. There was no recorded opposition.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Change of Zone Application #3103.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **#3103** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Aerial image
Zoning map
Building plans

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 8, 2016	February 25, 2016
Rezoning	Approval	

STAFF CONTACT: **Jamie Ferris** **jferris@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3103** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3103, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

CHANGE OF ZONE APPLICATION #3103 – ROBERT AND ANN TIMMONS -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure at 4115 Luke Lane

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 14, 2016;
7. The Notices to property owners dated January 12, 2016.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Robert Timmons, applicant, 4115 Luke Lane, Kansas City, Kansas, appeared in support of this application. He stated that they are requesting this change of zone so they can put up a larger structure that can be used as a garage and storage facility.

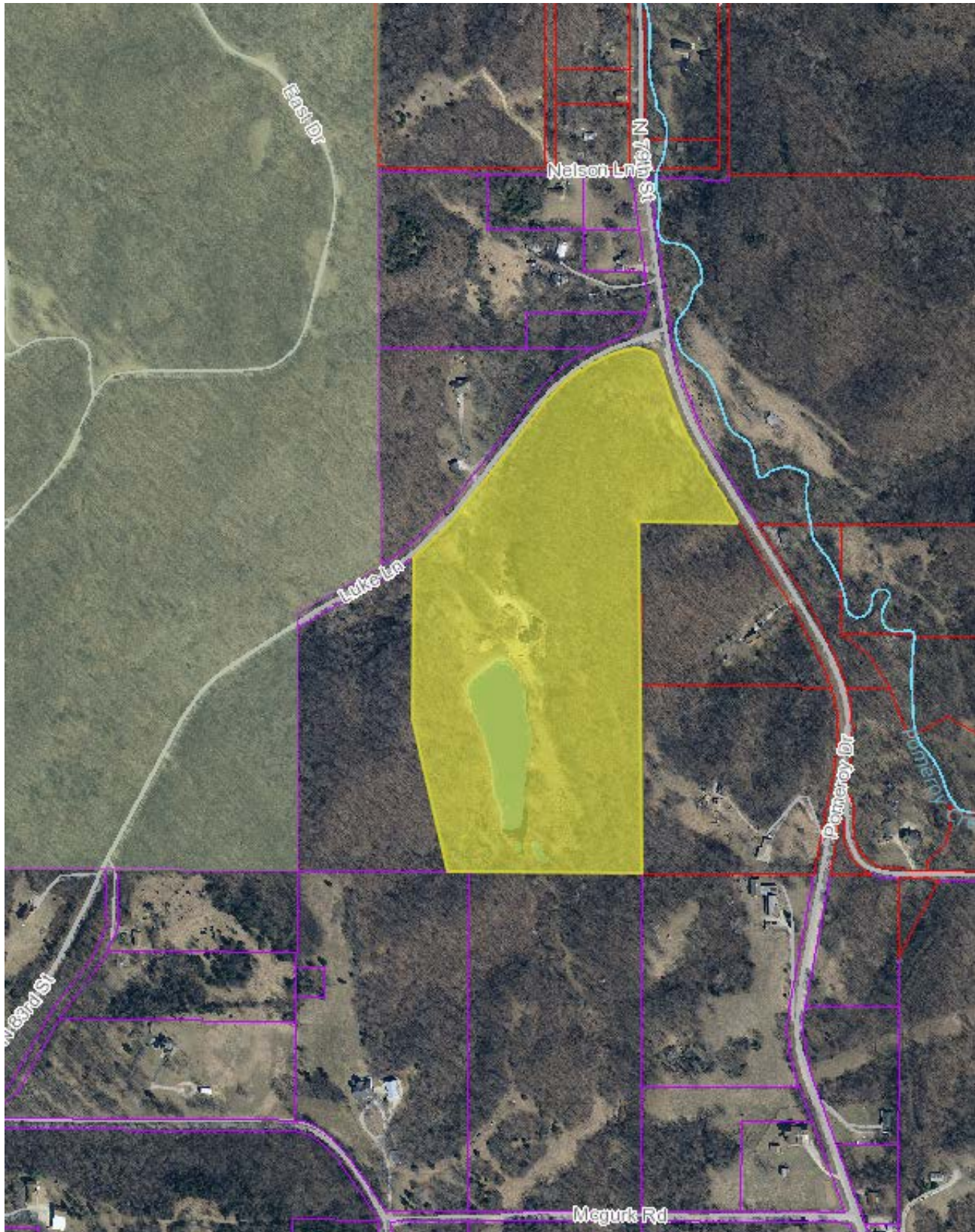
No one appeared in opposition to this application.

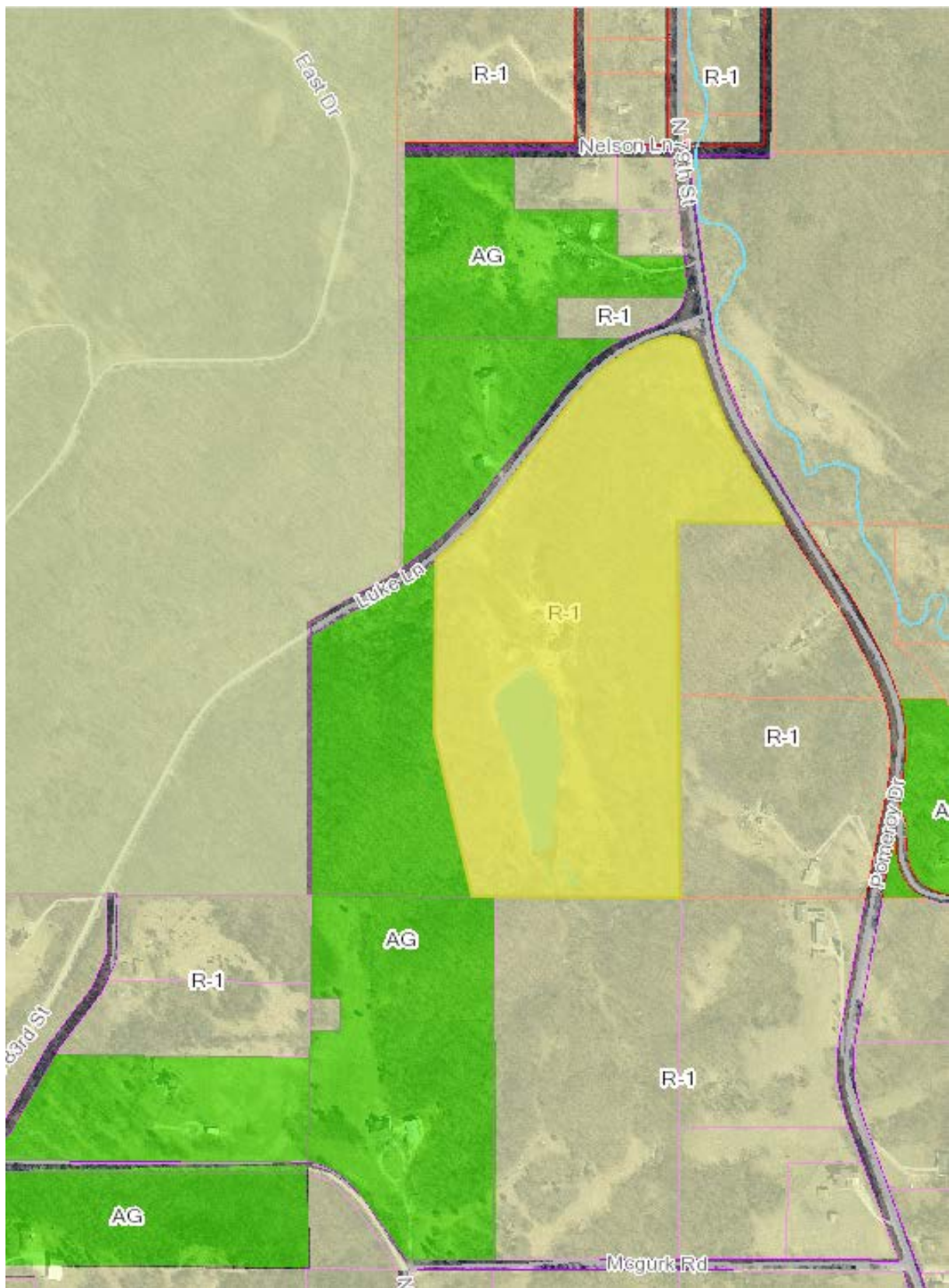
Planning Director Richardson stated that the staff recommends approval subject to the comments in the staff report.

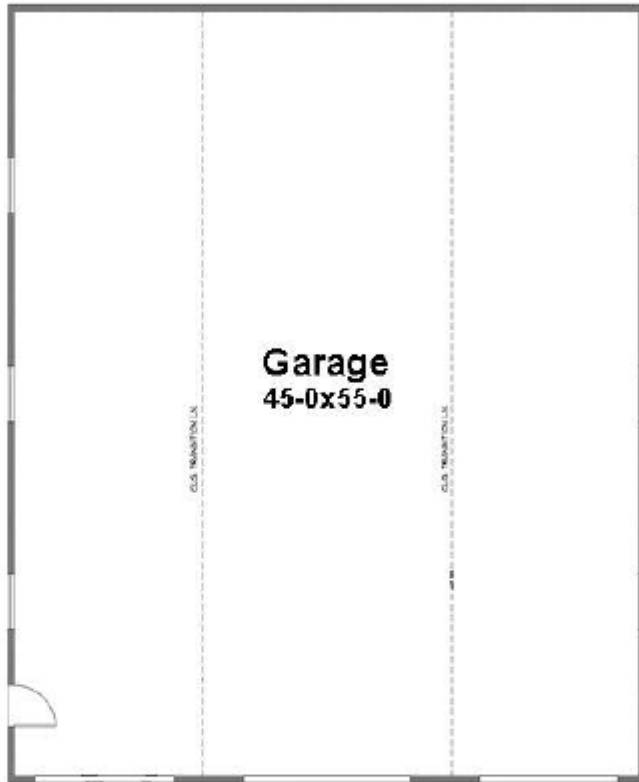
On motion by Dr. Serda, seconded by Mr. Schwartzman, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3103:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye

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









Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-5

GENERAL INFORMATION

Applicant:
Aaron Kempker

Status of Applicant:
Owner
Kansas City Truck Repair LLC
1516 North 13th Street
Kansas City, KS 66102

Requested Action:
Approve Special Use Permit

Date of Application:
November 25, 2015

Purpose:
To operate a truck repair shop

Property Location:
1516 North 13th Street

Existing Zoning:
M-2 General Industrial District



Existing Surrounding Zoning: **North:** R-2 Two Family District
South: M-2 General Industrial District
East: C-3 Commercial and M-2 General Industrial Districts
West: R-2 Two Family District

Existing Uses: **North:** Vacant land (across Freeman Avenue)
South: Vacant land
East: Auto repair shop and a vacant building (across North 13th Street)
West: Single family and vacant land

Total Tract Size: .91 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Mixed-Use.

Major Street Plan: The City-Wide Master Plan classifies 13th Street as a local road.

Advertisement: The Wyandotte Echo – December 17, 2015
Letters to Property Owner – December 16, 2015, December 29, 2015 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron Kempker wants to use a vacant building and operate a truck repair shop and mobile truck repair business at 1516 North 13th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is very mixed. There are numerous vacant lots to the north, west and south. There is an auto repair shop to the east.

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

The zoning and their uses of properties nearby are set out above. This space was formerly a detail shop and is one of seven leasable tenant spaces in the 27,000 square foot building.

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

The removal of the restrictions could affect nearby property.

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

Based on Business License records, the last business at the location was in 2011.

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

The proposed use does not conform to the Master Plan. Additionally, special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. If the proposed use is not properly managed and screened, the use could substantially injure the visual quality or marketability of adjoining property.

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

Because the garage doors are on the front of the building, noise that is often associated with mechanic shops may be a nuisance to the residences that are east of 13th Street along Oakland Avenue.

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

If spills are contained and cleaned up quickly, the proposed use will not pollute the land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will have to find an alternate location and apply for another special use permit.

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

Because of the potential size of the trucks and their continued presence, the proposed use could result in overcrowding of land. There may not be enough room for customers to park their vehicles on the property.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 28, 2015. According to the applicant, no one appeared at the meeting.

KEY ISSUES

Compliance with the automotive repair ordinance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-5, subject to:

Urban Planning and Land Use Comments:

- 1. Per the Business License Department:**
 - a. If approved, the applicant will need to register and file the occupation tax application with our office.**

Their office is at 4953 State Avenue, KCK 66102. Their number is (913) 573-8780.

2. The application states that improvements will be made to the building, what are those improvements?

Applicant Response: The building improvements to the building will include all new exterior and interior paint, resealing of the entire roof surface, new interior ceilings, new 14-foot garage door, and all new roof insulation. Along with the new insulation, the building is getting all three garage doors resealed. The building will have an energy efficient R rating of R-19. The property will have the parking lot resurfaced and restriped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscot and a color change.

Staff Response: Since you are restriping the parking lot, one parking stall shall be ADA compliant. The ADA symbol shall be painted on the ground, a sign placard installed in front of the stall and a 5-foot access aisle adjacent to the stall.

The new color of the building shall be approved by staff prior to painting the building.

3. Per Sec. 27-593(b)(20)a.
- a. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - b. Landscaping, screening, and façade improvements to meet commercial design guidelines.

Applicant Response: The building will have a 4-foot masonry wainscot around the entire building.

The parking lot needs to be restriped and resurfaced, as the asphalt and concrete lot has become degraded. With that said, on the scaled site plan (drawing), please illustrate where the trucks will be parked.

Additionally, the Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore 10 trees are required to be planted. The 8 trees that exist may go towards that total, so two (2) new trees need to be planted.

Applicant Response: Two new oak trees will be planted along North 13th Street. Very few trucks will actually be at this facility. Kansas City Truck Repair does very little Class 7 or 8 vehicles on site. Kansas City Truck Repair provides mobile truck repair service. Large commercial vehicles are too expensive to transport while needing repair. That is why companies like Kansas City Truck Repair provide mobile service. The vehicles that are generally repaired on site at 1516 North 13th Street will be under 18,000 GVWR. These vehicles will be kept inside the 5,000 square foot building.

4. Per Sec. 27-593(b)(20)c.2.i.E.

- a. For non-brick buildings in addition to paint, additional architectural embellishments such as brick wainscot may be required.**

Significant upgrades to the building will be necessary as part of this special use permit. The metal building needs to include masonry (i.e. brick, stone, textured or integrally-colored concrete masonry units) on all four sides.

Applicant Response: A 4-foot wainscot will be added to the building on all four sides.

5. In order to calculate the required parking, please provide the square footage of the building.

The parking ratio for vehicle repair is four (4) spaces for every 1,000 square feet of building area.

Looking at aerial photographs, the east side of the parking lot does not have any striping. Staff cannot determine how many parking spaces are required if we do not know the building square footage.

Applicant Response: Building square footage is 4,760 which will require 16 spaces. The required parking spots are drawn out on the site plan attached with this application.

6. Per Sec. 27-593(b)(20)d.1-3.

- a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.**
- b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.**
- c. Each automobile shall be in a striped, designated parking space.**

Please provide a more detailed drawing that shows the parking allocated for 1516 North 13th Street. This includes parking spaces for customers and the vehicles that are being repaired.

Applicant Response: Kansas City Truck Repair will not store vehicles outside that are under heavy repair. Those vehicles will be kept inside the building.

The parking layout drawing is attached. Kansas City Truck Repair is not an auto repair facility that is open to the public. We work with specific customers only. Therefore there are very few vehicles on the property at any given time.

Staff Response: An 8-foot privacy fence with masonry columns every 32' on center shall enclose the perimeter of the truck parking area and the 20' x 25' storage area behind the building.

7. Per Sec. 27-593(b)(20)e. Install/repair sidewalks per code. The sidewalk along North 13th Street shall be repaired that meets City Code.
8. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

Applicant Response: *A sign permit will be filed if special use permit is granted.*

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

Applicant Response: *Kansas City Truck Repair does not use any of these devices.*

10. What type of truck will be serviced? Please list GVWR.

Applicant Response: *Kansas City Truck Repair does 90 percent of its invoiced work off site (mobile repair services). Generally, the vehicles that are serviced at the physical location are under 18,000 GVWR. This would be trucks that are considered light duty. When Kansas City Truck Repair does perform services on vehicles over 18,000 GVWR at its location, they are generally one day jobs. They are performed inside the building and are not stored for any length of time. It is important to understand that the purpose of our business is to keep trucks on the road. The vehicles that we work on operate daily to generate revenue. Our customers pick their vehicles up as soon as they possibly can. Vehicles are not stored for long periods of time.*

Public Works Comments:

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

- 1) Provide explanation/summary of what work will be completed at this proposed truck repair operation.

Applicant Response: *This location will primarily be used as home base for Kansas City Truck Repair's mobile operation. The two company mobile service trucks will be parked in this building overnight. The building is where our tools and inventory are stored. It also will be where we complete services on trucks. Types of services that are completed at our facility are services that require engine to be opened up for repair. They are done indoors to maintain cleanliness of engines. Oil changes, preventative maintenance, brake work, and general repair are done off site at the customer location.*

- 2) Describe improvements required for exterior, including parking lot improvements, landscaping, etc.

Applicant Response: The improvements exterior of the building will include all new exterior paint, resealing of the entire roof surface, new 14 foot garage door, and all new roof insulation. The property will have the parking lot resurfaced and striped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscoting and a color change. Two new trees will be planted along North 13th Street. The existing trees will be trimmed. Manicured grass covers the entire property that is not used for parking.

- 3) Provide construction plans developed by professional engineer/architect required for UG review and approval.

Applicant Response: No construction needing approvals needs to be done at this facility. There is an attached document showing what the building will look like with the new garage door, paint and wainscot.

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

- 1) None

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

- 1) None

Staff Conclusion:

The applicant has worked with staff to answer question and provide an illustration of the site. While this property is zoned M-2 General Industrial District and is adjacent to similar uses across North 13th Street, the rear of this property is within view of single family residences.

If approved, the following stipulations should apply:

- (1) This special use permit shall be approved for two (2) years.
- (2) Large, heavy trucks may not be kept outside, overnight, but only inside the building.
- (3) An 8' foot privacy fence with masonry columns every 32' on center shall be constructed around the perimeter of the truck parking area (south of the building) and for the storage area behind the building, to the west.
- (4) The two oak trees shall be planted in spring 2016 after the ground has thawed and the planting season has begun.
- (5) Prior to painting a portion of the building, contact Planning staff so they may review and approve the proposed paint/material scheme.
- (6) Per Code, one parking stall shall be ADA compliant. The ADA symbol shall be painted on the ground, a sign placard installed in front of the stall and a 5-foot access aisle adjacent to the stall.

A building permit will be necessary for some of the improvements. The review will be performed by Building Inspection Department and the Urban Planning and Land Use Department. Please contact the Building Inspection Department at (913) 573-8620.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-5 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Photograph of property

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-5 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-5**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-5 – AARON KEMPKER WITH KANSAS CITY TRUCK REPAIR LLC. - SYNOPSIS: Special Use Permit for a truck repair operation at 1516 North 13th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 17, 2015;
7. The Notices to property owners dated December 16, 2015 and December 29, 2015.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Aaron Kempker, Kansas City Truck Repair LLC, 6613 Gladstone, Missouri, applicant, appeared in support of this application. He stated that they want to use this property for a truck repair operation. He started the company in 2014 with one (1) truck and himself. It is now a three (3) person operation with three (3) trucks. They are locally owned and it is the second year of operation. The company is poised to grow and they would like to add another full-time technician in the next few months. They employ highly skilled workers and these are well paying jobs. They have certifications and training. He stated that they do preventive maintenance, brakes (hydraulic and air), truck refrigeration, HVAC work, electrical, computer diagnostics, and 90% of the invoices they do are off-site. They go to the customer and service their vehicles there. He further stated that their business model is different because when you think of trucking repair you think of tractor-trailers, 18 wheelers, etc. Yes, they do work on that but a lot of those trucks operate over-the-road. They are based out of Kansas City but travel all over the United State. That is not what they focus their business on because for the sheer fact that when those trucks are needing service, they are not here and that does not benefit the company. He stated that they focus on local companies and medium truck and trailer repair, which is classes 4 through 6 (things that are going to stay in the metropolitan area.) They are not open to the public for auto repair; you cannot drive up to the facility. It is by appointment only as they do not keep regular

hours; they are out doing service jobs. They are not a 24 hour operation. They see trucks around town and they know people so they try to pick who they work for and with. Customer attention is very high for them and their customer attention rate is around 95% for companies that share like area codes (913 or 816.). They offer consulting services; how are you going to use your equipment; life cycle costing, appraisals and he has several years of applications experience. Their customers tell them what issues they have and they help them find an application (truck and body) that works for them. This was originally a body shop and he purchased the building about one (1) year ago. It will work well for them because they can store their equipment and they would run their trucks in and out of there and use it for storage. He stated that they drive company trucks at home at night. It is on one (1) acre of ground and there is room to grow in the future. The section at 18th Street and Oakland would be the south side of the property.

Planning Commissioner Schwartzman asked if they will do tire work and will the tires be stored behind the building. Mr. Kempker stated that in the back of the building there is a 25' by 25' area and that is for storage; there are no doors to it. They do not do that amount of volume to have that kind of tires that sit around like that. Mr. Schwartzman asked about waste oil. Mr. Kempker stated that they do most of their service off site. They put the waste oil in 55 gallon barrels and they have people that they give it to that have waste oil burning furnaces or Advantage Recycling can pick it up from them. If they have antifreeze that is who picks it up from them.

Chairman Huey asked if he has read the staff report stipulations. Mr. Kempker stated yes and he is in agreement but would ask for some time to comply with them. There will be some expenses to meet those stipulations.

Planning Commissioner Gonzalez stated that he mentioned that 10% of the business will be in-house and the rest will be out; will there be any expensive equipment stored there and if so is he confident with the security system he has. Mr. Kempker stated that there are cameras on it and they go directly to his cell phone and he can monitor the facility at any time. There are also motion sensors. This is a bit of a rough neighborhood and they can lock the doors inside and outside. They have also looked at getting retractable gates.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval of this application subject to the comments in the staff report. He stated that the ADA requirements need to be met right away. The applicant will be back before the Commission for renewal of the special use permit in two (2) years so he suggested that the applicant not take too long to get those things accomplished.

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-5:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye

Huey Chairman
Pauley Aye
Schwartzman Aye
Serda Aye
Wing Not Present
Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Per the Business License Department:
 - a. If approved, the applicant will need to register and file the occupation tax application with our office.

Their office is at 4953 State Avenue, KCK 66102. Their number is (913) 573-8780.

2. The application states that improvements will be made to the building, what are those improvements?

Applicant Response: The building improvements to the building will include all new exterior and interior paint, resealing of the entire roof surface, new interior ceilings, new 14-foot garage door, and all new roof insulation. Along with the new insulation, the building is getting all three garage doors resealed. The building will have an energy efficient R rating of R-19. The property will have the parking lot resurfaced and restriped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscot and a color change.

Staff Response: Since you are restriping the parking lot, one parking stall shall be ADA compliant. The ADA symbol shall be painted on the ground, a sign placard installed in front of the stall and a 5-foot access aisle adjacent to the stall.

The new color of the building shall be approved by staff prior to painting the building.

3. Per Sec. 27-593(b)(20)a.
 - a. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - b. Landscaping, screening, and façade improvements to meet commercial design guidelines.

Applicant Response: The building will have a 4-foot masonry wainscot around the entire building.

The parking lot needs to be restriped and resurfaced, as the asphalt and concrete lot has become degraded. With that said, on the scaled site plan (drawing), please illustrate where the trucks will be parked.

Additionally, the Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore 10 trees are required to be planted. The 8 trees that exist may go towards that total, so two (2) new trees need to be planted.

Applicant Response: Two new oak trees will be planted along North 13th Street. Very few trucks will actually be at this facility. Kansas City Truck Repair does very little Class 7 or 8 vehicles on site. Kansas City Truck Repair provides mobile truck repair service. Large commercial vehicles are too expensive to transport while needing repair. That is why companies like Kansas City Truck Repair provide mobile service. The vehicles that are generally repaired on site at 1516 North 13th Street will be under 18,000 GVWR. These vehicles will be kept inside the 5,000 square foot building.

4. Per Sec. 27-593(b)(20)c.2.i.E.

- a. For non-brick buildings in addition to paint, additional architectural embellishments such as brick wainscot may be required.

Significant upgrades to the building will be necessary as part of this special use permit. The metal building needs to include masonry (i.e. brick, stone, textured or integrally-colored concrete masonry units) on all four sides.

Applicant Response: A 4-foot wainscot will be added to the building on all four sides.

5. In order to calculate the required parking, please provide the square footage of the building.

The parking ratio for vehicle repair is four (4) spaces for every 1,000 square feet of building area.

Looking at aerial photographs, the east side of the parking lot does not have any striping. Staff cannot determine how many parking spaces are required if we do not know the building square footage.

Applicant Response: Building square footage is 4,760 which will require 16 spaces. The required parking spots are drawn out on the site plan attached with this application.

6. Per Sec. 27-593(b)(20)d.1-3.

- a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
- b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.

- c. Each automobile shall be in a striped, designated parking space.

Please provide a more detailed drawing that shows the parking allocated for 1516 North 13th Street. This includes parking spaces for customers and the vehicles that are being repaired.

Applicant Response: Kansas City Truck Repair will not store vehicles outside that are under heavy repair. Those vehicles will be kept inside the building.

The parking layout drawing is attached. Kansas City Truck Repair is not an auto repair facility that is open to the public. We work with specific customers only. Therefore there are very few vehicles on the property at any given time.

Staff Response: An 8-foot privacy fence with masonry columns every 32' on center shall enclose the perimeter of the truck parking area and the 20' x 25' storage area behind the building.

7. Per Sec. 27-593(b)(20)e. Install/repair sidewalks per code. The sidewalk along North 13th Street shall be repaired that meets City Code.
8. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

Applicant Response: A sign permit will be filed if special use permit is granted.

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

Applicant Response: Kansas City Truck Repair does not use any of these devices.

10. What type of truck will be serviced? Please list GVWR.

Applicant Response: Kansas City Truck Repair does 90 percent of its invoiced work off site (mobile repair services). Generally, the vehicles that are serviced at the physical location are under 18,000 GVWR. This would be trucks that are considered light duty. When Kansas City Truck Repair does perform services on vehicles over 18,000 GVWR at its location, they are generally one day jobs. They are performed inside the building and are not stored for any length of time. It is important to understand that the purpose of our business is to keep trucks on the road. The vehicles that we work on operate daily to generate revenue. Our customers pick their vehicles up as soon as they possibly can. Vehicles are not stored for long periods of time.

Public Works Comments:

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

- 1) Provide explanation/summary of what work will be completed at this proposed truck repair operation.**

Applicant Response: This location will primarily be used as home base for Kansas City Truck Repair's mobile operation. The two company mobile service trucks will be parked in this building overnight. The building is where our tools and inventory are stored. It also will be where we complete services on trucks. Types of services that are completed at our facility are services that require engine to be opened up for repair. They are done indoors to maintain cleanliness of engines. Oil changes, preventative maintenance, brake work, and general repair are done off site at the customer location.

- 2) Describe improvements required for exterior, including parking lot improvements, landscaping, etc.**

Applicant Response: The improvements exterior of the building will include all new exterior paint, resealing of the entire roof surface, new 14 foot garage door, and all new roof insulation. The property will have the parking lot resurfaced and striped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscoting and a color change. Two new trees will be planted along North 13th Street. The existing trees will be trimmed. Manicured grass covers the entire property that is not used for parking.

- 3) Provide construction plans developed by professional engineer/architect required for UG review and approval.**

Applicant Response: No construction needing approvals needs to be done at this facility. There is an attached document showing what the building will look like with the new garage door, paint and wainscot.

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

- 1) None**

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

- 1) None**

Staff Conclusion:

The applicant has worked with staff to answer question and provide an illustration of the site. While this property is zoned M-2 General Industrial District and is adjacent to similar uses across North 13th Street, the rear of this property is within view of single family residences.

Should this petition be approved, staff stipulates the following:

- (1) This special use permit shall be approved for two (2) years.**
- (2) Large, heavy trucks may not be kept outside, overnight, but only inside the building.**
- (3) An 8' foot privacy fence with masonry columns every 32' on center shall be constructed around the perimeter of the truck parking area (south of the building) and for the storage area behind the building, to the west.**
- (4) The two oak trees shall be planted in spring 2016 after the ground has thawed and the planting season has begun.**
- (5) Prior to painting a portion of the building, contact Planning staff so they may review and approve the proposed paint/material scheme.**
- (6) Per Code, one parking stall shall be ADA compliant. The ADA symbol shall be painted on the ground, a sign placard installed in front of the stall and a 5-foot access aisle adjacent to the stall.**

A building permit will be necessary for some of the improvements. The review will be performed by Building Inspection Department and the Urban Planning and Land Use Department. Please contact the Building Inspection Department at (913) 573-8620.

Urban Planning and Land Use Comments:

1. Per the Business License Department:

a. If approved, the applicant will need to register and file the occupation tax application with our office.

Their office is at 4953 State Avenue, KCK 66102. Their number is (913) 573-8780.

2. The application states that improvements will be made to the building, what are those improvements?

The building improvements to the building will include all new exterior and interior paint, resealing of the entire roof surface, new interior ceilings, new 14 foot garage door, and all new roof insulation. Along with the new insulation the building is getting all three garage doors resealed. The building will have an energy efficient R rating of R-19. The property will have the parking lot resurfaced and striped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscoting and a color change.

3. Per Sec. 27-593(b)(20)a.

a. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.

b. Landscaping, screening, and façade improvements to meet the commercial design guidelines.

The building will have a 4-foot masonry wainscot around the entire building.

4. The parking lot needs to be restriped and resurfaced, as the asphalt and concrete lot has become degraded. With that said, on the scaled site plan (drawing), please illustrate where the trucks will be parked.

Additionally, the Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore 10 trees are required to be planted. The 8 trees that exist may go towards that total, so two (2) new trees need to be planted.

Two new oak trees will be planted along N 13th street. Very few trucks will actually be at this facility. Kansas City Truck Repair does very little class 7 and 8 vehicles on site. Kansas City Truck Repair provides mobile truck repair service. Large commercial vehicles are too expensive to transport while needing repair. That is why companies like Kansas City Truck Repair provide mobile service. The vehicles that are generally repaired on site (1516 N 13th St) will be class under 18,000 GVWR. These vehicles will be kept inside of the over 5,000 square foot building.

4. Per Sec. 27-593(b)(20)c.2.i.E.

a. For non-brick buildings in addition to paint, additional architectural embellishments such as brick wainscot may be required.

Significant upgrades to the building will be necessary as part of this special use permit. The metal building needs to include masonry (i.e. brick, stone, textured or integrally-colored concrete masonry units) on all four sides.

A 4-foot wainscot will be added to the building on all four sides.

5. In order to calculate the required parking, please provide the square footage of the building.

The parking ratio for vehicle repair is four (4) spaces for every 1,000 square feet of building area.

Looking at aerial photographs, the east side of the parking lot does not have any striping. Staff cannot

determine how many parking spaces are required if we do not know the building square footage.

Building square footage is 4,760 which will require 16 spaces. The required parking spots are drawn out on the site map attached with this application.

6. Per Sec. 27-593(b)(20)d.1-3.

a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.

Kansas City Truck Repair will store no vehicles outside that are under heavy repair. Those vehicles will be kept inside of the buildings.

b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.

c. Each automobile shall be in a striped, designated parking space.

Please provide a more detailed drawing that shows the parking allocated for 1516 North 13th Street. This includes parking spaces for customers and the vehicles that are being repaired.

Parking layout drawing is attached. Kansas City Truck Repair is not a auto repair facility that is open to the public. We work with specific customers only. Therefore there are very few vehicles on the property at any given time.

7. Per Sec. 27-593(b)(20e. Install/repair sidewalks per code. The sidewalk along North 13th Street shall be repaired that meets City Code.

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

Sign permit will be filed if special use permit is granted.

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

Kansas City Truck Repair does not use any of these devices.

10. What type of trucks will be serviced? Please list GVWR.

Kansas City Truck Repair does 90% of its invoiced worked off site (mobile repair services). Generally the vehicles that are serviced at the physical location are under 18,000gvw. This would be trucks that are considered light duty. When Kansas City Truck Repair does perform services on vehicles over 18,000 at its location, they are generally one day jobs. They are performed inside of the building and are not stored for any length of time. It is important to understand that the purpose of our business is to keep trucks on the road. The vehicles that we work on operate daily to generate revenue. Our customer pick there vehicles up as soon as they possibly can. Vehicles are not stored for long periods of time.

Public Works Comments:

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

1) Provide explanation/summary of what work will be completed at this proposed truck repair operation.

This location will primarily be used as home base for Kansas City Truck Repairs mobile operation. The two company mobile service trucks will be parked in this building over nights. The building is where our tools and inventory are stored. It also will be where we complete services on trucks. Type of services that are completed at our facility our services that require engines to be opened up for repair. They are done indoors to maintain cleanliness of engines. Oil changes, preventive maintenance, brake work, and general repair are done off site at the customers location.

2) Describe improvements required for exterior, including parking lot improvements, landscaping, etc.

The improvements exterior of the building will include all new exterior paint, resealing of the entire roof surface, new 14 foot garage door, and all new roof insulation. The property will have the parking lot resurfaced and striped. The property will have all of the landscaping cleaned up, the grass field trimmed and mowed on a weekly basis. The building will have a new look on the outside with a masonry wainscoting and a color change. Two new trees will be planted along North 13th Street. The existing trees will be trimmed. Manicured grass covers the entire property that is not used for parking.

3) Provide construction plans developed by professional engineer/architect required for UG review and approval.

No construction needing approval needs to be done to this facility. There is an attached document showing what the building will look like with the new garage door, paint and wainscoting.

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

1) None

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

1) None

Kansas City Truck Repair L.L.C.
816-645-5168

SAMPLE MINUTES:

Application Number SP-2016-5

Date and Location: December 28, 2015

Meeting called to order at: Kansas City Public Library
625 Minnesota Ave Kansas City KS 66101

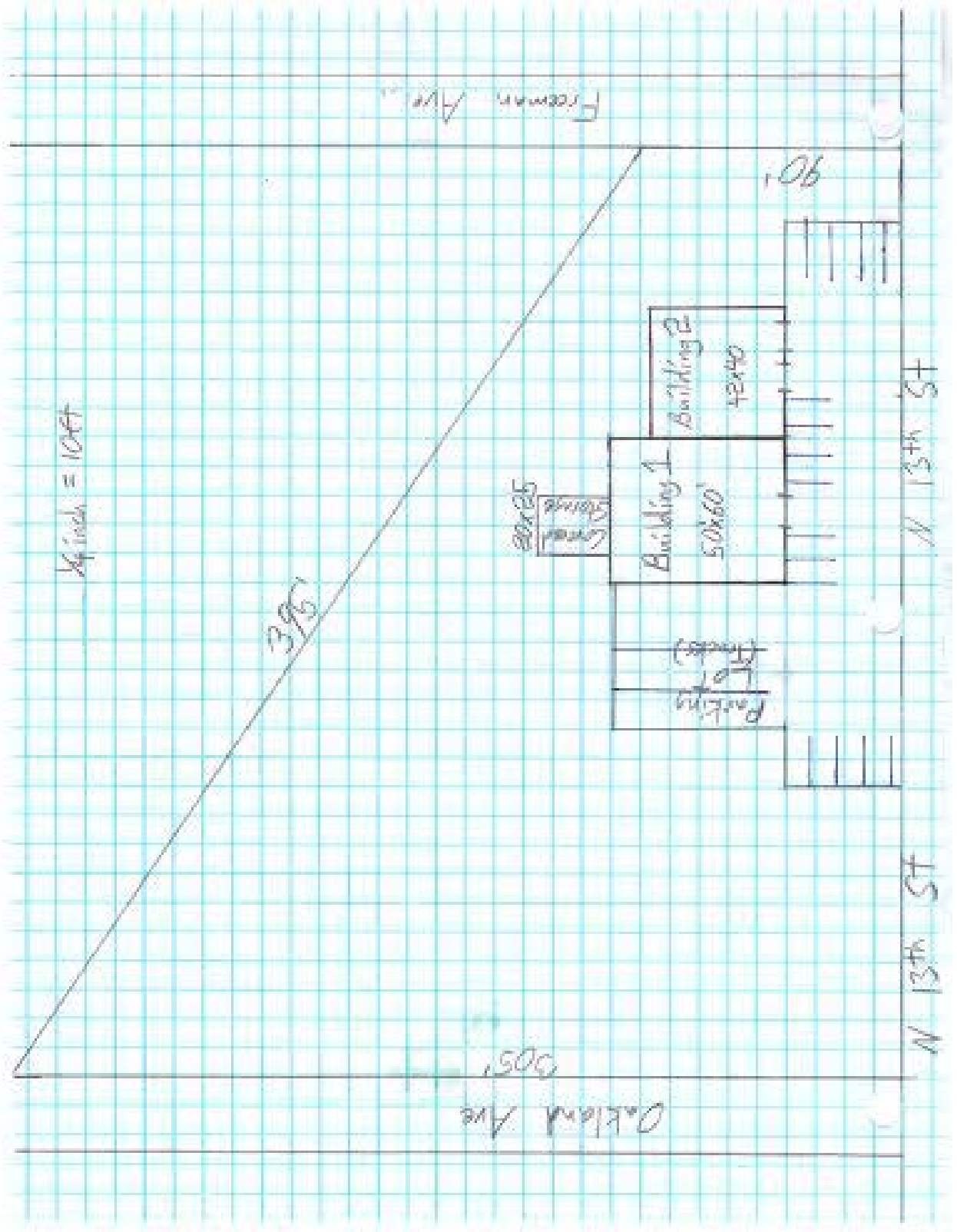
Names of people in attendance:
Aaron Kempker
Danielle Walk

Introductions:

There were no attendees for the meeting. Note: the weather was not good on the date of the meeting.

Meeting adjourned at: 6:45 p.m.

Minutes taken by: Danielle Walk







Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-11

GENERAL INFORMATION

Applicant:
Terryl Mueller

Status of Applicant:
Owner
724 South 76th Street
Kansas City, KS 66111

Requested Action:
Approve Renewal of Special Use
Permit

Date of Application:
December 23, 2015

Purpose:
To keep ten (10) chickens and four
(4) goats for 4-H projects

Property Location:
827 South 76th Street

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: RP-M Planned Mobile Home Park District
West: R-1 Single Family District

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

Total Tract Size: 1.19 acres

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

Major Street Plan: The City-Wide Master Plan classifies South 76th Street as a local street.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Terry Mueller wants to keep ten (10) chickens and four (4) goats for 4-H projects on 1.19 acres at 827 South 76th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is exclusively residential in nature. There is a mobile home park behind Mr. Mueller's property. Immediately to the north and south of the property in question are homes on 1–1½-acre size lots.

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

The zoning and uses of nearby properties are set out above. The keeping of ten (10) chickens and four (4) goats on 1.19 acres could become a problem for adjacent properties based upon noise, odor and amount of animal waste.

However, there appears to have been no issues with these factors over the past two years of this special use.

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

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

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

This is not an issue.

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

The keeping of chickens and goats is not reasonably necessary for the convenience and welfare of the public. The proposed use may injure the appropriate use, visual quality or marketability of adjoining property if the applicant does not properly maintain their property accordingly.

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

Chickens and goats do make noise that may become a nuisance for nearby property owners. In the past, other special use permit petitions with livestock have had issues with noise. The preceding two years of this special use did not result in any such issues.

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

The proposed use may pollute the air and land if the applicant does not take the necessary steps to pick up and properly dispose of the animal waste.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will not be able to have livestock on the property and will need to find another alternative.

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

This has not been and should not become an issue.

PREVIOUS ACTIONS

Approved SP-2014-6 for same use in 2014

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Waste management
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-11, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this application is valid for five (5) years.
2. Could you provide photos of the land as well as the pen and shed that have been constructed since the previous Special Use Permit was approved?

Applicant Response: See attached photos

3. In your letter you have indicated that waste is collected regularly (as needed) and used as fertilizer for a family garden and flower beds. Approximately how often is waste removed? Also, how often is it necessary to take the waste to another person's land? Furthermore, what is the address of the places the waste is taken to when it is necessary to do so?

Applicant Response: Collected as necessary, sometimes daily, depends on environmental factors. Woodchips for bedding removed completely and replaced roughly every 10 days. Area treated with Ag lime. Outside collection of waste collected every couple of weeks and used in gardens. There has never been a need to relocate waste to another property, though there are family members' farms available if that becomes an issue.

4. You have indicated you have not had any problems with animals getting loose so far. If that were to happen though, what would your plan be to address that?

Applicant Response: There has not been an incident of animals at large to date. If they were to escape it is unlikely they would wander far due to the nature of the animal's behavior.

5. What is done with the goats during the months they are not on your property?

Applicant Response: Two goats have been market wethers, sold after fair. Breeding does retained and moved to family farm outside of Wyandotte.

6. What kind of food will be provided for the animals and how often will they be fed?

Applicant Response: 24 hour access to fresh water and fed a concentrated ration twice per day. Chickens fed a mix of game bird crumble rations and a complete layer pellet. Goats fed high quality concentrated complete pelleted ration.

7. Would you be able to provide immunization records and other related animal health documentation?

Applicant Response: Goats for summer are either not born or weaned yet. No health records available at this time.

Conclusion:

1. Subject to approval, this permit is valid for five (5) years.
2. No more than the amount of animals requested: 10 chickens, 4 goats.
3. If there are any significant issues the permit is subject to review and revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2016-11** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Application Letter
Property Diagram
Aerial Photograph
Applicant Response Letter
Photos of property

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016 Approval	February 25, 2016

STAFF CONTACT: Kyle Kobe kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-11** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-11**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-11 – TERRYL MUELLER –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-6) to keep farm animals for 4H projects at 827 South 76th Street

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this application is valid for five (5) years.
2. Could you provide photos of the land as well as the pen and shed that have been constructed since the previous Special Use Permit was approved?

Applicant Response: See attached photos

3. In your letter you have indicated that waste is collected regularly (as needed) and used as fertilizer for a family garden and flower beds. Approximately how often is waste removed? Also, how often is it necessary to take the waste to another person's land? Furthermore, what is the address of the places the waste is taken to when it is necessary to do so?

Applicant Response: Collected as necessary, sometimes daily, depends on environmental factors. Woodchips for bedding removed completely and replaced roughly every 10 days. Area treated with Ag lime. Outside collection of waste collected every couple of weeks and used in gardens. There has never been a need to relocate waste to another property, though there are family members' farms available if that becomes an issue.

4. You have indicated you have not had any problems with animals getting loose so far. If that were to happen though, what would your plan be to address that?

Applicant Response: There has not been an incident of animals at large to date. If they were to escape it is unlikely they would wander far due to the nature of the animal's behavior.

5. What is done with the goats during the months they are not on your property?

Applicant Response: Two goats have been market wethers, sold after fair. Breeding does retained and moved to family farm outside of Wyandotte.

6. What kind of food will be provided for the animals and how often will they be fed?

Applicant Response: 24 hour access to fresh water and fed a concentrated ration twice per day. Chickens fed a mix of game bird crumble rations and a complete layer pellet. Goats fed high quality concentrated complete pelleted ration.

7. Would you be able to provide immunization records and other related animal health documentation?

***Applicant Response: Goats for summer are either not born or weaned yet.
No health records available at this time.***

Conclusion:

- 1. Subject to approval, this permit is valid for five (5) years.**
- 2. No more than the amount of animals requested: 10 chickens, 4 goats.**
- 3. If there are any significant issues the permit is subject to review and revocation.**

Mueller, Terry
827 S. 76th St.
Kansas City, KS 66111

Request for Special Use Permit Continuation

My family's involvement in Wyandotte County 4-H is entering its 3rd year. And such, my family and I would like approval for a Special Use Permit Continuation to keep up to 10 chickens and up to 4 goats on our property for 4-H projects. The chickens will consist of a combination of laying hens of various breeds raised from chicks with the possibility of additional types of chickens, with a total head count not to exceed 10 at any one time. The duration of the chickens on the property will be year round. The goats will consist of a combination of meat and dairy breeds with a total head count not to exceed 4 at any one time. The duration of the goat on the property will be from after February 1st until before September 30th of the first year and the same time frame each year thereafter.

All animals are housed in a wooden garden shed with attached pen. The shed and pen are located at the NE corner of the garage with the pens running roughly from the NE corner of the garage N10, E30, S30 and W30 back to the garage(see attached diagram). The pen is constructed of combination stock panels designed to contain chickens and goats as well as keep predators out, roughly 30 feet by 30 feet. All gates have dual latches to ensure security. The shed is 8 feet by 12 feet divided with nesting boxes in one petitioned corner of the shed and goat shelter in the remaining space of the shed. The chickens will be fed and watered outside the shed while the goats will be fed inside the shed and watered outside. All animals will be shut inside at night to help avoid predators. The open bag of feed is kept in the shed with the extra feed secure in the garage.

Waste management and odor control will be of the utmost importance, not only for the health and efficiency of the animals but also ensure a non-intrusive relationship with all neighbors. Waste is manually removed as need and is incorporated as organic fertilizer into a small family garden roughly 12 feet by 15 feet as well as the flower beds that border our home. Any additional waste will be disposed of for ag production use outside of Wyandotte County. In addition to removal of waste, application of agricultural lime is used to assist in neutralizing any foul odors.

Animal health requirements are difficult to predict. All animals will be provided care consistent with industry standards in regards to vaccinations, preventative measures and treatments.

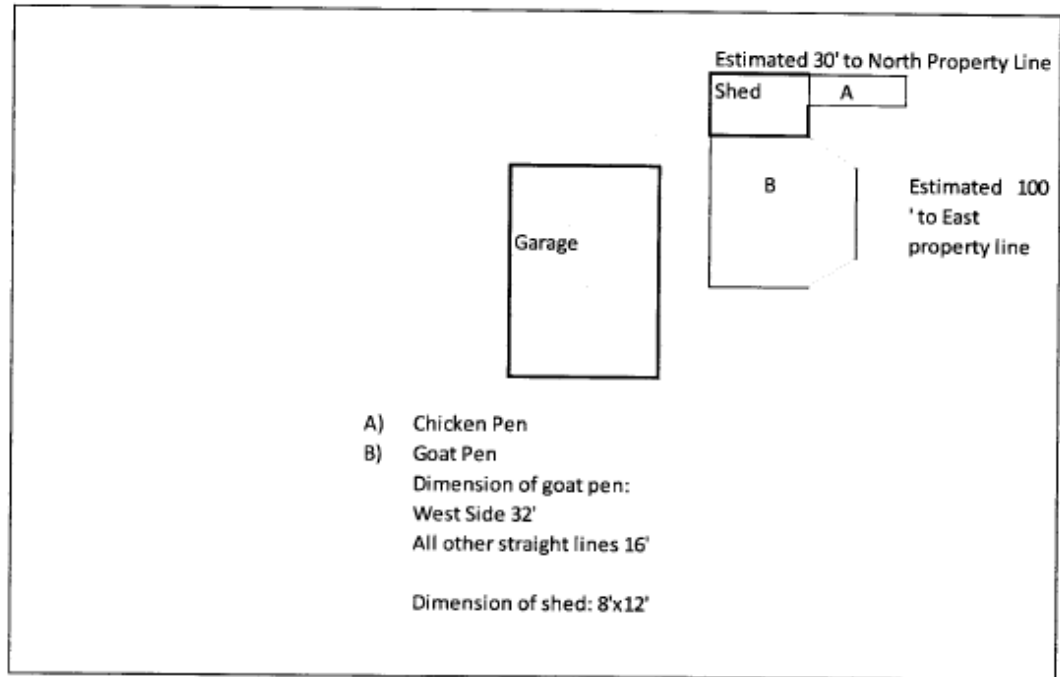
We have kept goats and chickens the past two years without incident. I have not received any complaints, concerns, animals at-large or negative comments from anyone in the surrounding area. This has been an invaluable learning experience for my children who have been very successful exhibiting their goats in 4-H.

Mueller, Terry
827 S. 76th St.
Kansas City, KS 66111

Property Diagram

(not to scale)

N^



The location of the pen will be to the north and east of the garage. The border estimates the property bound as well as the relationship of the garage location. The north line of the pen is an estimated 30 feet south of the north property line. The east line of the pen is an estimated 100 feet west of the east property line.

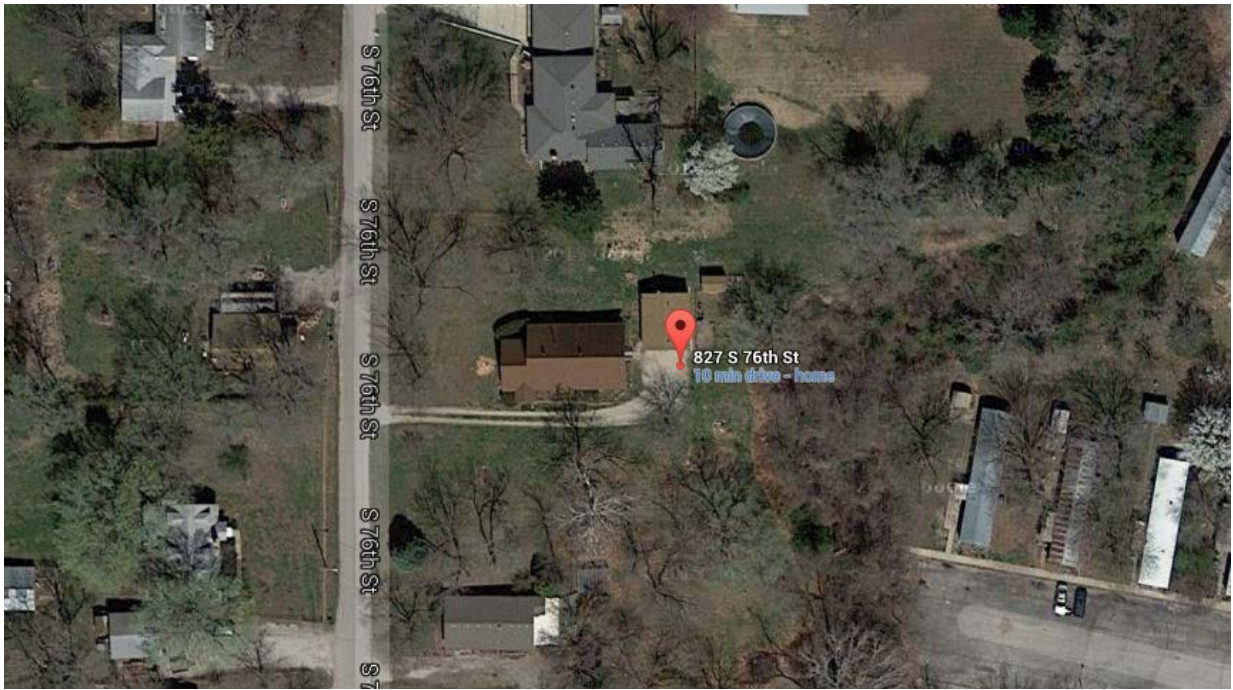


Figure 1. Aerial photograph of 827 South 76th Street (Google).

Mueller, Terryl
827 S. 76th St

Application for Special Use Permit-Response to Staff Comments

Proper care for any animal is of utmost importance. Growing up around livestock and owning livestock for most of my life, in addition to my Bachelors of Science in Animal Science from Kansas State University, I have gained the necessary knowledge to provide a proper environment for animals in my care. These few goats represent a significant financial investment and are an extension of a significant herd. The following are responses to the Staff Comments and the listed concerns:

Noise: Goat, like any animal in town, will never be completely quiet. There are a few causes for a goat to be vocal. If a goat is hungry, it will make noise to be fed as any animal will. With grass and feed, this has been kept to a minimum. Goats are normally found in herds and most are never alone. A lonely goat will vocalize to find another goat and we will have two to four goat. Illness will also cause vocalization. As this occurs, proper treatment will be administered to correct the issue. Finally, excessive vocalization may be caused by a goat in estrus. Most does reach first estrus at around 7 to 10 months of age. Goats exhibited in 4-H are born around the first of the year. Any does we may have should not reach first estrus until July at the earliest. Most goats are seasonal breeders and may begin to come into estrus as early as late July but the prime breeding season is typically from September to December. Thus the chance of any of our goats in estrus while on our property is quit slim. Knowing what causes goats to vocalize has helped to minimize the occurrences as well as remedy any issues that may arise.

Manure: Manure is collected as needed and maybe as often as daily. Environmental factors contribute significantly to the frequency of pick-up required. Woodchips are used for bedding inside and is cleaned as needed and completely removed roughly every 10 days. The area is also treated with ag lime to neutralize urea and other waste. Outside, the waste is collected every couple of weeks. Rain dissolves the waste and decreased the frequency required. Any waste collected that will not be incorporated into gardens, will be relocated to family members farm outside of Kansas City, KS but this has not been required.

Animals at Large: We have not had any instances of animals at large. If they do happen to ever get out of the pen on their own, it is highly unlikely they will wonder far. Unlike a dog or cat at large, a goat will typically stay very close to where it is fed, watered and beds down at night.

Additional Location: In the past, two goats have been market wethers. They are sold to a packer after the fair. The breeding does are retained and moved to our family farm outside of Wyandotte County.

Feed: The goats and chickens will have 24 hour access to fresh water and will be fed a concentrated ration twice daily, adjusted as needed. Chickens are fed a mix of a game bird crumble ration and a complete layer pellet. The goats are fed a high quality concentrated complete pelleted ration.

Animal Health: At this time, the goats we plan to have this summer are either not born or not weaned yet. No health records are available at this time and a specific form by the owner is not the industry norm.



(Photo provided by Applicant)



(Photo provided by Applicant)



(Photo provided by Applicant)



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-12

GENERAL INFORMATION

Applicant:
Cecilia Toscano

Status of Applicant:
Owner
4752 State Avenue
Kansas City, Kansas 66102

Requested Action:
Renewal of a Special Use to have live music in conjunction with an existing restaurant

Date of Application:
December 23, 2015

Purpose:
To have live music in conjunction with a restaurant

Property Location:
4752 State Avenue



Existing Zoning: C-1 Limited Business District and R-2 Two Family District

Existing Surrounding Zoning: North: R-2 Two Family District

South: CP-2 Planned General Business District

East: CP-1 Planned Limited Business District

West: CP-1 Planned Limited Business District

Existing Uses: North: Residential homes

South: Commercial uses

East: Commercial uses

West: Commercial uses

Total Tract Size: 0.94 acre

Master Plan Designation: The City-Wide Master Plan designates this property and area as Mixed-Use.

Major Street Plan: State Avenue is classified as a Class A thoroughfare

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owners – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Outline of Requested Action: Cecilia Toscano with El Potrero Bar and Grill is requesting renewal of a Special Use Permit to have live entertainment in conjunction with a restaurant at 4752 State Avenue

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood character surrounding this property is a mixture of residential to the north and commercial to the south, east and west. This property has frontage along State Avenue.

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

The zoning and uses of nearby properties are set out above. As currently operating, this proposal appears to be compatible.

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

The property has been a restaurant for years. From a land use perspective, it is still an appropriate use. Site improvements, security and management plans; have presumably prevented this use from being detrimental to nearby property.

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

The business is currently in operation.

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

This sort of operation is not addressed by the Master Plan.

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

State Avenue is designed to handle the traffic generated by commercial uses such as this.

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

This use is not a necessary convenience to the public. This is only a convenience to the owners of the restaurant. The use does not create any issues with the points listed above.

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

Noise presumably has not been an issue. Some homes just to the north could be disturbed if things get out of hand. Input from the police department on any calls or reports filed would be important.

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

This is not an issue

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

This is not an issue

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

The Planning Commission will need to make this assessment.

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

This is not an issue.

PREVIOUS ACTIONS

#SP-2014-16 was approved on March 27, 2014.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 25, 2016. According to the applicant, no one was in attendance.

KEY ISSUES

Security
Noise
Trash
Parking
Clarification of business

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-12, subject to:

Urban Planning and Land Use Comments:

1. Please provide a letter detailing current operations including security and changes implemented since the approval of the original special use permit.

Applicant submitted the attached letter with the application.

2. Please detail any incidents or altercations that have occurred or complaints received from neighbors, and the steps you have taken to prevent such incidents or complaints in the future.

The Police Department has stated that they have not had any police related issues with this establishment.

Conclusion:

1. Staff recommends renewal for five (5) years.
2. Compliance with the applicant's letter of operation.

Business License Comments:

Applicant has obtained and maintained annual entertainment license as required.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Zoning map
Vicinity map
Original sketches
Updated letter of operation
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
Special Use	Approval	

STAFF CONTACT: **Zach Tusinger** **ztusinger@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-12 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2016-12, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-12 – CECILIA TOSCANO/EL POTERO BAR AND GRILL, INC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-16) for live entertainment in conjunction with bar and grill at 4752 State Avenue

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman

Pauley Aye
Schwartzman Aye
Serda Aye
Wing Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

#SP-2016-12:

Urban Planning and Land Use Comments:

1. Please provide a letter detailing current operations including security and changes implemented since the approval of the original special use permit.

Applicant submitted the attached letter with the application.

2. Please detail any incidents or altercations that have occurred or complaints received from neighbors, and the steps you have taken to prevent such incidents or complaints in the future.

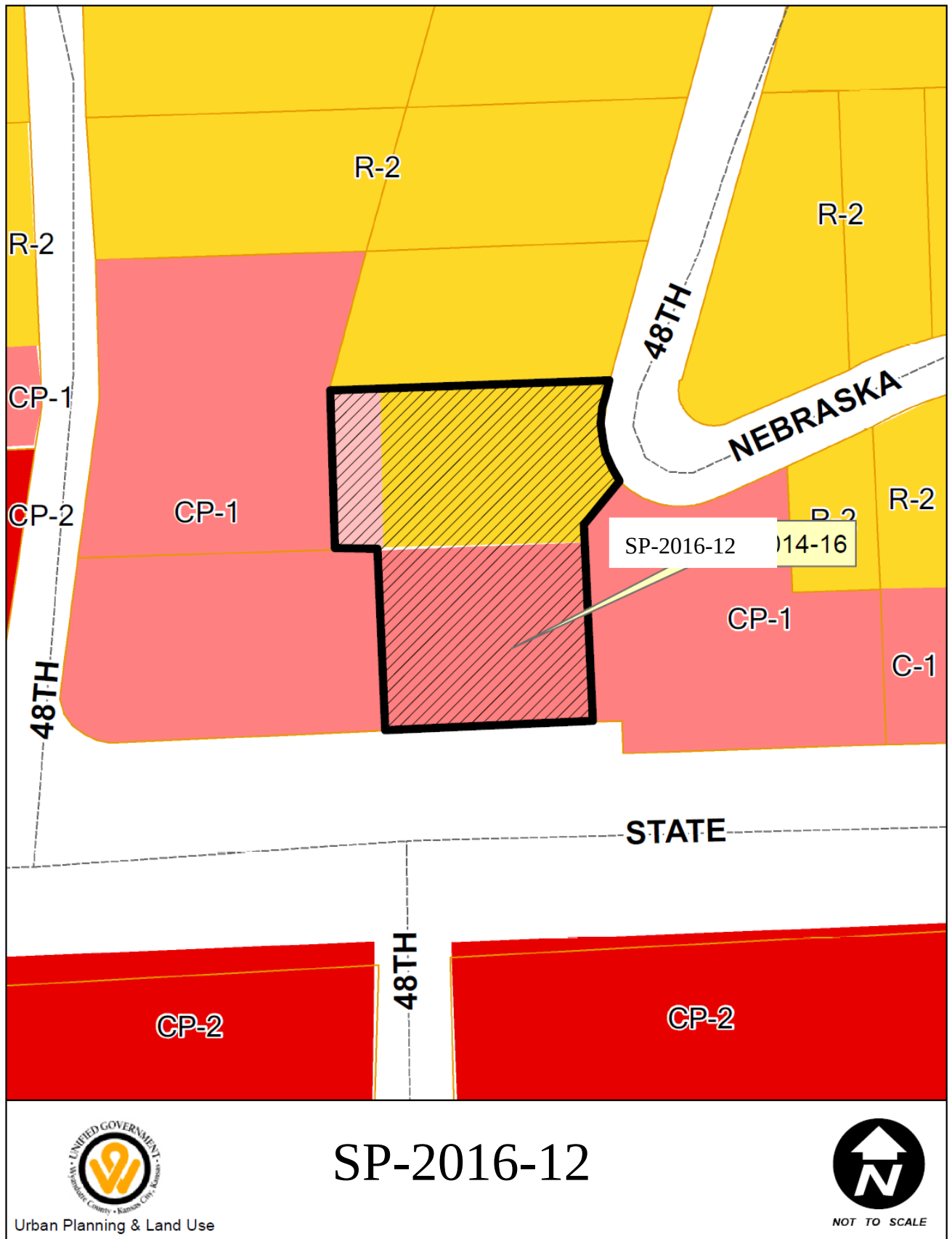
The Police Department has stated that they have not had any police related issues with this establishment.

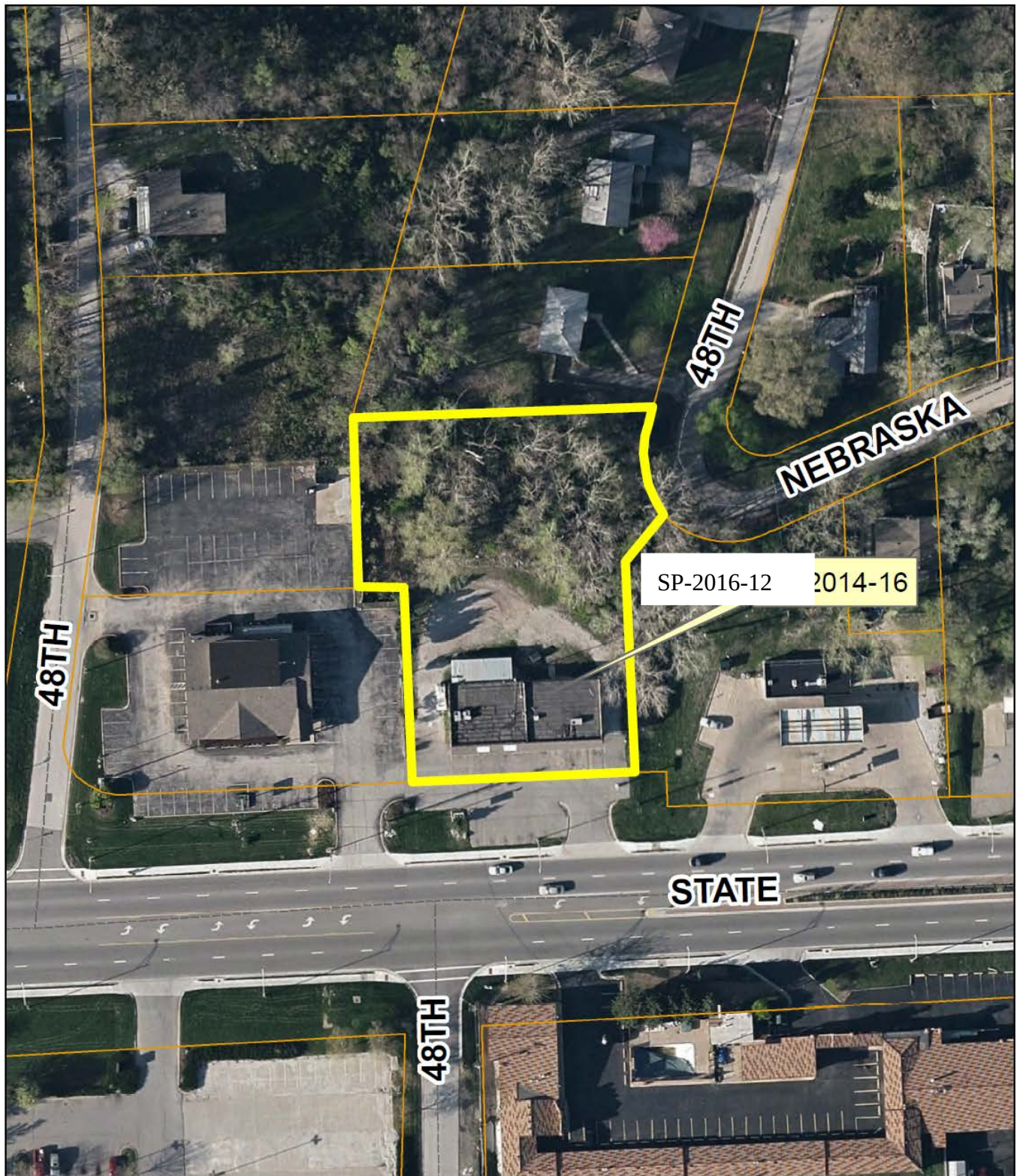
Conclusion:

1. Staff recommends renewal for five (5) years.
2. Compliance with the applicant's letter of operation.

Business License Comments:

Applicant has obtained and maintained annual entertainment license as required.



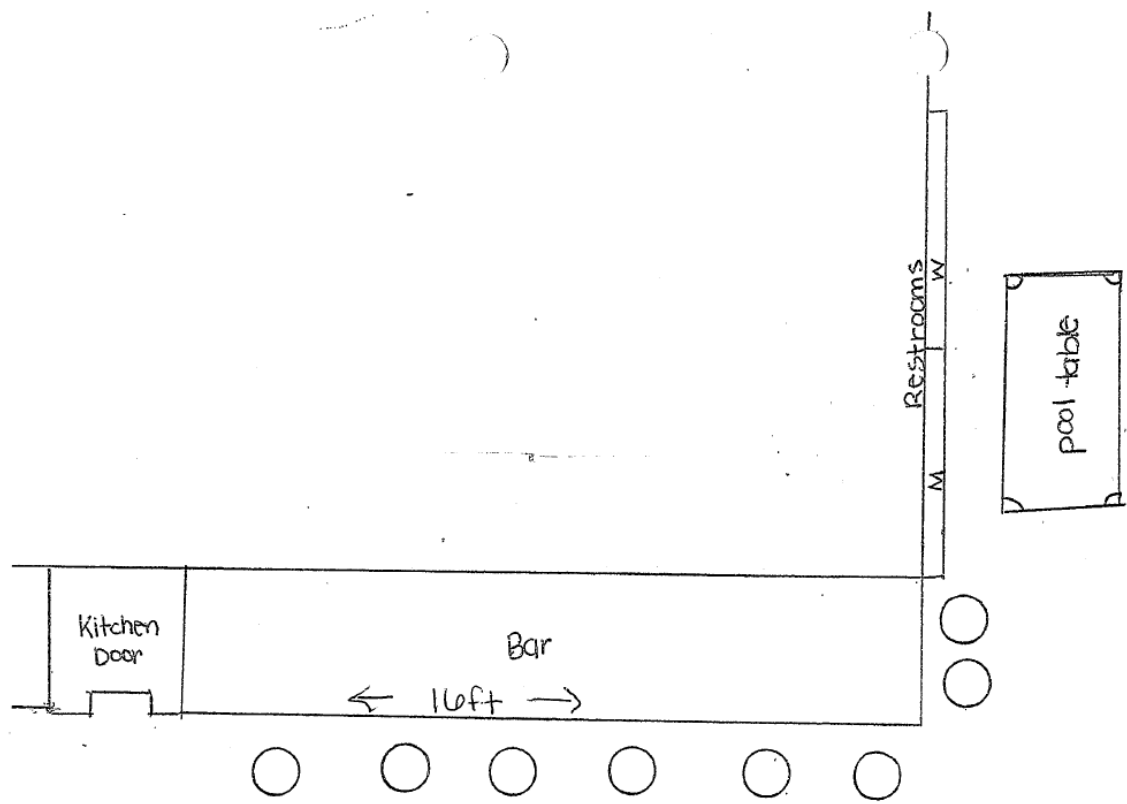


Urban Planning & Land Use

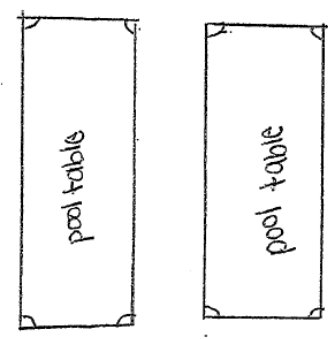
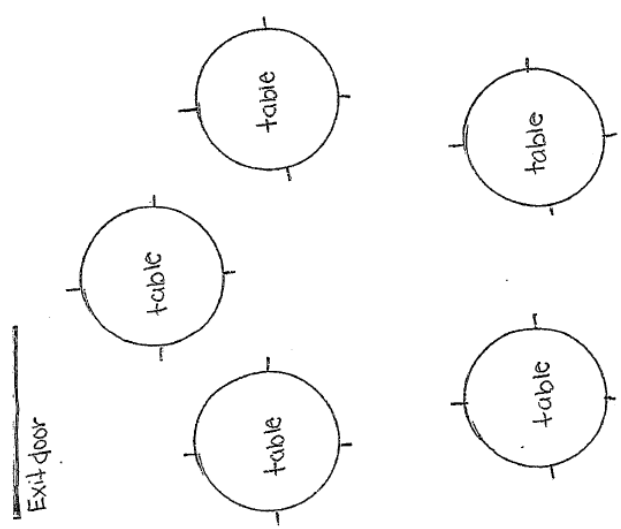
SP-2016-12



NOT TO SCALE

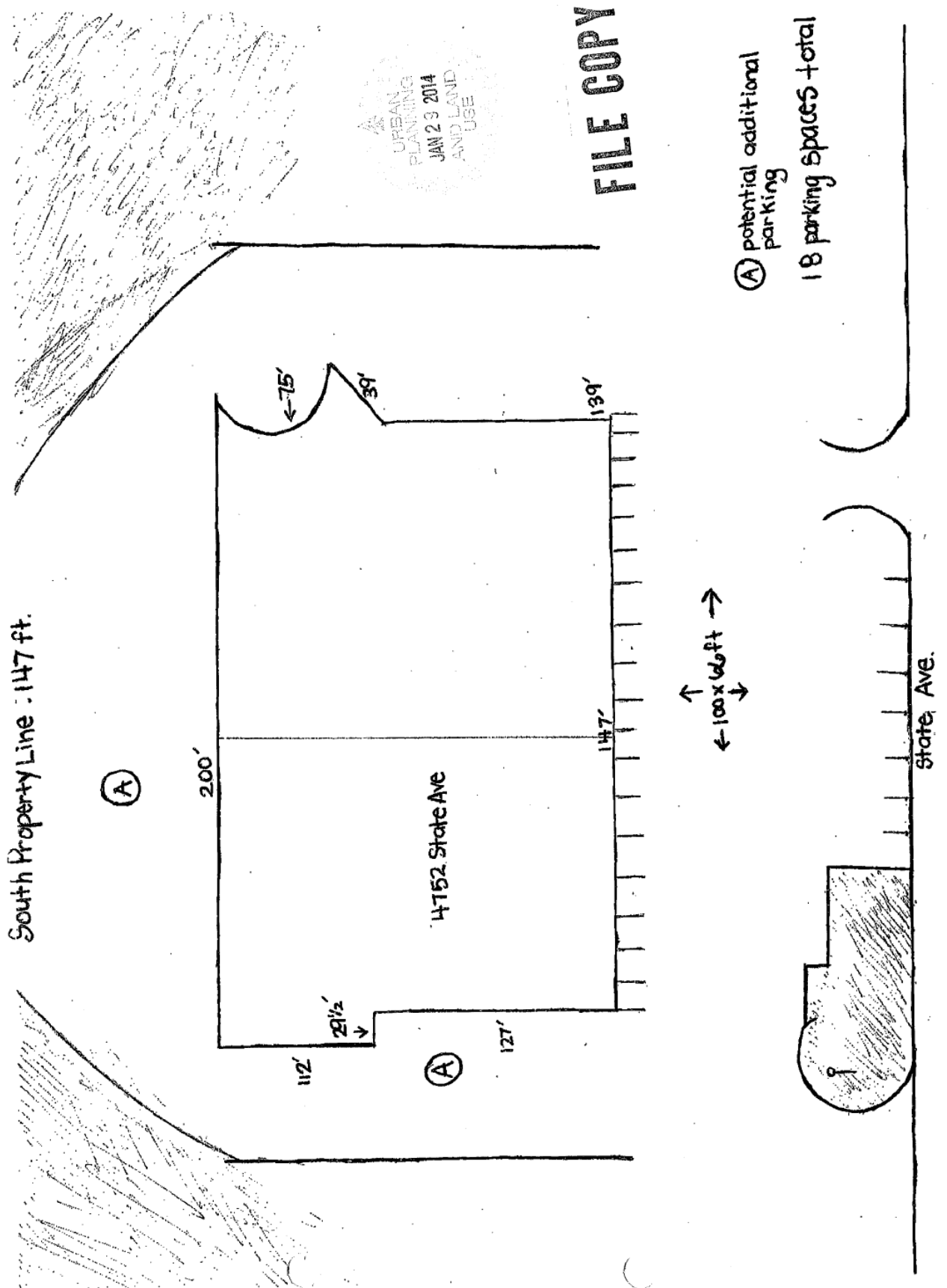


32x14ft	32x14ft	32x14ft	32x14ft
Window	Window	Window	Window



40x50ft

Window	Window
36x78	38"x80" Entrance





December 16, 2015

Neighborhood Resource Center
Unified Government of Wyandotte County
4953 State Avenue
Kansas City, KS 66102

RE: RENEWAL Special Use Permit Application for
Case No. SP-2014-16
El Potrero Bar Club & Grill
4752 State Ave., Kansas City, KS 66102

To Whom it May Concern:

El Potrero Bar & Grill currently operates as a licensed bar and club. For purposes of maintaining their satisfactory business, the applicant, Cecilia Toscano requests approval to renew their special use permit license. The special use permit is used for live music on Fridays, Saturdays and Sundays. The hours of operation are Tuesday-Sunday 5pm-2am and are open for business on various holidays. The maximum capacity inside and outside the building is 90 occupants. Additional security has been present during peak hours of business to ensure the safety of all occupants and staff. A cleaning crew continues to maintain the cleanliness of the building and parking lot areas.

The applicant has been operating El Potrero Bar Club & Grill since October 2010. There have been no outstanding incidents, concerns or complaints against the business. The applicant continues to maintain an atmosphere in which the use of the special use permit will not have any negative effects on other surrounding businesses and/or the neighborhood.

2100 SILVER AVENUE • KANSAS CITY, KS 66106 • TEL: 913.432.0660 • FAX: 913.432.3218

Thank you,

A handwritten signature in black ink, appearing to read "Manu Rattan", with a long horizontal flourish extending to the right.

Manu K. Rattan
Attorney for Cecilia Toscano

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP-2016-12.
2. That I conducted a neighborhood meeting on Jan. 25, 2016.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of Jan, 2016.

My commission expires 15th of May, 2017.





Notary Public

January 26, 2016

Urban Planning and Land Use
City Planning Commission
701 North Street, Room 423
Kansas City, KS 66101

RE: Special Use Permit Renewal Application
Key Issues Comments and Answers for
Petition # SP-2016-12
El Potrero Bar & Grill
4752 State Ave., Kansas City, KS 66102

To Whom It May Concern:

Please find attached the below answers and/or responses to the Key Issues addressed in the applicant's renewal Petition # SP-2016-12:

Security- The applicant has hired a security company to help with additional security during their business hours.

Contact Information: G U Ward Security Operations
Kevin Ward
Email: kward23@kc.rr.com
Phone: (816) 616-6998

Noise- The applicant and staff at El Potrero Bar & Grill are dedicated in controlling any potential disturbing noise during and after their hours of operation. Staff continues to check surrounding areas for patrons or disturbances in relation to any of their events.

Trash- The applicant has hired additional cleaning services to check the premises and surrounding businesses for any and all littering and/or trash from any of their events. This will continue to be a reoccurring step to ensure that trash will not be an issue.

Clarification of Business- The applicant's dba is El Potrero Bar & Grill (see attached liquor license from Kansas Department of Revenue). During the last couple of years of business, the applicant has not been selling food due to of lack of customer interest however; if the renewal permit is approved, they are prepared to sell food to patrons during business hours. Clarification on how the applicant's business will operate with the live entertainment are as follows:

1. A full menu will be provided during the hours of entertainment. (see attached menu)
2. The live music and entertainment are on Fridays, Saturdays, Sundays and holidays.
3. The time of events take place from 10pm-1:30am.
4. The business is closed by 2am.
5. Yes the applicant understands that the renewal process will continue as needed.
6. The business is primarily a bar/dance club (again see attached liquor license). Again, if renewal is approved, the applicant is prepared to sell food. Projection percentages for food versus sales are as follows:

Sales Projection Dates: March 2016- March 2017

\$ 450/week
\$1,800/ month
\$21,600/ year

Gross Alcohol Sales

\$ 4,000/week
\$ 16,000/month
\$ 192,000/year

Food versus sales %: 11.25%

**Kansas Alcoholic Beverage Control Division
Liquor License**

Drinking Establishment

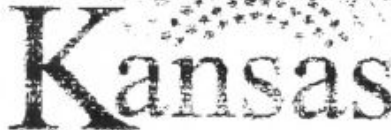
OWNER NAME: **El Potrero Bar & Grill INC**
DBA: **El Potrero Bar & Grill**
ADDRESS: **4752 State Avenue**
Kansas City, KS 66102

LICENSE NO: 10001511601

The licensee named above has been granted a liquor license by the Kansas Department of Revenue, Alcoholic Beverage Control Division. This license is neither transferable nor assignable and is subject to suspension or revocation.

PRIVILEGES:

Allows the licensee to sell and serve alcoholic liquor for consumption on licensed premises; serve limited free samples of alcoholic liquor; redeem drink coupons in arrangement with a hotel; and other activities as authorized by K.S.A. 41-2642.



AGREEMENT:

By accepting this license, the licensee agrees to conduct business in compliance with all applicable federal, state, county and city statutes and regulations.

Dean Reynoldson

Dean Reynoldson
Director, Alcoholic Beverage Control

Nick Jordan

Nick Jordan
Secretary of Revenue

EFFECTIVE: 10/20/2015

EXPIRES: 10/19/2017

THIS LICENSE MUST BE FRAMED AND POSTED ON THE PREMISES IN A CONSPICUOUS PLACE

IMPORTANT INFORMATION

Contact the ABC Licensing Unit at 785-296-7015 or email abc.licensing@kdor.ks.gov if you have any:

- questions regarding this license
- changes to your business name, location, ownership or officers
- questions about filing gallonage tax, if applicable

Contact your local ABC Enforcement Agent at 785-296-7015 or visit our website at <http://www.ksrevenue.org/abccontact.html>

Contact the Miscellaneous Tax Segment at 785-368-8222 or email miscellaneous.tax@kdor.ks.gov if you:

- need assistance with liquor drink or liquor enforcement taxes
- have questions about liquor drink tax bonds, bond relief or bond release

CLOSING YOUR BUSINESS

If you are closing your business, you must surrender your liquor license and complete the information on the back of the license

El Potrero Bar & Grill
4752 State Ave
Kansas City, KS 66102

Menu Hours: 10pm-1:30am

Menu Days: Fri, Sat, Sundays and designated Holidays

Mexican Tacos

Tacos de Asado \$1.50

Tacos de Pastor \$1.50

Tacos de Barbacoa \$1.50

Neighborhood Meeting Minutes

Application/Case No: SP-2016-12

Date and Location: Monday, January 25, 2016
El Potrero Bar & Grill
4752 State Ave.
Kansas City, KS 66102

Meeting called to order at: 6pm

Names of people in attendance: Cecilia Toscano, Owner
Jose Toscano, Owner's spouse
Bianca A. Rios

Notes about all questions and comments made:

- Who asked questions or gave comments
- What questions were given specifically
- Any answers given

Meeting adjourned at: The neighborhood meeting commenced at approximately 6pm. There were no attendees present. The applicant and all others who were present waited until 6:30pm before bringing the meeting to an end.

Minutes taken by: Bianca A. Rios



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-13

GENERAL INFORMATION

Applicant:
Vonzel Sawyer

Status of Applicant:
Representative
New Bethel Church
745 Walker Avenue
Kansas City, KS 66101

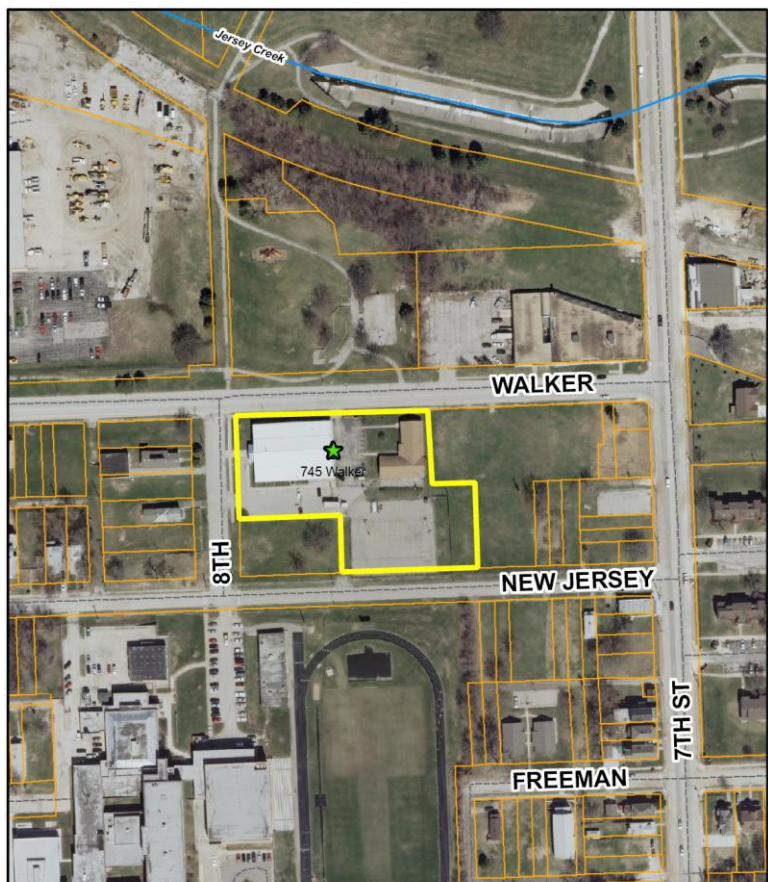
Requested Action:
Special Use Permit Renewal

Date of Application:
December 23, 2015

Purpose:
Renewal of a Special Use Permit (#SP-2014-12) for the temporary use of land for a temporary storage shed

Property Location:
735 Walker Avenue

Existing Zoning:
RP-5 Planned Apartment District



Urban Planning & Land Use

SP-2016-13



NOT TO SCALE

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
 South: RP-5 Planned Apartment District
 East: RP-5 Planned Apartment District
 West: RP-5 Planned Apartment District

Existing Uses: **North:** Jersey Creek Park
 South: Sumner High School and Athletic Field
 East: Vacant
 West: Single family home

Total Tract Size: 2.0 acres

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

Major Street Plan: Walker Ave is a residential street

Advertisement: The Wyandotte Echo – January 14, 2016
 Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Vonzel Sawyer of New Bethel Church is requesting a renewal of a Special Use Permit (#SP-2014-12) for the temporary use of land for a 20X12 temporary shed on the property. The shed is intended to store equipment for the church.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature.

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

The surrounding properties are residential in nature as well. The majority of the residential lots are vacant or undeveloped. We believe that the shed is compatible and presumably does not create any issues.

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

The removal of the restrictions has not detrimentally affected nearby property.

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

The property is not vacant. It is the home of New Bethel Church

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

The Master Plan designates this property as Public/ Semi-Public. The proposed continued use does not change the Master Plan designation.

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

The proposed use has presumably not resulted in an increase of vehicular traffic to where it exceeds capacity.

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

The proposed continued use will not permanently injure the appropriate use, visual quality or marketability of adjoining property.

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

Noise, vibration, dust, or illumination will not create problems for near-by property.

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

The proposed continued use will not pollute the water.

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

The proposed continued use will not damage or destroy an irreplaceable natural resource.

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

There is a minimal gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner.

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

The proposed continued use will not result in overcrowding of land.

PREVIOUS ACTIONS

On January 5, 2012, the Board of Commissioners approved the Special Use Permit Application #SP-2011-67 to be valid for two years, and that was renewed for another two years on March 27, 2014 by application #SP-2014-12.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 25, 2016. According to the applicant, no one was in attendance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-13, subject to:

Urban Planning and Land Use Comments:

1. **Structural integrity:** Please submit current photos of the shed to verify maintenance of the shed and its surrounding.

Applicant has submitted new photos and they are attached.

2. **Outside appearance:** Please indicate and provide photos to demonstrate that items are in fact stored inside the shed and not outside or adjacent to the shed.

Applicant has submitted new photos and they are attached. Staff recommends that the materials being stored on the outside wall of the shed be moved inside.

Conclusion:

1. Approval for five (5) years.
2. Approval subject to the response received by the applicant.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-13 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Zoning Map
Vicinity Map
Plan of Record of storage shed
Neighborhood meeting information
Current photos of shed

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016 Approval	February 25, 2016

STAFF CONTACT: Zach Tusinger ztusinger@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-13 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2016-13, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-13 – VONZEL SAWYER/NEW BETHEL CHURCH, INC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-12) for a storage shed for the church at 735 Walker Avenue

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present
Motion to APPROVE Passed: 6 to 0	

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

1. **Structural integrity:** Please submit current photos of the shed to verify maintenance of the shed and its surrounding.

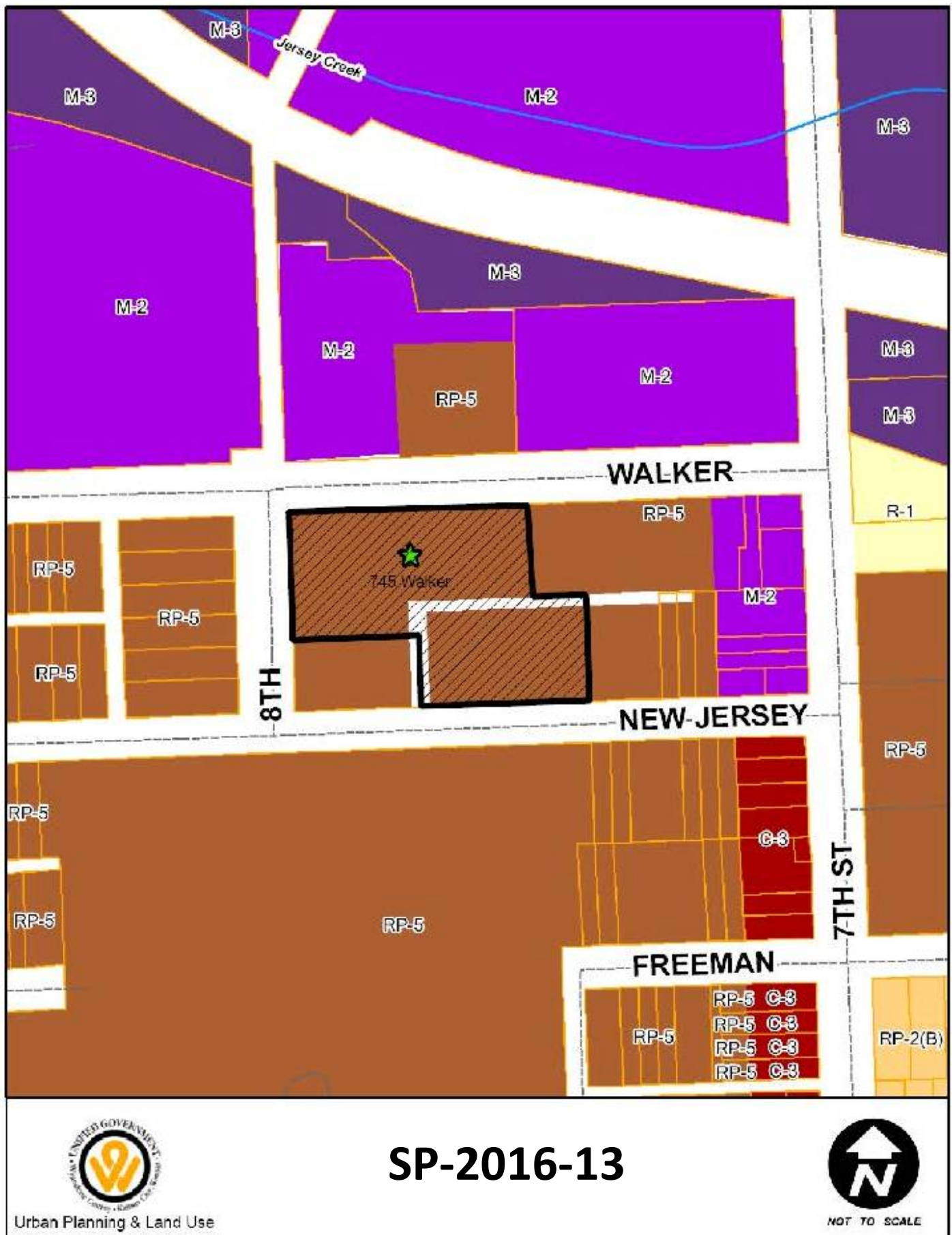
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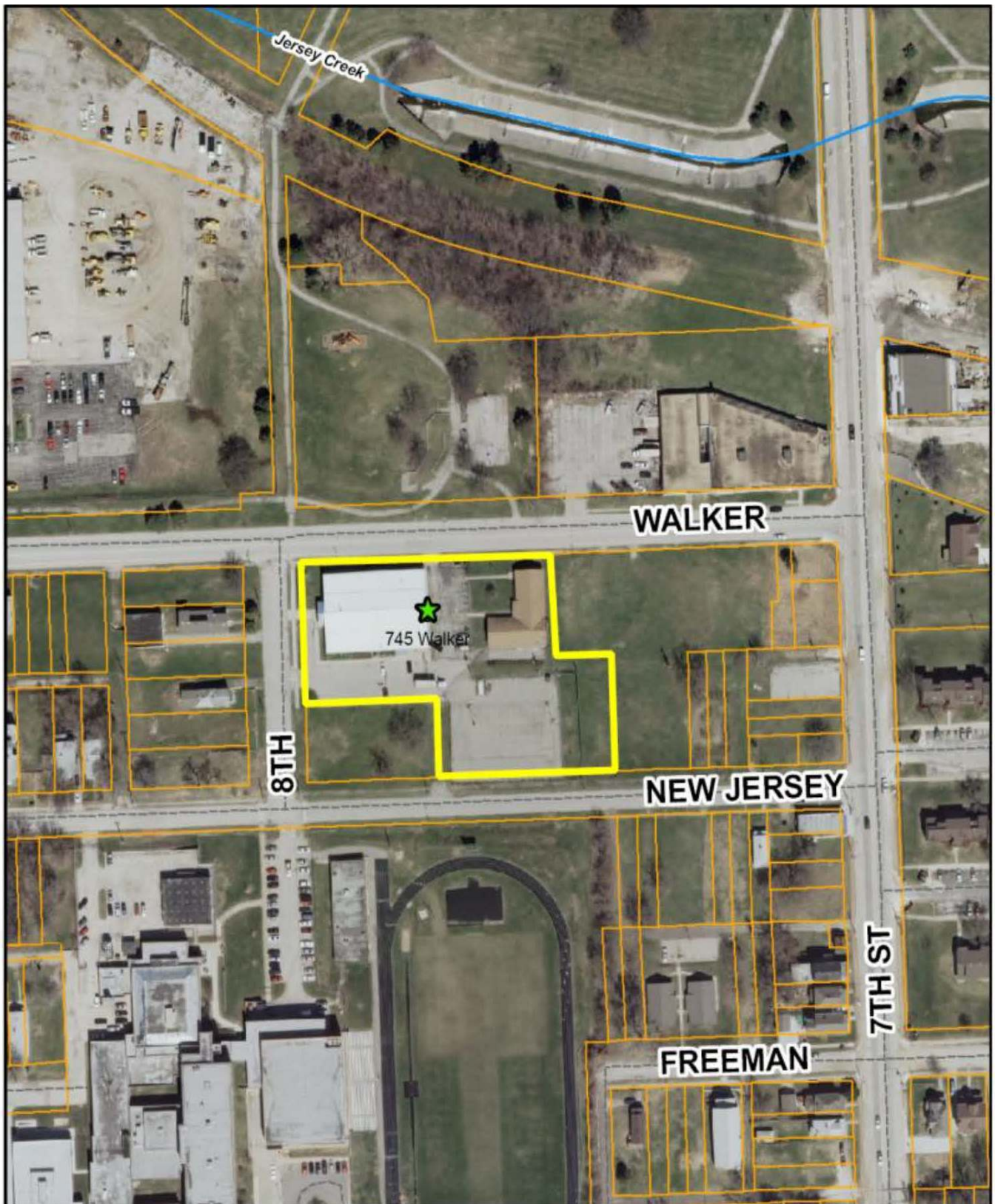
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Conclusion:

1. Approval for five (5) years.
2. Approval subject to the response received by the applicant.



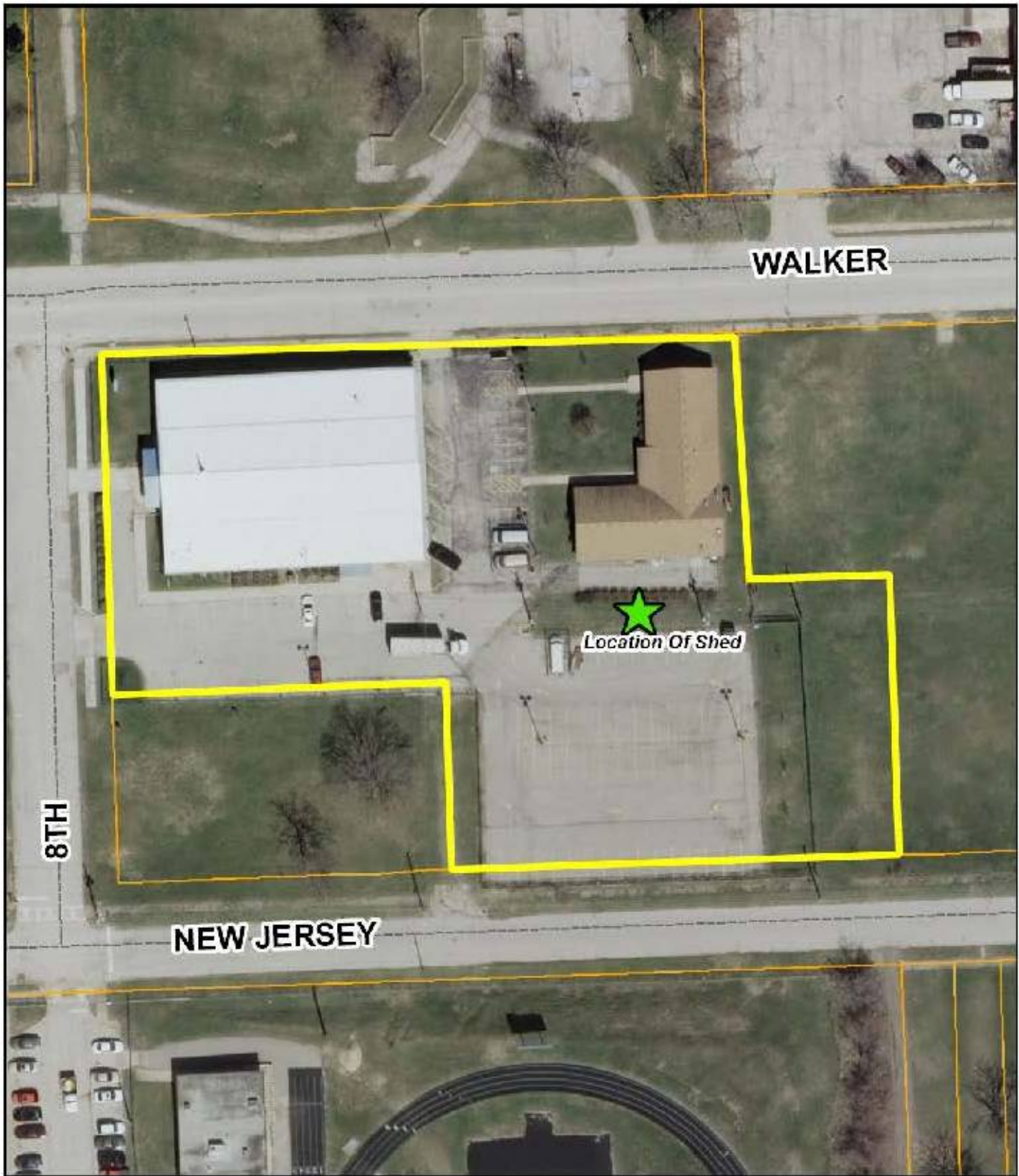


Urban Planning & Land Use

SP-2016-13



NOT TO SCALE

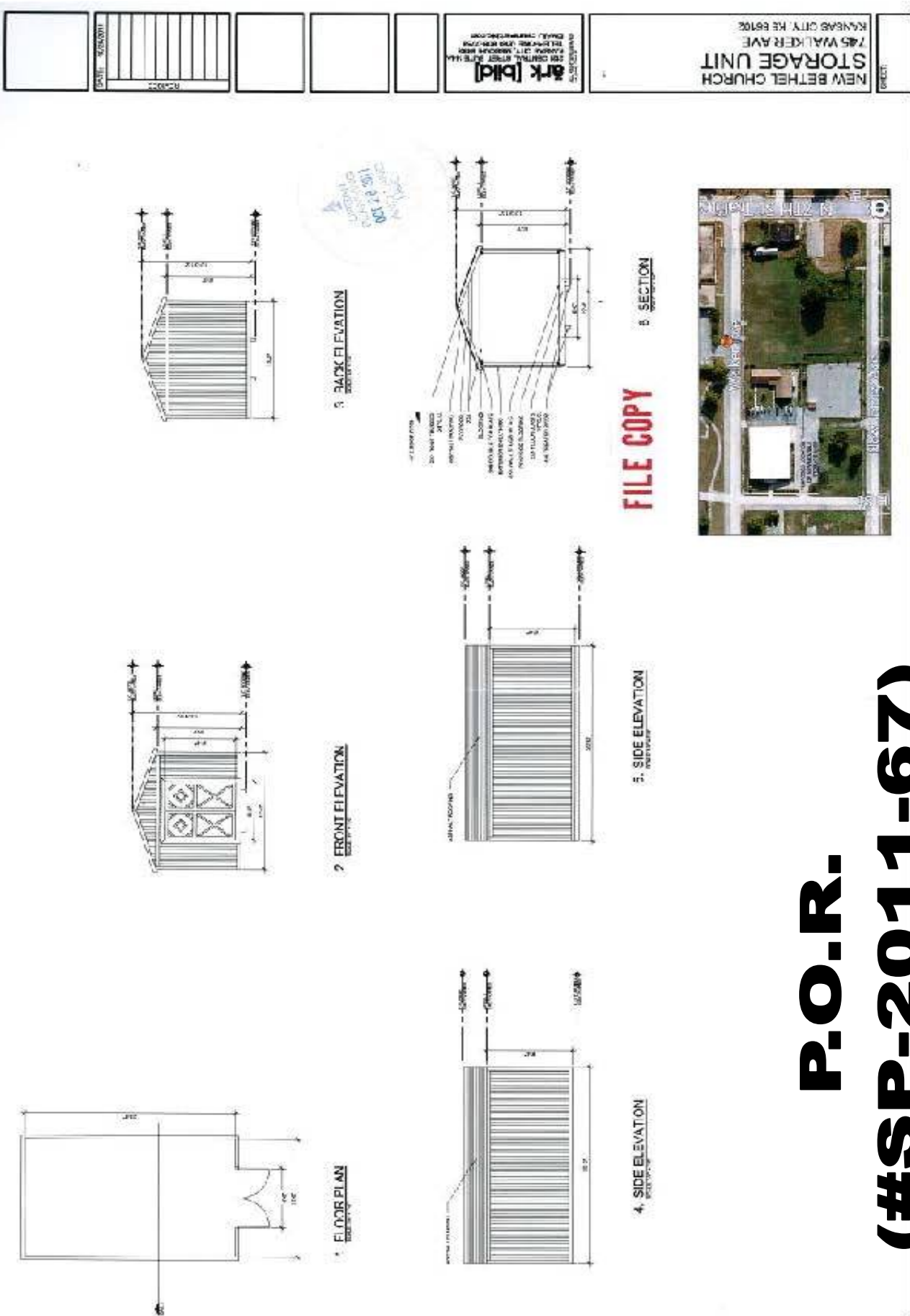


Urban Planning & Land Use

SP-2016-13



NOT TO SCALE



The New Bethel Church

Date: January 12, 2016

Name: Hazel Easterwood
Address: PO Box 171732
City/State/Zip: Kansas City, KS 66117

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP-15402-00083. The purpose of this:

(please use all that applies)

- change of zone
- special use permit
- preliminary plan review

is for a Storage Shed

at the following address: 745 Walker Ave. Kansas City, Kansas 66101.

I/We am having a neighborhood meeting on Monday January 25, 2016 at 6:00 p.m. at the following address 745 Walker Ave Kansas City, KS 66101.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

A. Glenn Brady, Pastor
location: 745 Walker Avenue . Kansas City, KS 66101
telephone: 913.281.2002

IT'S A *New*
DAY AT *Bethel*

www.NewBethelKC.org
mailing: P.O. Box 171800 . Kansas City, KS 66117
fax: 913.281.1448

February 18, 2016

ATTENDANCE LIST for Special Permit Meeting: #SP-2016-13 -

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte) Text

Comes now Tommy L Nunn, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition ##SP-2016-13 -
2. That I conducted a neighborhood meeting on January 25, 2016.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

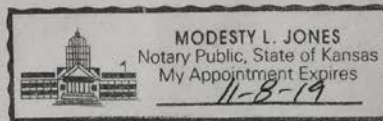
Further affiant saith not.

Tommy L Nunn
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of January, 2016.

My commission expires 8th of November, 2019.

Modesty L. Jones
Notary Public



The New Be⁺thel Church

January 26, 2016

Application Number: #SP-2016-13 -

Date and Location: January 25, 2016, 435 Walker Avenue, KS, KS 66101

Meeting called to order at: 6:00p.m.

Names of people in attendance: 0 Guest, 1 (Host Tommy L. Nunn)

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: Minutes taken by: Tommy L. Nunn

Respectfully submitted by:


Vonzel D Sawyer





The New Bethel Church

Date: January 12, 2016

Name: Hazel Easterwood
Address: PO Box 171732
City/State/Zip: Kansas City, KS 66117

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP-15402-00083. The purpose of this:

(please use all that applies)

- change of zone
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The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

A. Glenn Grady, Pastor
Bethel 745 Walker Ave., Kansas City, KS 66101
Tel: 913.261.1113

IT'S A *New*
DAY AT *Bethel*

www.NewBethelKC.org
mailing: PO Box 17300, Kansas City, KS 66117
fax: 913.261.1113



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-15

GENERAL INFORMATION

Applicant:
Willie Fields Jr.

Status of Applicant:
Representative
Silvur Dolla Enterprise LLC
5716 NE Maybrook Road
Lee's Summit, MO 64034

Requested Action:
Renewal of Special Use
Permit for live
entertainment at 16 N
James, off- site parking of
2, 4 and 16 North James
and an expansion to 12
North James including parking for 12 North James



Date of Application:
October 24, 2014

Purpose:
To operate a drinking establishment/restaurant (50% food) with live entertainment

Property Location: 2, 4, 12 and 16 North James Street

Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Existing Uses: **North:** Industrial building and uses
South: Industrial building and uses
East: Industrial building and uses
West: Industrial building and uses

Total Tract Size: .21 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Employment.

Major Street Plan: The City-Wide Master Plan classifies James Street as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting; one person appeared in support.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Willie Fields Jr. wants a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50%) food with live entertainment. He also has provided parking agreements with adjoining property owners that provide sufficient code required parking. Those agreements will be approved as part of this application. This action, if approved will combine all previous special use permits into one for the drinking establishment, live entertainment, and parking.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This is an older industrial area with several deteriorating buildings along with several trucking oriented businesses.

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

The zoning and their uses of properties nearby are set out above. This facility is seeking its special use permit renewal for a drinking establishment/restaurant with live entertainment. If it turns out to be a night club, these same impacts could lead one to believe the uses would not be compatible.

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

The building has been configured to be a restaurant amongst other uses. There have been various uses in this building in the past that have been detrimental, but the proposed use should not cause any of those issues.

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

The property is not vacant, although a variety of uses have occupied the facility over the last 9 years.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will increase the amount of vehicular traffic along North James Street. Fortunately, there is a parking lot in the rear, behind that building and available through the parking agreements that can support the required amount of parking for the business.

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

The proposed use is not reasonably necessary to the public. It is unlikely that the proposed use will cause permanent injury to adjacent properties.

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

There have been issues in the past, but the applicant should address off-site clean-up after live entertainment events.

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

This is not an issue.

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

This is not an issue.

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

There is little or no gain to the public health, safety and welfare. There is always concern that the restaurant will deteriorate into a night club as it has in the past. The murder inside the building under a past operator is of grave concern.

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

Popular restaurants and night clubs have the potential to draw a crowd to an area. Again, there is always concern that there could be a very large unruly crowd in and/or around this establishment.

PREVIOUS ACTIONS

This is a renewal of previous special use permits (#SP-2014-81 and #SP-2013-48). This action will combine these two permits into one.

KEY ISSUES

Urban Planning and Land Use Comments

1. Parking Agreements – the agreements have been reviewed by staff and are available upon request.
2. Term of permit – the facility took nearly the entire previous approval period to comply with the previous stipulations. It seems reasonable to renew that initial trial period of one year at this time.
3. Security Cameras – all cameras must remain operational and video must be retained for 30 days and made available to police within 48 hours of any request.

NEIGHBORHOOD MEETING

There were no issues from the neighborhood meeting.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-15, subject to:

Urban Planning and Land Use Comments: (See Applicant response letter attached)

1. Please update staff how on and off-site outdoor clean-up will be addressed.
2. Please describe security, both on and off-site and how your security plan complies with all relevant City Codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control. Are there any changes from previous plans?
3. Five (5) different parking agreements have been provided.
4. All paving previously approved is complete
5. All previously required property transactions are now complete
6. Although a renewal, it should be reiterated that this application is for the buildings at 12 and 16 North James Street and includes only the first and second floors of the stated addresses. The third floor (the half story above the second floor) and basement are to remain blocked and unused at all times as there is insufficient parking for the additional floor area. Further, the third floor has not been inspected for use by Fire or Building Inspection.
7. The applicant opened briefly at Christmas 2015 without proper approvals.

For this location to remain open without an additional special use permit for alcohol, the sale of food (only food – cover charges, etc. are not included) must exceed the sale of alcohol. The applicant should be prepared to provide an annual accounting of this to the Planning Commission secretary. This special use permit, if approved, will automatically terminate if this report is not received by the end of the 13th month after approval and if the report does not indicate the sale of food exceeds the sale of alcohol. To be clear the only two components of the calculation are actual food and alcohol sales. Cover charges, including cover charges that include food, cannot be part of the calculation.

If approved, alcohol may only be served until 2:00 a.m.

This location has been trouble for KCK every time it has opened, however briefly, each time. From murder to a swinger's club on the third floor that was supposed to be sealed off, this location appears to attract a bad crowd. It does not seem prudent to risk having to potentially commit significant extra police at this location at the detriment of security in the remainder of the eastern portion of the City. These concerns are legitimate public health, safety and welfare concerns.

A Special Use Permit may be revoked by the Board of Commissioners if trouble arises or if the stipulations are not met. This permit shall be void if at any time parking falls below the number of spaces required by the code.

Public Works Comments:

No comments.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2016-15 for 1 year** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Aerial photography
Applicant's response letter

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT: **Robin H Richardson** **rrichardson@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2016-15** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-15**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-15 – WILLIE FIELDS JR./SILVUR DOLLA ENTERPRISE LLC - SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-81) for live entertainment at 16 North James Street with an expansion to 12 North James Street and Renewal of a Special Use Permit (#SP-2013-48) for parking at 2, 4 and 12 North James Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 14, 2016;
7. The Notices to property owners dated January 12, 2016;
8. The packet submitted by the applicant today and distributed to the Commission this evening.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.) Planning Commissioner Connelly stated that Mr. Fields called him last week and asked how he could get the additional packet to the Commission.

Mr. John Ivan, attorney representing the applicant, appeared in support of this application. Mr. Willie Fields, applicant, was also present. Mr. Ivan stated that they are present requesting renewal of the special use permits.

Chairman Huey asked if he has seen the stipulations and comments in the staff report. Mr. Ivan stated that they saw the preliminary report but have not the final report. Mr. Fields responded at some length to the questions and concerns in the preliminary report. (Director Richardson gave the applicant's attorney a copy of the final staff

report.) Mr. Ivan stated that they need clarification as one of the items says that the sale of food (only food – cover charges, etc. are not included) must exceed the sale of alcohol. The applicant should be prepared to provide an annual accounting of this to the Planning Commission secretary. Mr. Ivan stated that they are aware of the first requirement and they do not have a problem submitting that annual report. In Wyandotte County you do not have to provide that information to the state of Kansas because of the food requirement for the State ABC license has been waived. It is common practice for Johnson County and he can advise Mr. Fields on how that can be accomplished between Mr. Fields and his CPA.

Planning Commissioner Gonzalez stated that the Commission received the additional information today but it does not say what the days of operation will be. Mr. Ivan stated they will be open six (6) days a week (they will be closed on Monday.) He stated that there may be a possibility on weekends that they may serve food later than 10:30 p.m. Mr. Gonzalez asked if weekends are Friday and Saturday or Friday through Sunday. Mr. Ivan stated that it will be six (6) days a week and they will be open until 2:00 a.m. He further stated that the ABC license requires that you cannot have alcohol on the table at 2:00 a.m. It has to all be cleared out prior to 2:00 a.m. There are a few places in Kansas that are open for food for two (2) or three (3) hours with all the liquor locked down. The thought was that people would not be driving if they had been drinking and would eat food. That is a difficult decision to make until you are up and operating and he is sure that it would be discussed with the city in advance.

Chairman Huey asked if he is saying that they will stay open past 2:00 a.m. without serving alcohol. Mr. Ivan stated that he is saying that it is lawful and it is done in some areas but that is not what is being proposed here.

Mr. Victor Rocha, retired attorney and judge from Kansas City, Missouri, appeared in support of this application. He stated that he represented a former employer of Mr. Fields who has retired to Tucson, Arizona and asked him to come and talk about Mr. Fields at the meeting. He stated that Mr. Fields worked for his friend for 10 to 12 years and never missed a day. He was a good Christian man and was married with children. He started as a workman and became a night supervisor until the business was sold. He stated that he lost track of Mr. Fields after the business was sold. He remembers that Mr. Fields designed and built an entertainment center for him and delivered it to him. That was the type of business they did. He stated that he knows that the last 4 or 5 years Mr. Fields has been very active in wanting to better himself and become a businessman. He read the staff report and the only thing that threw him was that it said that this location had problems every time it opened up. It looks like the property is being profiled. Chairman Huey stated that by no means is the property being profiled but the staff is reporting what has been reported through the Police Department. Mr. Rocha stated that the file he read says that he has fulfilled all the obligations for a liquor license, he has no record, and he thinks that Mr. Fields should be given a chance.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the staff comments and stipulations for one (1) year.

Planning Commissioner Connelly asked what it means to clean up the property on and off site. Planning Director Richardson stated that it means to clean up and down the street in front of the business. Given the capacity of this building, there will be people waiting to get in at different times and the crowd will likely if they are successful extend up and down the sidewalks on James Street and they need to pick up any trash related to their activities. They have the parking lot in the back (and it is a large area) and they have off-site parking agreements. They need to make sure everything gets cleaned up every evening.

Planning Commissioner Gonzalez asked if the days of operation (closed on Monday) are acceptable until 2:00 a.m. Planning Director Richardson stated that is fine; he assumed it was going to be seven (7) days a week. He stated that there are no residents around this location to be bothered by this operation.

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-15 for one (1) year:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments: (See Applicant response letter attached)

- 1. Please update staff how on and off-site outdoor clean-up will be addressed.**
- 2. Please describe security, both on and off-site and how your security plan complies with all relevant City Codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control. Are there any changes from previous plans?**
- 3. Five (5) different parking agreements have been provided.**
- 4. All paving previously approved is complete**
- 5. All previously required property transactions are now complete**
- 6. Although a renewal, it should be reiterated that this application is for the buildings at 12 and 16 North James Street and includes only the first and second floors of the stated addresses. The third floor (the half story above**

the second floor) and basement are to remain blocked and unused at all times as there is insufficient parking for the additional floor area. Further, the third floor has not been inspected for use by Fire or Building Inspection.

7. The applicant opened briefly at Christmas 2015 without proper approvals.

For this location to remain open without an additional special use permit for alcohol, the sale of food (only food – cover charges, etc. are not included) must exceed the sale of alcohol. The applicant should be prepared to provide an annual accounting of this to the Planning Commission secretary. This special use permit, if approved, will automatically terminate if this report is not received by the end of the 13th month after approval and if the report does not indicate the sale of food exceeds the sale of alcohol. To be clear the only two components of the calculation are actual food and alcohol sales. Cover charges, including cover charges that include food, cannot be part of the calculation.

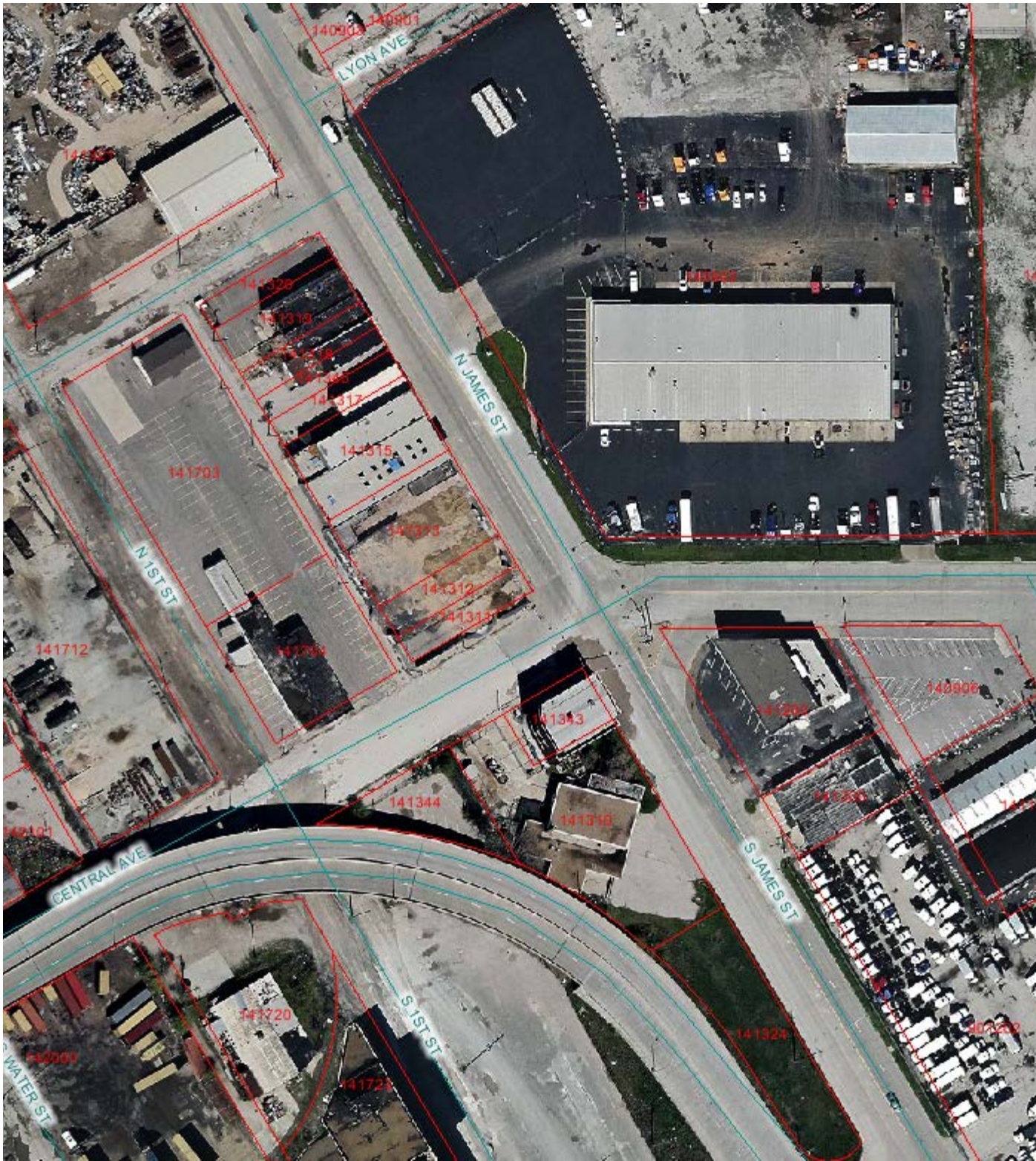
If approved, alcohol may only be served until 2:00 a.m.

This location has been trouble for KCK every time it has opened, however briefly, each time. From murder to a swinger's club on the third floor that was supposed to be sealed off, this location appears to attract a bad crowd. It does not seem prudent to risk having to potentially commit significant extra police at this location at the detriment of security in the remainder of the eastern portion of the City. These concerns are legitimate public health, safety and welfare concerns.

A Special Use Permit may be revoked by the Board of Commissioners if trouble arises or if the stipulations are not met. This permit shall be void if at any time parking falls below the number of spaces required by the code.

Public Works Comments:

No comments.



Urban Planning & Land Use
Attn: Rob Richardson and Janet parker
Municipal Office Building
701 N. 7th Street (3rd Floor)
Kansas City, KS 662010
rrichardson@wycokck.org

Re: Urban Planning and Land use

To Whom It May Concern:

This is a response to the Urban Planning and Land use comments. Please let me know if you need supplement information, as it will be provided to help with clarity.

Question #1: Please update staff how on and off-site outdoor cleanup will be addressed.

The security personnel that we hire each night to maintain safety and cleanliness of the property will clean up the trash. On most nights there are 5 or more security personal that will make rounds on the exterior of the building picking up trash. Moreover, the security personnel located at the exits of the building are trained and instructed to remove any trash (i.e. drinks, etc.) from anyone who is leaving the facility.

As a failsafe, the manager of the building who is the last one to leave will take a final walkthrough of the parking lot and the off-site areas to make sure that there isn't any trash present.

The restaurant in the building will be open 6 days a week. Here, before every shift, the shift manager will assign as side work to one of the employees to look at the exterior of the building for any trash.

Wave takes great pride in the exterior of the building. We painted the exterior, put a new sign up and placed new decals onto the building to help the exterior appeal of the building. Cleaning up trash is a priority because it reflects the integrity of our business. As such, we will constantly improve our methods in keeping the area clean.

Question #2: Please describe security, both on and off-site and how your security plan complies with all relevant city codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control.

We have installed 16 security cameras through the interior and exterior of the building. These security cameras will help us keep watch of any patrons in and outside of the facility. There is a designated individual who is watching the security cameras. This person has direct contact with the security personnel who are on duty for the night.

In addition there will be 2-4 Kansas City police officers working with the on duty security team. These police officers are well trained in security, crowd control, and safety.

Further, the head of security has been in security for nearly 10 years. He has worked in various restaurants and bars and has a lot of experience in the same type of venues.

Everyone is carded before they come into the club in order to make sure people are of the correct age. There is a camera watching everyone who comes in and outside of the bar. The police will be at the front of the facility.

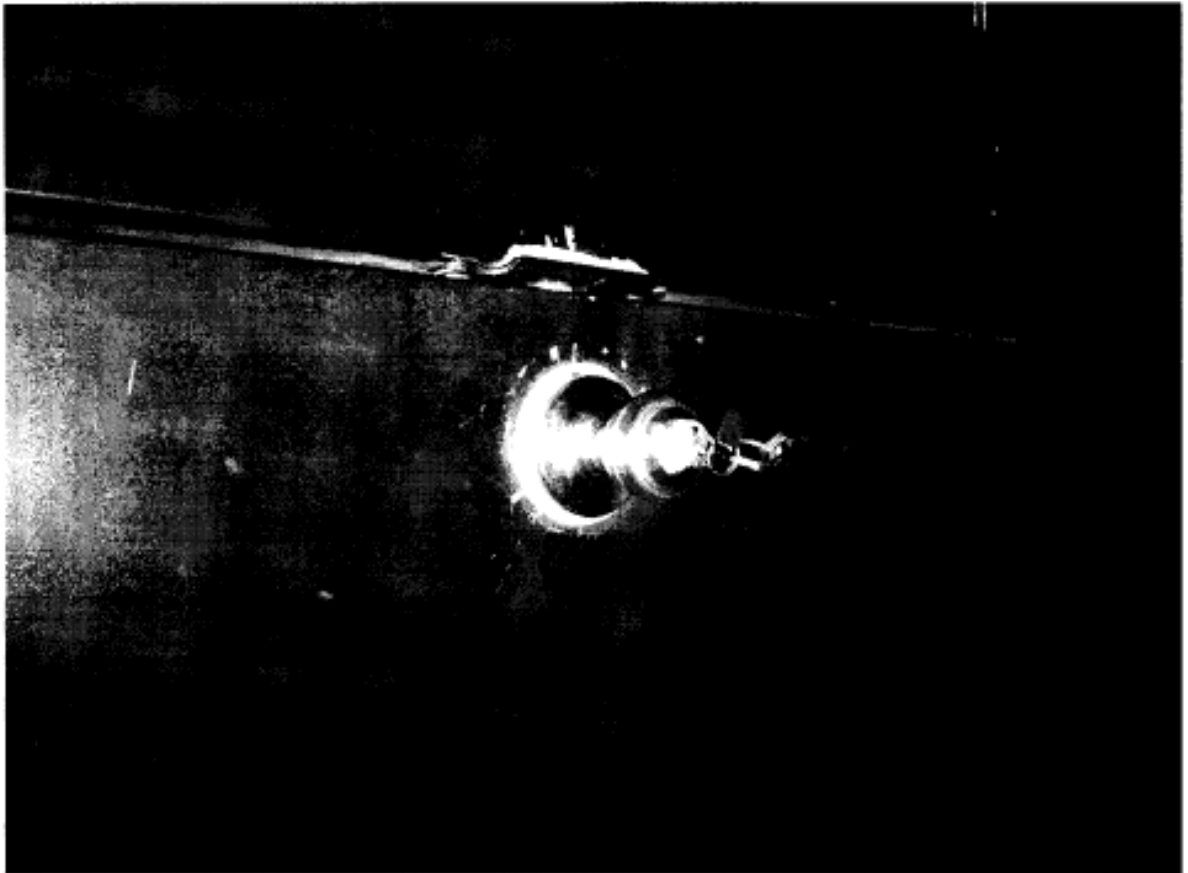
A strict dress code will be applied. This is important for the integrity of the business and for the safety of the patrons. Moreover, a metal detector is utilized to make sure that patrons do not bring any weapons into the facility.

There is a need for crowd control personnel both inside the building, outside the building, in the parking lot, and surrounding building to ensure patrons and traffic safety. Trained security personnel will provide this.

Question #4 All paving is previously approved is complete
More than 65,000 dollars has been spent on the parking lot to get it up to code and make sure there is adequate handicap parking to patrons. Moreover, placards have been placed for safety.

Question #6

The parking plans were provided previously by Dennis Bradley. Rob Richardson has agreed that there is sufficient parking for both 12N and 16N James Street. Further, 12 N has been approved by building inspection. We agree that the third floor will not be in use. Moreover, locks have been placed on the door. We have invited Rob Richardson to verify that locks are on the door. A picture of one the locks is provided below:



Question #7 This location opened up briefly at Christmas without proper approvals. Applicant should be prepared to provide an annual accounting of this to the Planning Commission secretary. Alcohol may only be served until 2:00a.m.

We thought we had the necessary approval to be open. The way that the special use permits were put in place was very confusing. There were two special use permits; one had expired (unbeknownst to us). The first time that we heard that the special use permit had expired was on New Years Eve. This is after talking to urban development nearly daily for an entire year.

We agree that alcohol may only be served until 2:00am. The security at the bar has been told and will be properly monitored to ensure the same.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-16

GENERAL INFORMATION

Applicant:
Terry Alcorn and Gloria Doyens

Status of Applicant:
Owner
4403 Leavenworth Rd.
Kansas City, KS 66104

Requested Action:
Special Use Permit

Date of Application:
December 23, 2015

Purpose:
Special Use Permit for the
temporary use of land for a storage
container.

Property Location:
4415 Leavenworth Rd.

Existing Zoning:
R-1 Single Family District



SP 2016-16



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

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

Total Tract Size: 4.7 acres

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

Major Street Plan: This section of Leavenworth Rd is a residential street

Advertisement: The Wyandotte Echo – January 14, 2016
 Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Terry Alcorn and Gloria Doyens are requesting a Special Use Permit for the temporary use of land for a storage container on an improved surface. The storage container is intended to store personal during home renovations.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature.

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

The surrounding properties are residential in nature as well. The majority of the residential lots have been developed. While not strictly compatible with nearby properties, the large nature of the applicants' lot, the proposed location of the storage container, and the temporary nature of its use would ameliorate some of the incompatibility. Additional screening and maintenance of the area surrounding the storage container would further reduce the incompatibility.

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

Due to the large size of the applicants' property, the removal of the restrictions will most likely not detrimentally affect nearby property.

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

The property is not vacant. It is the home of the applicants.

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

The Master Plan designates this property as Low Density Residential. The proposed use does not change the Master Plan designation.

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

The proposed use will not result in an increase of vehicular traffic to where it exceeds capacity.

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

The proposed use as proposed will not permanently injure the appropriate use, visual quality or marketability of adjoining property.

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

Noise, vibration, dust, or illumination will not create problems for near-by property.

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

The proposed use will not pollute the water.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

There is a minimal gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 23, 2016 with four (4) persons in attendance (Minutes Attached.)

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-16, subject to:

Urban Planning and Land Use Comments:

1. **Structural integrity:** Current submitted photos do not provide clear information on how the storage container is secured to the ground, nor the exact details of what kind of improved surface the storage container sits on. Please provide additional detail and information.

Applicant has provided information about siding and has indicated that the container is unsecured to the ground but rests on gravel.

Staff recommends securing the container to the ground.

2. **Length of proposed use:** Please provide a proposed timeline of how long the storage container is to be used and what the plans for removal of the storage container are after its use.

Applicant has indicated that they will only use the container for as long as the permit that is granted.

3. **Outside appearance:** Please indicate if anything will be stored outside of the storage container. Current photos show at least three boats. Are those to remain in place? Will there be anything else stored around the storage container? Additionally the email (1/13/2016) indicates that a hedge will be planted. Is the hedge for the purpose of screening? If so, where will the hedge be planted and how high/long will it be?

Based on applicant's response, staff recommends that if approved, applicant should be required to screen the container.

4. **Health and Safety:** Please indicate if there are any materials to be stored inside the storage container that would either be: a) dangerous or harmful to persons or the environment, or b) attract pests or otherwise create a nuisance. Also, please indicate if the storage container will be locked.

Applicant has indicated that only non-hazardous household materials will be stored in the container on a temporary basis.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-16 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Zoning Map
Vicinity Map
Current photos of storage container
Email from applicant
Answers to comments
Applicant meeting information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2014 Approval	February 25, 2014

STAFF CONTACT: Zach Tusinger ztusinger@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-16 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-16**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-16 – TERRY ALCORN - SYNOPSIS:

Special Use Permit for the Temporary Use of Land for a storage container at 4415 Leavenworth Road

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 14, 2016;
7. The Notices to property owners dated January 12, 2016.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Terry Alcorn, applicant, 4403 Leavenworth Road, Kansas City, Kansas, appeared in support of this application. He stated that they would like to have a storage container for the next couple of years so they can clean out their rental houses and store the items in the storage container. Mrs. Alcorn stated that they have the container already; when they made inquiries on working on the houses, they were told there was no problem so they purchased the container. She stated that when they applied for the special use permit they were told that it would be for two (2) years and the staff report recommends approval for six (6) months. She stated that six (6) months will not cut it as they work full time and this is a night and weekend project. During this time the city is going to be working on Leavenworth Road in front of this house. In the past when there has been construction in their area, they have let the workers park on their lot and they will probably do that again. They have spoken to most of their neighbors and they have no concerns whatsoever and one neighbor asked what container. It is a freshly painted container with no rust and in the summer it is mostly shielded by trees. Another thing staff recommended is that they secure it, which they can do but there are containers at Family Dollar on State Avenue and Auto Zone on Leavenworth Road that are on asphalt and not secured. It would be a financial and personal hardship for them to move this at this time. By the time they are

through remodeling there will be sidewalks on Leavenworth Road and everything will be beautiful.

Chairman Huey asked how long they propose to have the container at their house if six (6) months is not enough. Mrs. Alcorn stated that they were told originally that a special use permit was for two (2) years so that is what they were planning on. She stated that the container is leased and when the lease is up it will go away. They need to honor their lease.

Planning Commissioner Gonzalez stated that recently applicants have been before the Commission with containers and if he had any say so he would not have any containers on residential property in Wyandotte County. He stated that he understands their situation and what they want to do. He asked if a one (1) year lease for the container is allowed with the company they are leasing from. Mr. Alcorn stated yes. Mr. Gonzalez asked if they could agree to a two (2) year only special use permit. Mr. Alcorn stated that they could agree to that. Mr. Gonzalez asked if they could agree to a one (1) year permit. Mr. Alcorn stated that a one (1) year permit would be pushing it as there is a lot of work to be done on these houses. They have been improving the property ever since they have been there including covering up part of the landfill that was on the lot. Two (2) years would give them ample time to get it done and have the container removed. Mr. Gonzalez asked where they held their neighborhood meeting. Mr. Alcorn stated at the Leavenworth Road Association. However, they sent out the notices with the information provided by the county and they have the wrong address for the Leavenworth Road Association which has been 6100 Leavenworth Road for the past 12 years and not 6000 Leavenworth Road. He stated that he went to 6000 Leavenworth Road the day of the meeting and waited and also made a sign that said the meeting was down the street. There was one (1) neighbor that came to the meeting and they talked to surrounding neighbors and did not receive any complaints about the container. He stated that they have talked to some of the Leavenworth Road Association people and will be going to a meeting tomorrow; they have not met with any opposition.

Planning Commissioner Schwartzman asked how long they have had the container. Mr. Alcorn stated since August; Mrs. Alcorn stated that she believes that they go it closer to November but would have to look it up. Mr. Schwartzman stated that with regard to the tie-down, he lives on 100th Street in the area where a tornado went through 14 years ago and things were flying all around. He would suggest that they get some anchors or something on it. Mr. Alcorn stated that they can do that.

Planning Director Richardson asked when the lease expires for the container. Mr. Alcorn stated that if they got it in November it would be November of this year but they also have a second year option. Chairman Huey stated that she would suggest that they find the exact dates for the Board of Commissioners meeting and also get the information to staff tomorrow.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff has been recommending approval for six (6) months for temporary construction but he would not recommend approval beyond November of 2017 for this application.

Planning Commissioner Connelly asked if they need the entire two (2) years. Mrs. Alcorn stated yes, but they might get done sooner. Mr. Connelly stated that businesses that are building things get to have containers and they (the applicants) said that they are doing repairs. Planning Director Richardson stated that businesses are not in residential neighborhoods and he would prefer six (6) months and the motion has been made for 21 months which is through their (the applicants) two-year lease so they have an option to do this. It is not up to him at this point, that is the motion the Commission made. Chairman Huey stated that if you factor in that they have had the container since November of 2015, it will end up being two (2) years. Mr. Connelly stated that they are asking for two (2) years from today's date. Director Richardson stated that they are actually asking for two (2) years from two (2) months ago. Mr. Connelly stated that they are here today asking for the two (2) years. He wants to give them an ample amount of time to fix up their homes. Mr. Alcorn stated that November of 2017 would be adequate.

On motion by Mr. Gonzalez, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-16 until November of 2017:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. **Structural integrity:** Current submitted photos do not provide clear information on how the storage container is secured to the ground, nor the exact details of what kind of improved surface the storage container sits on. Please provide additional detail and information.

Applicant has provided information about siding and has indicated that the container is unsecured to the ground but rests on gravel.

Staff recommends securing the container to the ground.

2. **Length of proposed use:** Please provide a proposed timeline of how long the storage container is to be used and what the plans for removal of the storage container are after its use.

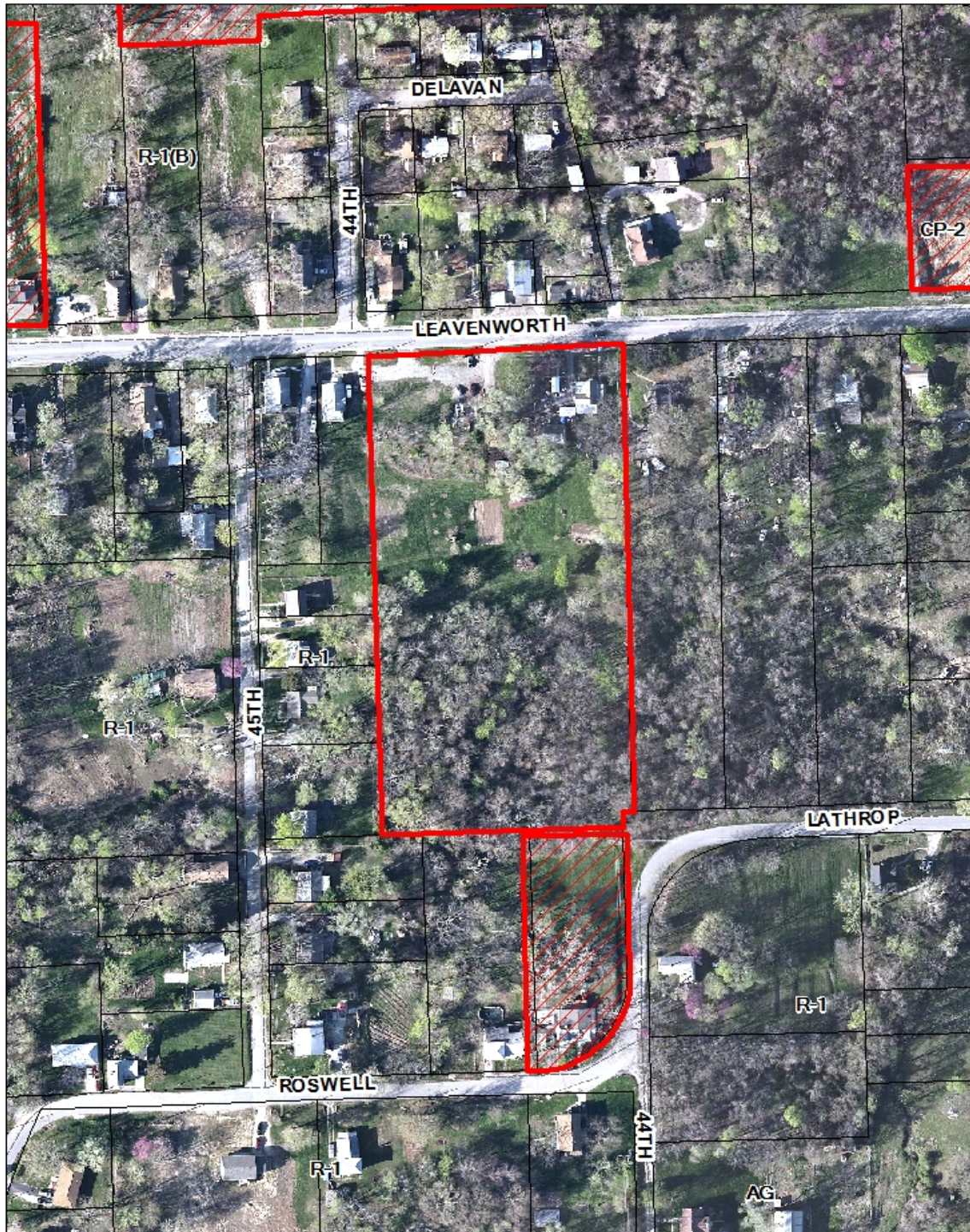
Applicant has indicated that they will only use the container for as long as the permit that is granted.

3. **Outside appearance:** Please indicate if anything will be stored outside of the storage container. Current photos show at least three boats. Are those to remain in place? Will there be anything else stored around the storage container? Additionally the email (1/13/2016) indicates that a hedge will be planted. Is the hedge for the purpose of screening? If so, where will the hedge be planted and how high/long will it be?

Based on applicant's response, staff recommends that if approved, applicant should be required to screen the container.

4. **Health and Safety:** Please indicate if there are any materials to be stored inside the storage container that would either be: a) dangerous or harmful to persons or the environment, or b) attract pests or otherwise create a nuisance. Also, please indicate if the storage container will be locked.

Applicant has indicated that only non-hazardous household materials will be stored in the container on a temporary basis.



SP 2016-16



NOT TO SCALE



SP 2016-16



NOT TO SCALE



From West property line



From across the street (northeast)



From the east



From street (northwest)



From the backyard (south

Additional Photos:



SP15402 - 00086 (Ref SP-2016-16)

1: Structural Integrity. We have provided more pictures of the container close up. It is not secured, except by its own weight. It weighs 4 tons empty and will have a couple tons of stuff in it. We could put some mobile home anchors on it, if needed. It is entirely steel. The entire area it sits on is rock, gravel, concrete chunks etc. There is an extra couple feet of crushed rock, sand, gravel that was put there to level the spot where the container sets.

2: Length of proposed use. We will keep the container for the time the permit allows. It is leased, we do not own it. The company we leased it from brought it to us and they will take it away.

3: Outside appearance. The boats outside the container belong to us and are licensed and registered. The pontoon has a slip at Wyandotte Co lake, but has to ^{be} out for the winter, while the park is closed. The 2 small boats and trailers are always parked on the improved surface when not being used, one of the reasons we have 5 acres. The hedge I mentioned in my email was for after the side walk is done – not for now. We could plant some fast growing decorative grasses in front of the container if needed. The area is very rocky – don't know how well something would grow.

4: Health and Safety. There will only be household dry goods and remodeling materials in the container. The container has 2 locks on it now and can have 2 more if needed.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF WYCO) ss:

Comes now Gloria Dayens, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-15402-00086 (Ref SP-2016-16)
2. That I conducted a neighborhood meeting on Jan 23, 2016.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of Jan, 2016.

My commission expires Sep of 01, 2019.

MISAEEL REYES
Notary Public-State of Kansas
My Appt. Expires 9/01/19


Notary Public

MINUTES

App # SP-15402-00086 (Ref: SP-2016-16)

1-23-2016 LRA Office 6100 Leavenworth Rd KCKS

Meeting called to order 4:10 PM 6 attending

Terry Alcorn told attendees that we are submitting an application for a special use permit to have a storage container on our property while we work on our houses. The container is leased and will be removed when the permit time is done. Terry noted that there will be road construction going on some of the time the container will be there and other construction equipment will be parked on the lot. Terry asked if there were any questions or concerns.

Dave Barton asked why the County is making us go through this process. Terry and Gloria answered; We're not entirely sure, but apparently this type of container is not normally allowed on private property. Everyone had a story about themselves or someone they knew that had gone through something similar.

Note to the County. Leavenworth Rd Assoc. is at 6100 Leavenworth Rd. The LRA director said they had the same issue when Advance Auto had their meeting. We posted someone at the 6000 address to direct people to the correct place.

Meeting was adjourned at 4:30PM

Minutes taken by Gloria Doyens

IVERLAND PARK, KANSAS

Special Use Permit Info ~~0000~~ mty

- ① Glenn Dapns
- ② Terry Dleorn
- ③ Russell ~~how~~
- ④ ~~Demetrius~~
- ⑤ Lou Braswell
- ⑥ David D. Barten
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Jan 11, 2016

Greetings Neighbor...

We have filed an application with the Department of Urban Planning and Land Use, #SP-15402-00086. The purpose of this Special Use Permit is for a storage container on our lot, west of 4415 Leavenworth Rd.

We are having a neighborhood meeting on Sat. Jan. 23rd at 4PM at the Leavenworth Rd Assoc. meeting space at 6000 Leavenworth Rd Kansas City, KS Rm H. The purpose of this meeting is to explain the proposal and to answer any questions or concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact us and we will answer any questions you may have. Thanks in advance for your help with this matter.

Sincerely,

Terry W Alcorn 913-558-1679 terry55alcorn@gmail.com

Gloria R Doyens 816-509-7698 glorfindal34@gmail.com

4403 Leavenworth Rd Kansas City, KS 66104

Greetings Neighbor...

We have filed an application with the Department of Urban Planning and Land Use, #SP-15402-00086. The purpose of this Special Use Permit is for a storage container on our lot, west of 4415 Leavenworth Rd.

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We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact us and we will answer any questions you may have. Thanks in advance for your help with this matter.

Sincerely,

Terry W Alcorn 913-558-1679 terry55alcorn@gmail.com

Gloria R Doyens 816-509-7698 glorfindal34@gmail.com

4403 Leavenworth Rd Kansas City, KS 66104



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-17

GENERAL INFORMATION

Applicant:
Kelly Fountain

Status of Applicant:
Owner
3440 North 131st Street
Kansas City, KS 66109

Requested Action:
Renewal of a Special Use Permit

Date of Application:
December 28, 2015

Purpose:
To operate a kennel for ten (10) dogs

Property Location:
3440 North 131st Street

Existing Zoning:
R Rural Residential District (WYCO)



Existing Surrounding Zoning: **North:** A-G Agriculture District
South: R Rural Residential District (WYCO)
East: R-1 Single Family District
West: A-G Agriculture District (WYCO)

Existing Uses: **North:** Large lot single family home
South: Large lot single family home
East: Large lot single family home
West: Large lot, agricultural acreage

Total Tract Size: 7.92 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Suburban Residential District

Major Street Plan: The City-Wide Master Plan North 131st Street is classifies 131st Street as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kelly Fountain wants to operate a residential boarding kennel at her residence, 3440 North 131st Street. The boarding facility has a maximum of ten (10) dogs at one time. The dogs will be kept in an accessory building on the 7.92 acre property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is relatively rural in nature.

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

The zoning and their uses of properties nearby are set out above. The proposed use, if properly managed and maintained should not pose compatibility issues.

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

Given the location of the property and its proximity to adjacent residences, the removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The driveway is very deep off North 131st Street. There is adequate space for vehicles to park, pick up their dog and drive away without much issue. The applicant has indicated that drop-off and pick-up will be by appointment only. The proposed use should not permanently injure the appropriate use, visual quality or marketability of adjoining property.

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

The noise that would be normally associated with such use is of such duration and intensity that it should not create problems for near-by property.

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

If the applicant properly minimizes the urine odor and disposes the feces, the proposed use will not pollute the air, land or water.

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

This is not an issue.

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

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

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

If the outdoor dog run is large enough, the proposed use will not result in overcrowding on the property.

PREVIOUS ACTIONS

Approval of SP-2013-62 for same use in 2014

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Saturday, January 23, 2016. According to the applicant, nobody attended. Applicant indicated that there were two (2) responses in favor of approval from two (2) persons not in attendance (Attached.)

KEY ISSUES

Noise
Waste Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-17, subject to:

Urban Planning and Land Use:

1. Subject to approval, this permit is valid for five (5) years.
2. Could you provide photographs of the kennels and any other relevant areas the dogs occupy?

Applicant Response: See attached photos.

3. If approved a business license would be required as it is a business use rather than personal.

Applicant Response: Occupation Tax Receipt attached

4. How many people do you have on your staff?

Applicant Response: Daughter volunteers as needed.

5. Could you provide diagrams/drawing of the buildings/lands that are used in your operation?

Applicant Response: See attached layout drawing

6. Have there been any issues with dogs escaping? If one were to get out what would your course of action be?

Applicant Response: No issues to date. Outside runs are 6 feet tall and covered. Inside doors closed when animals are being removed to prevent escape. Dogs supervised while in yard. Fencing checked regularly. Dogs at risk to attempt escape are kept on a leash when not in a run. Would follow, catch and return if one got out.

7. What is your plan for managing the clean-up and disposal of dog waste as well as taking care of odors from urine?

Applicant Response: Solid waste collected daily, bagged and thrown away. Urine cleaned with a disinfectant as needed (sometimes more than once per day). Dogs kept inside at all times at request of owner are given potty pads which are removed as needed. No problems with smell to date.

8. Could you provide any updates schedule of daily operations as well as facility standards and capability (heating/air conditioning, size, lights, etc.)?

Applicant Response: See attached Response Letter

Conclusion:

1. Subject to approval, this permit is valid for five (5) years.
2. All other documentation (Business License, etc.) required to operate this business is kept up-to-date for the duration of this permit.
3. If there are any significant issues the permit is subject to review and revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2016-17** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Application Letter
Applicant Response Letter
Photographs of Property
Drawing of Layout
Occupation Tax Receipt
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT: **Kyle Kobe** kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-17** to the as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-17**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-17 – KELLY FOUNTAIN –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-62) for a kennel for ten (10) dogs at 3440 North 131st Street

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use:

1. Subject to approval, this permit is valid for five (5) years.
2. Could you provide photographs of the kennels and any other relevant areas the dogs occupy?

Applicant Response: See attached photos.

3. If approved a business license would be required as it is a business use rather than personal.

Applicant Response: Occupation Tax Receipt attached

4. How many people do you have on your staff?

Applicant Response: Daughter volunteers as needed.

5. Could you provide diagrams/drawing of the buildings/lands that are used in your operation?

Applicant Response: See attached layout drawing

6. Have there been any issues with dogs escaping? If one were to get out what would your course of action be?

Applicant Response: No issues to date. Outside runs are 6 feet tall and covered. Inside doors closed when animals are being removed to prevent escape. Dogs supervised while in yard. Fencing checked regularly. Dogs at risk to attempt escape are kept on a leash when not in a run. Would follow, catch and return if one got out.

7. What is your plan for managing the clean-up and disposal of dog waste as well as taking care of odors from urine?

Applicant Response: Solid waste collected daily, bagged and thrown away. Urine cleaned with a disinfectant as needed (sometimes more than once per day). Dogs kept inside at all times at request of owner are given potty pads which are removed as needed. No problems with smell to date.

8. Could you provide any updates schedule of daily operations as well as facility standards and capability (heating/air conditioning, size, lights, etc.)?

Applicant Response: See attached Response Letter

Conclusion:

1. Subject to approval, this permit is valid for five (5) years.

2. All other documentation (Business License, etc.) required to operate this business is kept up-to-date for the duration of this permit.
3. If there are any significant issues the permit is subject to review and revocation.

Special Use Permit
Kelly Fountain
3440 N 131st St
Kansas City, Kansas

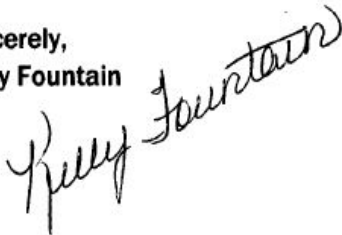
I am asking that the special use permit that I have currently be extended for the next five years. During the past two years I have been running a residential boarding kennel at the address shown above. After two years I have found this to be an ideal location for such a business.

The business maintains between 30 and 70% capacity on a regular basis with a 100% capacity during holidays. The business continues to grow with a very high customer satisfaction level. This lets me know that there is a need in this area for the boarding services which I provide.

I have been maintaining the schedule for cleaning, feeding, and hours of operation that I set forth in my original application. Customers drop off and pick up their pets by appointment. In talking with my neighbors I have been assured that my business does not have any impact on them what so ever.

I am more than happy to address any questions that you may have in regards to the operation of the kennels. I have attached a copy of my original letter of application.

Sincerely,
Kelly Fountain

A handwritten signature in cursive script that reads "Kelly Fountain". The signature is written in black ink and is positioned to the right of the typed name "Kelly Fountain".

Kelly Fountain
3440 N 131st St
Kansas City, Ks. 66109

January 25, 2016

To The City Planning Commission:

This letter is to address the questions put forth in regards to Special Use Permit Application #SP-2016-17 for the renewal of a permit to operate a 10 dog boarding kennel.

You will find attached pictures of the kennel area, a copy of my business license, and a diagram of the area used by the dogs.

Question #1 Could you provide photographs of the kennels and any other relevant areas the dogs occupy?

Answer: See attached

Question #2 If approved a business license would be required as it is a business use rather than personal

Answer: See attached

Question #3 How many people do you have on your staff?

Answer: Currently my daughter helps me out as needed in a volunteer capacity.

Question #4 Could you provide diagrams/drawing of the buildings/lands that are used in your operation?

Answer: See attached

Question #5 Have there been any issues with dogs escaping? If one were to escape what would your course of action be?

Answer: To date there have been no escapes. The outside runs (which are 6' tall are covered to prevent escape. The inside doors are closed when animals are being removed from their runs to prevent escape. The dogs are supervised when having free play time in the yard, and the fencing is checked for security on a regular basis to prevent escape. If a dog is considered a flight risk that dog is kept on a leash when not in a run. In the event that a dog would escape I would follow the dog, catch him/her and return them to their run.

Question #6 what is your plan for managing the clean-up and disposal of dog waste as well as taking care of odors from urine.

Answer: Solid waste is collected on a daily basis, bagged and thrown away. Urine is cleaned with a disinfectant on an as needed basis (depending on the dog sometimes multiple times a day. Toy breeds

whose pet parents want them kept indoors at all times are given potty-pads which are picked up and thrown away as they are soiled. To date we have not had a problem with the smell of feces or urine.

Question # 7 Could you provide an updated schedule of daily operations as well as facility standards and capability (heating/air conditioning, size, lights, etc.)

Answer: The facility is heated and air conditioned it is kept about 68 degrees in the winter and about 75 degrees during the summer.

There are 9 runs in the kennel room, 4 are 5'x6', 4 are 3'x6', and 1 is 4'x6'. Large breed dogs are kept in the larger runs and toy or small breed dogs are kept in the smaller runs. The larger runs have doors that allow access to outside runs that are 5'x10'. The smaller runs have corresponding outdoor runs that are 4'x10'. When the kennels are not full all dogs are kept in the larger runs. Each run has a cot with a blanket provided.

The dogs are fed at 7am and 7pm. Any medications that are needed are given at the same time.

The dogs are allowed outdoor time for about 10 minutes every few hours. In the morning and the afternoon weather permitting the dogs are given extended supervised play time alone or in a group depending on pet parent preference and temperament. When the weather does not permit extended outside time the dogs are allowed indoor play time.

The kennels are cleaned and sanitized every morning, and in event of an accident as needed throughout the day. Each cot is cleaned and sanitized between guests, or as needed during a dogs stay.

Fresh water is provided as needed throughout the day. The dishes used by the dogs are cleaned daily.

Pet parents are allowed to drop off their dogs any times between 7am and 7pm every day. They are required to let me know in advance when they will be coming. Every pet parent must provide written proof from their veterinarian of current and complete vaccinations. Pet parents are also required to provide food for their pets. Each dog is provided with a tote for personal belongings/food during their stay.

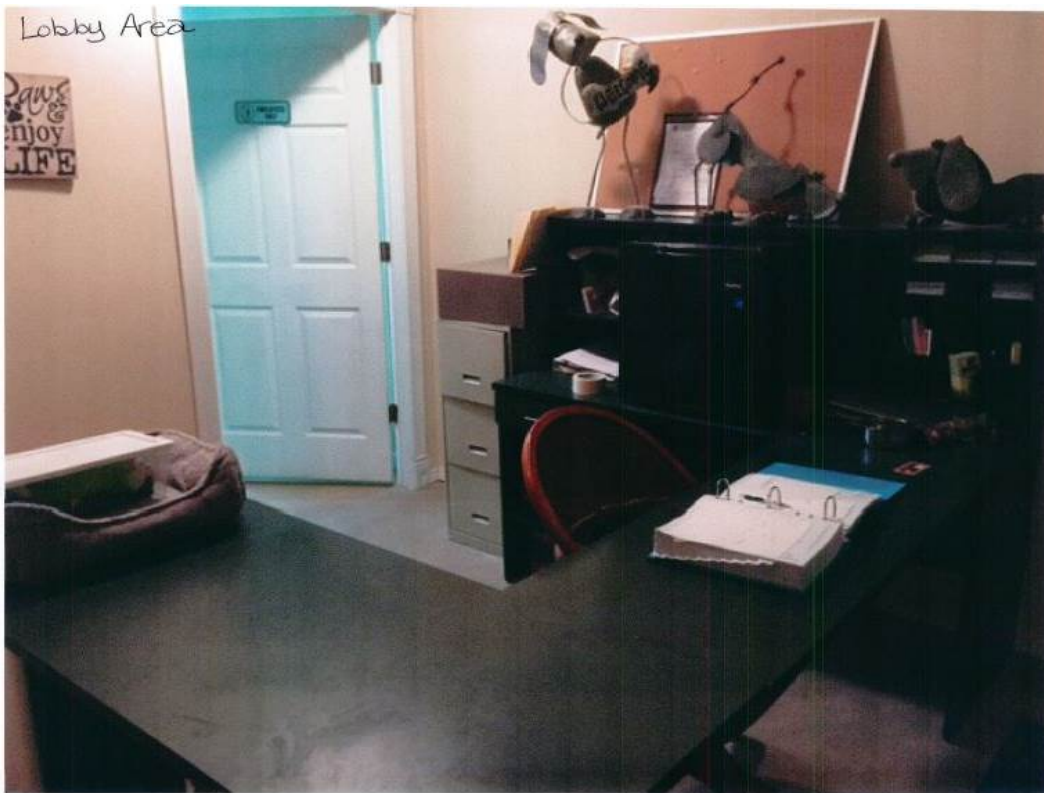
I hope that I have provided the information that you need.

Sincerely,


Kelly Fountain



(Photo provided by Applicant)



(Photo provided by Applicant)



(Photo provided by Applicant)



(Photo provided by Applicant)

Small (3x6) runs
Kennel Room



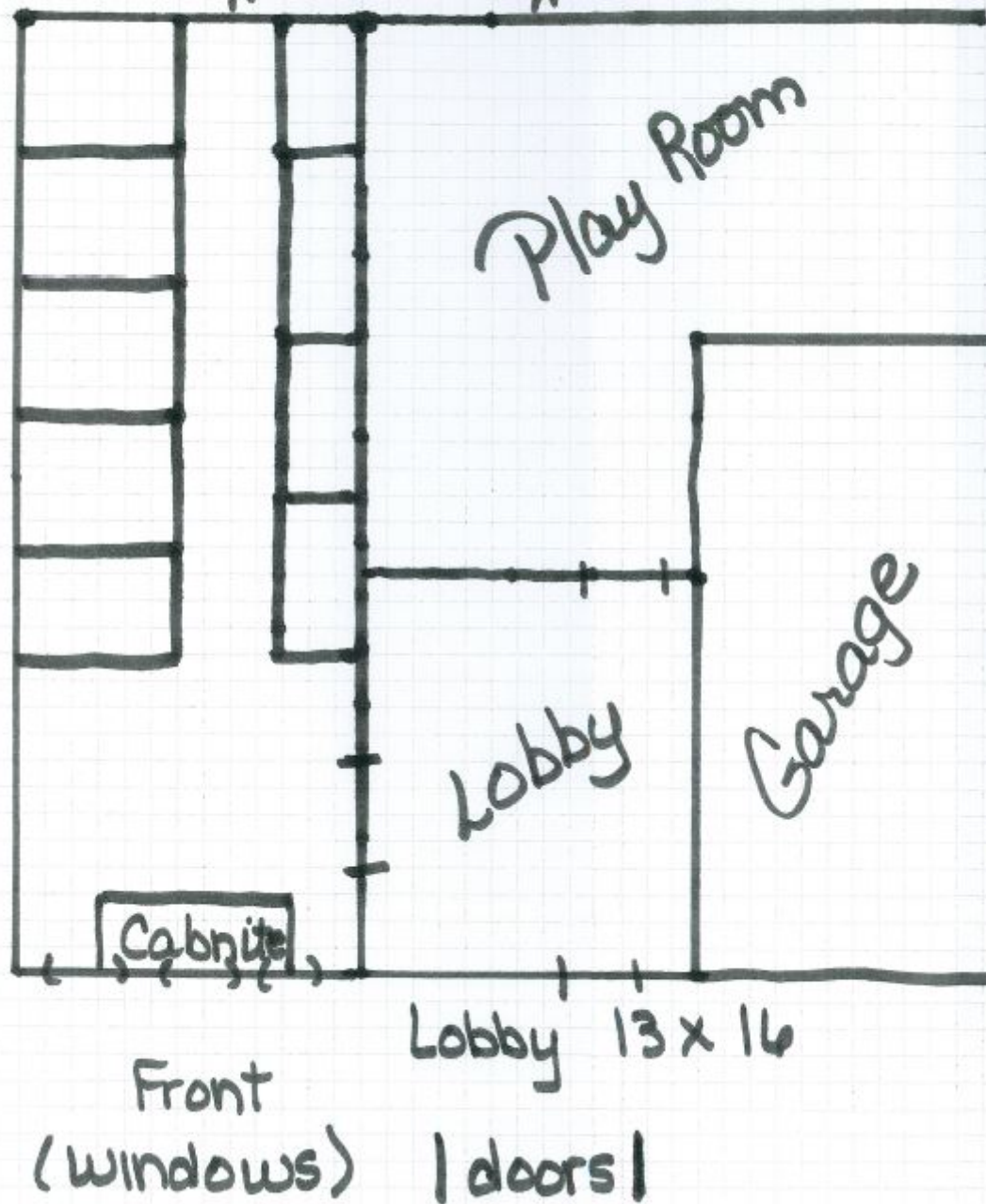
(Photo provided by Applicant)



Outside Runs & Yard

(Photo provided by Applicant)

Kennel Room 13 x 35
Each Square = 1 sq. ft.



(Photo provided by Applicant)

**BUSINESS LICENSE DIVISION**

Neighborhood Resource Center

Unified Government of Wyandotte County/Kansas City, Kansas

4053 State Ave. Kansas City, Kansas 66102

p. (913) 573-8780 | f. (913) 573-8622 | www.wycokck.org/businesslicense**2016
Occupation Tax Receipt**

Mailing Address

KELLY FOUNTAIN
3440 N 131ST ST
KANSAS CITY, KS 66109Date Receipt Issued: **12/17/2015**

This certifies that

KELLY FOUNTAIN
3440 N 131ST ST
KANSAS CITY, KS 66109

has paid the Unified Government Occupation Tax for the privilege of conducting the business of

BOARDING KENNELin the City of Kansas City, Kansas. The Occupation Tax expires on: **12/31/2016**The tax paid on **12/17/2015** was **\$101.00**License # **14980-00023**Phillip E. Henderson
License AdministratorTHE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE
BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES.THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS.
NO REFUNDS AVAILABLE.

BLExtRcpt.rpt

License #: 14980-00023

Date Printed: 12/31/2015

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Ks.)
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition # SP-2016-17
2. That I conducted a neighborhood meeting on Sat Jan. 23, 2016
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Kelly Fountain
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of Jan, 2006

My commission expires 1st of Mar., 2007



Amy Wilcox
Notary Public

Minutes to meeting regarding SP-2016-17

January 23, 2016

Time: 2pm

Names of people in attendance: None

Introductions:

The plan for this meeting was to give those not familiar with my set up a tour of the facility.

I was planning on using the questions posed by Urban Planning as a format of the how and why I do things.

The floor would be open to any questions not answered with the brief presentation.

Two of the neighbors responded to the letter sent:

Terry and Marilyn Theiss called on January 12 to let me know that they would be in Spain at the time of the meeting but that they thought that everything was good about the kennels as far as they were concerned.

Don and Paula Van Brunt planned on coming to the meeting but were unable to attend at the last minute. They too stated that as a neighbor and a customer they thought all was well.

None of the other people sent letters responded in any way.

Kelly Fountain

James, Jasper, & Bernice Wigglesworth
5637 Cherokee Cir.
Fairway, Ks 66109

Kelly Fountain
3440 N 131st St
Kansas City, Ks 66109

January 10, 2016

Dear Concerned Neighbor;

It is time to renew the application that I have filed with the Department of Urban Planning and Land Use #SP-2013-62. The purpose of this Special Use Permit is for a dog boarding kennel for ten (10) dogs at 3440 N 131st St in Kansas City, Kansas.

I am having a neighborhood Meeting on Saturday January 23, 2016 at 2pm at the following address: 3440 N 131st St., Kansas City, Ks. The purpose of this meeting explain what I have been doing, and what I see going forward. It will also be a time when I can answer and questions, and address any concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Kelly Fountain
3440 N 131st St
Kansas City, Ks 66109
(913)544-7219

*Copy of
letter mailed
to all on provided
list 1-11-16*



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-18

GENERAL INFORMATION

Applicant:
Michael and Janet Vitale

Status of Applicant:
Owners
4315 North 112th Street
Kansas City, KS 66109

Requested Action:
Renewal of a Special Use Permit

Date of Application:
December 28, 2015

Purpose:
To keep four (4) dogs on the property

Property Location:
4315 North 112th Street

Existing Zoning:
R-1 Single Family District



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

Existing Uses: **North:** Single family residences
South: Single family residences
East: Single family residences
West: Single family home and undeveloped land

Total Tract Size: .27 acre

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

Major Street Plan: The City-Wide Master Plan classifies North 112th Street as a local street.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Michael and Janet Vitale want to keep four (4) dogs on their .27 acre property located at 4315 North 112th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is exclusively residential in nature. There is one single family home and undeveloped land to the west, across the street. Immediately adjacent to the Mr. and Mrs. Vitale's residence are homes on ¼-acre size lots.

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

The zoning and uses of nearby properties are set out above. The keeping of a third and fourth dog on .27 acre may become a problem for adjacent properties based upon noise, odor and animal waste.

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

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

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

This is not an issue.

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

The keeping of four (4) dogs is not reasonably necessary for the convenience and welfare of the public. The proposed use will not substantially injure the appropriate use, visual quality or marketability of adjoining property.

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

If the dogs are left outside to their own devices in the evening and throughout the night, their barking could be an issue for adjacent property owners.

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

This should not be an issue, provided the applicants pick up animal waste and properly dispose of it on a regular basis.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will not be able to keep the fourth dog.

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

This should not be an issue.

PREVIOUS ACTIONS

Approval of SP-2014-1 for same use in 2014

NEIGHBORHOOD MEETING

A neighborhood meeting took place at 2 p.m. on January 24, 2016. There were no attendees according to the applicant. One neighbor who was unable to attend sent a letter to the applicant in support (Attached.)

KEY ISSUES

Noise
Waste Removal

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-18, subject to:

Urban Planning and Land Use Comments:

1. Recommend approval for a period of five (5) years.
2. Could you provide updated pictures of the dogs as well as the yard?

Applicant Response: See Attached

3. What kind of schedule do you have for the dogs in terms of how often they are outside?

Applicant Response: See attached: Dogs are let out in the morning (about 6 a.m.) and fed shortly after. Dogs are inside when no one is home. When someone is home the dog door is open and they go in and out at will. They do not spend much time outside without a person with them. They are called in if they get to barking.

4. Have the dogs ever gotten out of the yard? If they were to escape what would your plan be to retrieve them?

Applicant Response: They have not gotten out over the past two years. They typically come when called, but any necessary steps would be taken to retrieve them.

5. How often is waste collected? After collection, what is done with the waste?

Applicant Response: Waste collected at least once per week and often twice. Put in trash bags that are tied up and disposed in the garbage.

Conclusion:

1. Subject to approval this permit is valid for a period of five (5) years.
2. If there are any significant issues the permit is subject to review and revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-18 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Application Letter
Response Letter
Photographs
Neighborhood Meeting Documentation
Letter from Neighbor in Support

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 28, 2016
	Approval	

STAFF CONTACT: Kyle Kobe kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-18** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-18**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES

SPECIAL USE PERMIT APPLICATION #SP-2016-18 – MICHAEL AND JANET

VITALE – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-1) for a kennel for four (4) dogs at 4315 North 112th Street

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

- 1. Recommend approval for a period of five (5) years.**
- 2. Could you provide updated pictures of the dogs as well as the yard?**

Applicant Response: See Attached

- 3. What kind of schedule do you have for the dogs in terms of how often they are outside?**

Applicant Response: See attached: Dogs are let out in the morning (about 6 a.m.) and fed shortly after. Dogs are inside when no one is home. When someone is home the dog door is open and they go in and out at will. They do not spend much time outside without a person with them. They are called in if they get to barking.

- 4. Have the dogs ever gotten out of the yard? If they were to escape what would your plan be to retrieve them?**

Applicant Response: They have not gotten out over the past two years. They typically come when called, but any necessary steps would be taken to retrieve them.

- 5. How often is waste collected? After collection, what is done with the waste?**

Applicant Response: Waste collected at least once per week and often twice. Put in trash bags that are tied up and disposed in the garbage.

Conclusion:

1. Subject to approval this permit is valid for a period of five (5) years.
2. If there are any significant issues the permit is subject to review and revocation.

December 22, 2015
Current Plan for Special Permit
Vitale

Our current plan for our special permit to keep the four dogs we had when we moved to Wyandotte County from Florida is to keep the dogs. We do not anticipate replacing any of them should anything happen to one of them. It is quite possible that we will still have all four when this 5-year special permit expires. If that is the case, another application for a special permit will be filed.

Michael Vitale

A handwritten signature in black ink, appearing to read "Michael Vitale", written in a cursive style.

Michael Vitale
4315 N 112th St.
Kansas City, KS 66108

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

Included are updated pictures of our back yard and our four Labrador retrievers, ages as follows:

Lily 6 yrs.
Boo 4 yrs.
Bean 4 yrs.
Pink 4 yrs.

The dogs are let out in the morning when I get up, usually around 6 a.m. they are fed shortly after that.

When let out, the dog door leading to our back yard is open; when I leave for work the dogs are inside and dog door is closed unless someone is up. The dogs are not permitted outside unless someone is home. When no one is home, the dog door is locked and the dogs are confined to the house. When someone is home, the dog door is open and the dogs come and go as they please. These are people dogs so they rarely spend much time outside without someone with them.

If any of the dogs bark when outside, they are immediately called in.

Over the past two plus years the dogs have been in Wyandotte Co., they have not gotten out of the yard. They will typically come when called. We would take whatever steps were necessary to retrieve them should they get out and wander off.

Waste is collected at least once per week and often twice a week. It is collected in trash bags which are tied shut and disposed of through garbage collection.

Sincerely,



Michael Vitale



Backyard (Photo provided by Applicant)



Boo and Lily (Photo provided by Applicant)



Bean (Photo provided by Applicant)



Pink (Photo provided by Applicant)

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP-2016-18
2. That I conducted a neighborhood meeting on January 24, 2016.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

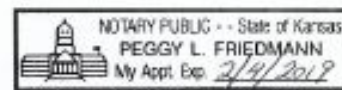
Further affiant saith not.

Michael Vitale
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of January, 2016

My commission expires 4th of Feb, 2017

Peggy L. Friedmann
Notary Public



Application Number #SP-2016-18

Date and Location January 24, 2016 at West Wyandotte Public Library, 1737 N 82nd St., Kansas City, KS.

Meeting Called to Order at 2:00 p.m.

Names of People in Attendance: No one attended.

The room was opened at 1:55 pm, and the meeting called to order at 2 p.m.

I waited until 2:35. No one showed up.

A letter from one individual who could not attend was mailed to my home. I have included a copy of it with these minutes. The letter is from the individual who was the only person to show up at our neighborhood meeting two years ago.

The meeting was adjourned at 2:35 p.m.

Minutes taken by: Michael Vitale. My wife, Janet Vitale, was present to record minutes had there been a need to do so.

January 18, 2016

Mike and Janet Vitale
4315 N 112th St
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

We have received your correspondence regarding your application with the Department of Urban Planning and Land Use #SP-15402-0088 regarding the special use permit for a kennel to maintain your Labrador Retrievers at your current address.

We do not plan to attend the meeting and hope this correspondence meets your request. We do not have any objection to your request as your four dogs have been quiet and not bothered anyone.

We are available for any questions by cellphone or email and hope your request is approved.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jeff and Haydee Fewell', with a long horizontal line extending to the right.

Jeff and Haydee Fewell
jfewell@wycosheriff.org
913-232-6792 cellphone



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-19

GENERAL INFORMATION

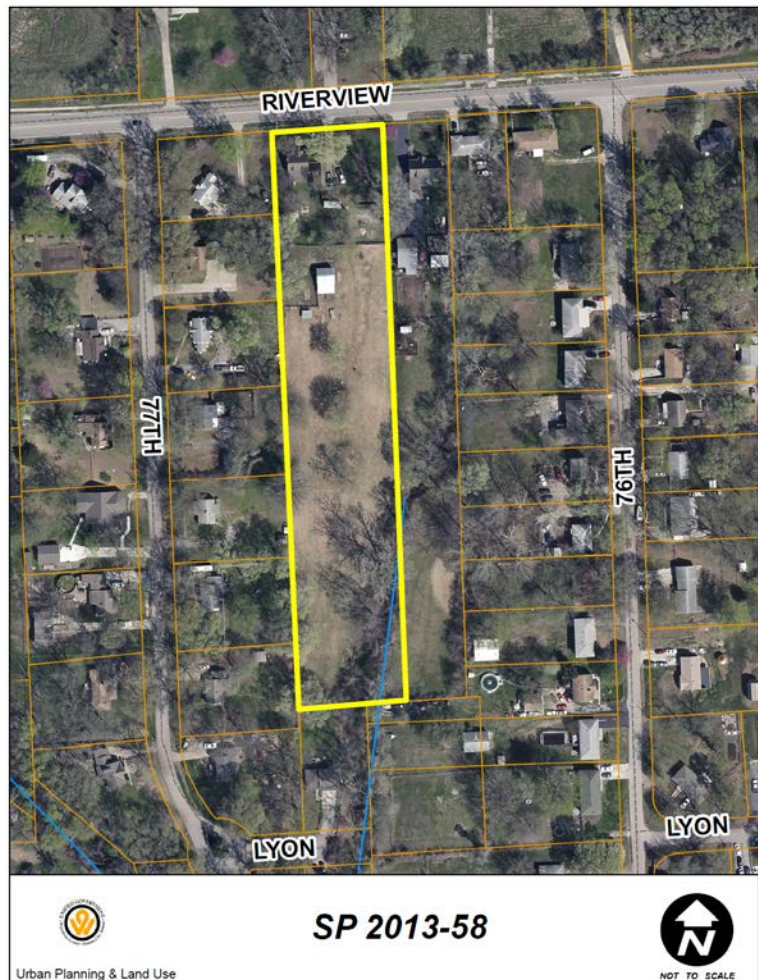
Applicant:
James Ledford

Status of Applicant:
Applicant
7625 Riverview Avenue
Kansas City, KS 66111

Requested Action:
Renewal of a Special Use
Permit for a sheep farm

Date of Application:
December 28, 2016

Purpose:
To keep goats and sheep on
the property year round as well
as up to 17 lambs in the fall.



Property Location: 7625 Riverview

Existing Zoning: R-1 Single Family District

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

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

Total Tract Size: 3.1 acres

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

Major Street Plan: The City-Wide Master Plan designates Riverview Avenue as a *Class C thoroughfare*

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant James Ledford owns a 3.1 acre property where he is proposing to have 4 goats and 9 sheep all year round and to have potentially 15 to 17 lambs in the fall.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is residential. However, the sizes of the residential properties vary quite a bit.

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

The 3 acre property is fairly large and if the animals are kept properly, the use could be compatible. However, the property is a narrow piano key lot which makes the distances between neighboring homes shorter than if the 3 acres was shaped like a square. This property's shape does bring up concerns from staff about noise and smell impacts for the neighbors.

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

If the animals are kept properly, the removal of the restrictions should not detrimentally affect nearby property.

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

A home is currently on the property.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not increase traffic.

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

The proposed use is only a convenience to the applicant. The general public will be neutrally affected.

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

The noise and smell associated with the animals could very possibly be sensed by surrounding property owners. The best way to judge if it has been a problem or appears as though it will become one is through the neighborhood meeting and input from neighbors directly to staff.

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

The proposed use should not pollute the air, land or water. The applicant will need to dispose of any material generated by the livestock in a timely manner to curb potential concerns of the adjacent property owner.

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

The proposed use would not damage or destroy an irreplaceable natural resource.

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

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

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

Given that the property is 3 acres, we believe there is enough space to avoid the overcrowding issue.

PREVIOUS ACTIONS

Approval of SP-2013-58 for the same use

NEIGHBORHOOD MEETING

No neighborhood meeting required. Neighbor opinions and signatures were collected by applicant and are attached.

KEY ISSUES

Waste management
Methods of getting rid of lambs in fall
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-19, subject to:

Urban Planning and Land Use Comments:

1. Approval for a period of five (5) years.
2. Could you provide photographs of the animals as well the facilities and land they are provided?

Applicant Response: See attached

3. With the amount of animals you are requesting it seems as though waste would be an issue. What methods do you utilize in order to minimize the accumulation of waste?

Applicant Response: Applicant has indicated that waste is not a problem and is regularly cleaned up inside the shed and he drags the field to break up the manure.

4. How and what are the animals fed?

Applicant Response: Grain and hay in winter. Grain and grass in summer.

5. Have there been any issues with noise complaints from neighbors? These animals seem like they could generate quite a bit of noise in the numbers they will be in.

Applicant Response: No complaints, they are generally very quiet.

6. Do you have drawing/diagrams of the barn/shed you keep the animals in?

Applicant Response: See attached photos

Conclusion:

1. Subject to approval, this permit is valid for five (5) years.
2. No significant increases to the total amount of animals than what is requested for this permit.
3. If there are any significant issues the permit is subject to review and revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-19 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Letter from Applicant
Zoning Map
Vicinity Map
Photographs
Signed Support Petition – collected by Applicant
Additional Responses to Staff Questions

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT: **Kyle Kobe** kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-19** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-19**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-19 – JAMES LEDFORD –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-58) for a sheep and goat farm at 7625 Riverview Avenue

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

1. Approval for a period of five (5) years.
2. Could you provide photographs of the animals as well the facilities and land they are provided?

Applicant Response: See attached

3. With the amount of animals you are requesting it seems as though waste would be an issue. What methods do you utilize in order to minimize the accumulation of waste?

Applicant Response: Applicant has indicated that waste is not a problem and is regularly cleaned up inside the shed and he drags the field to break up the manure.

4. How and what are the animals fed?

Applicant Response: Grain and hay in winter. Grain and grass in summer.

5. Have there been any issues with noise complaints from neighbors? These animals seem like they could generate quite a bit of noise in the numbers they will be in.

Applicant Response: No complaints, they are generally very quiet.

6. Do you have drawing/diagrams of the barn/shed you keep the animals in?

Applicant Response: See attached photos

Conclusion:

1. Subject to approval, this permit is valid for five (5) years.
2. No significant increases to the total amount of animals than what is requested for this permit.
3. If there are any significant issues the permit is subject to review and revocation.

James Ledford 1-13-16
Special use petit # SP-2016-19

I have four goats and nine sheep

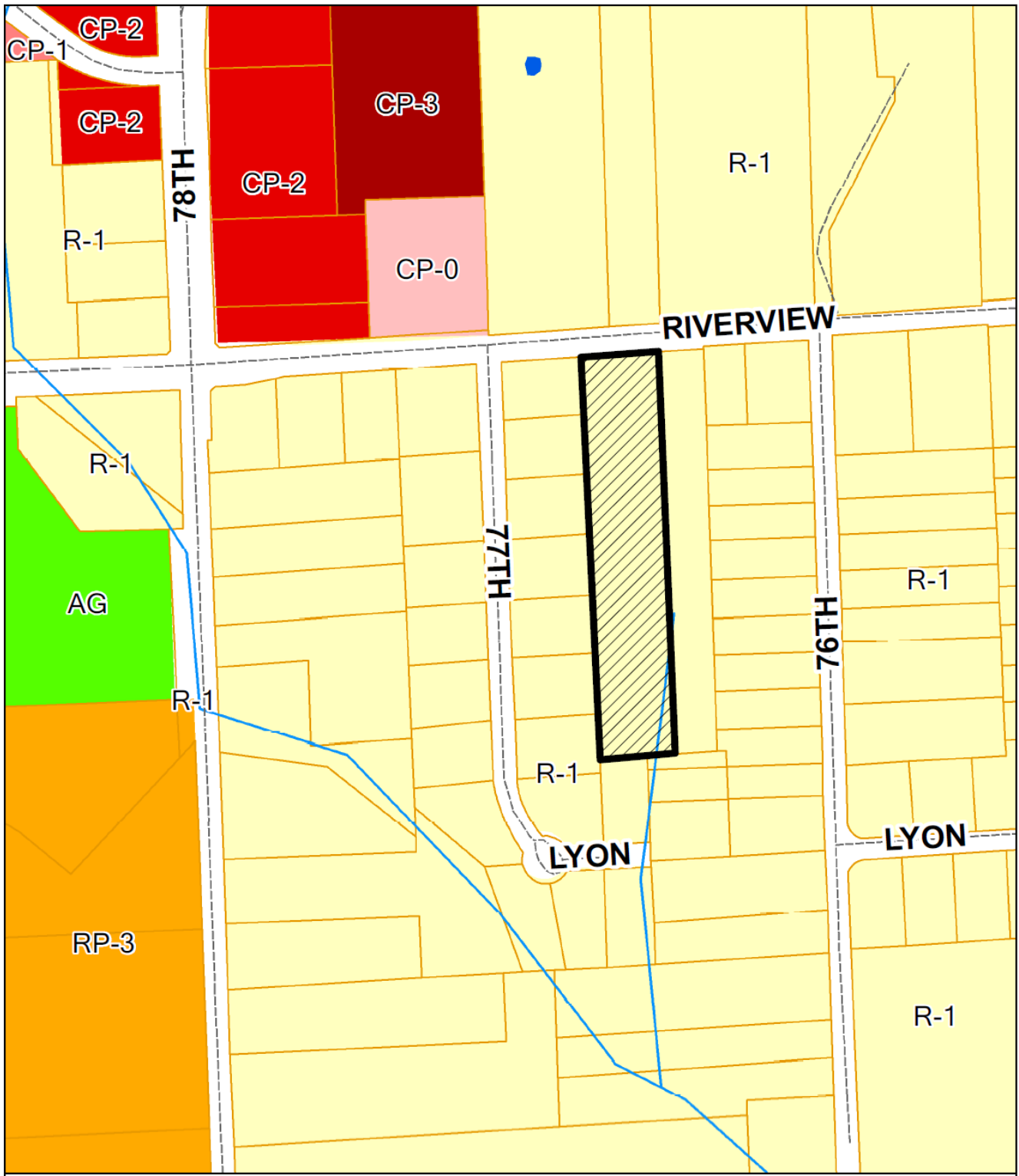
I do not raise goats they are pets, when they expire I will not have any more goats they are probably ten to eleven years old

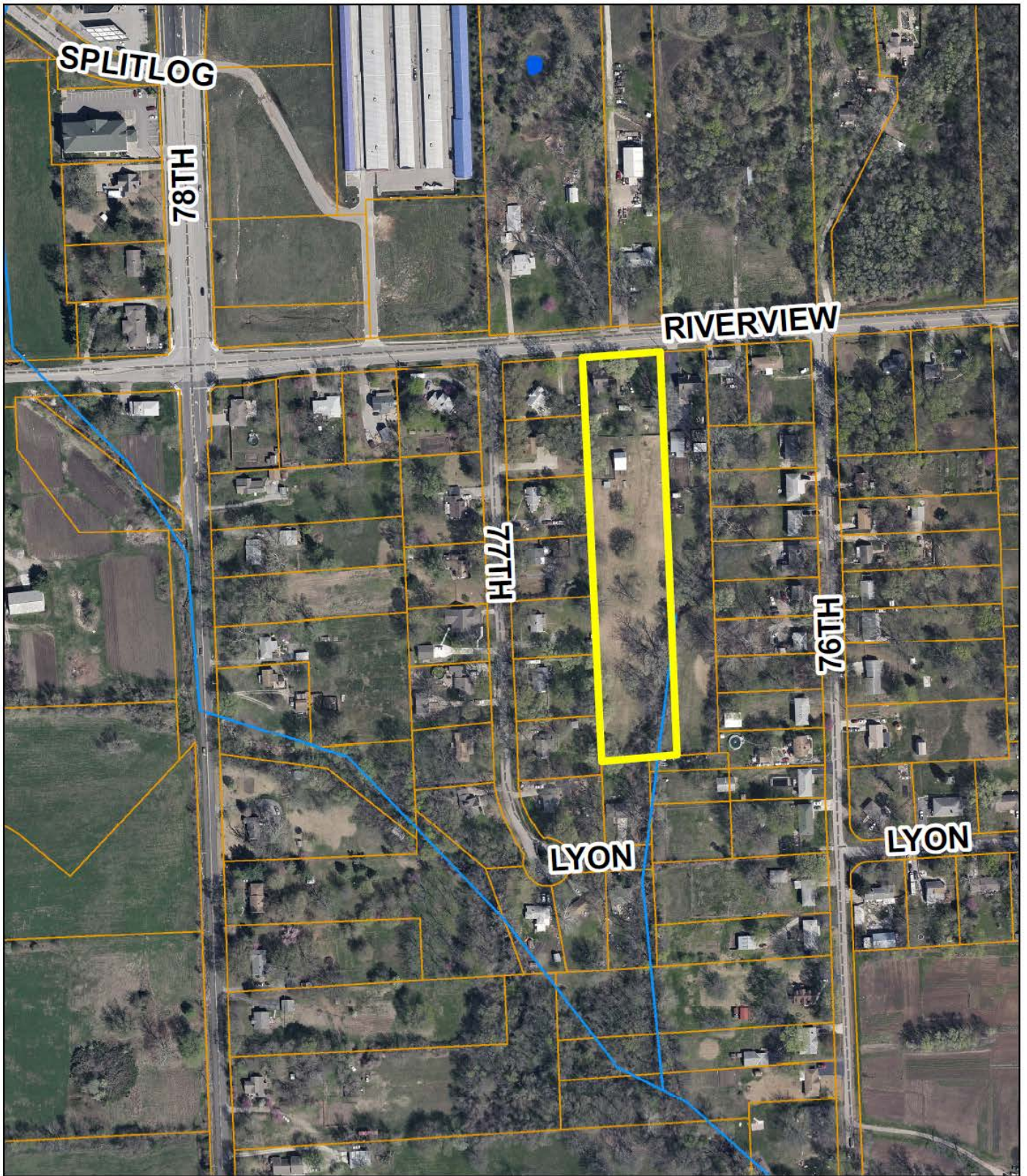
My nine sheep I raise lambs they are bred to have lambs in April and May, usually they will have sixteen to seventeen lambs, which I will sell in September and go back to my nine ewes my goal is not to have more ewes, but to maintain my nine ewes or less

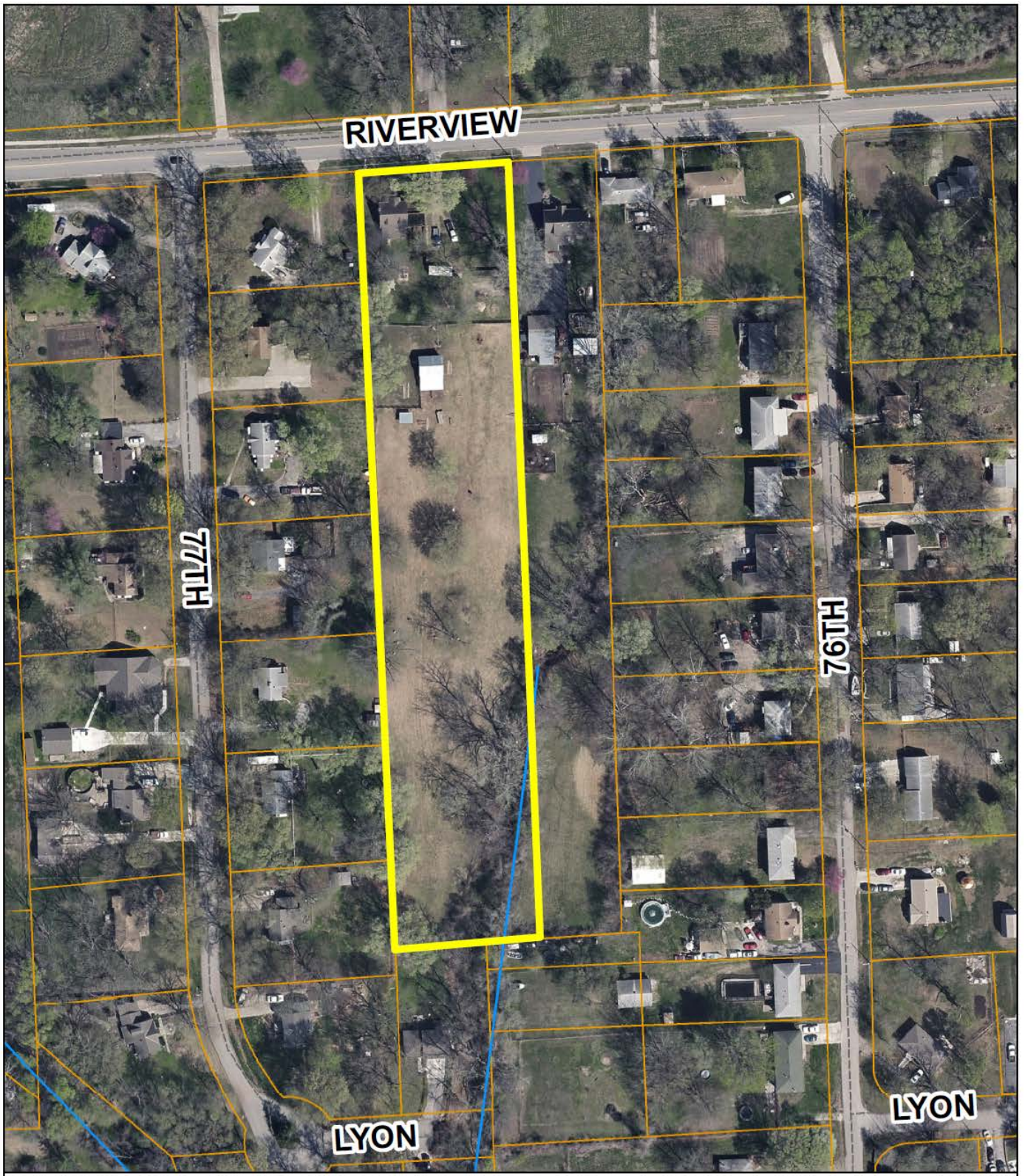
I feed grain & hay in winter months grain and grass in summer. I store my grain in metal barrels to keep pest problems down I store hay in my barn small square bales, some big round bales in corral lot outside

Manure has not been a problem. I clean my shed regular, and drag my field to break down manure. my breed of sheep are Katahdin, a type of hair sheep that shed in spring.

James Ledford









(Photos provided by Applicant)



(Photos provided by Applicant)



(Photos provided by Applicant)

petition SP-2016-19

Renewal of Special use permit for
sheep farm

Comments

Dan Peters

No problems no concerns

7621 Riverview Ave 66112

BARBARA J. Simmons

AUBREY SIMMONS 7634 RIVERVIEW KCK 66112

334-9690

From Elvin Crosby

7710 Riverview Ave

KCK

I Do Agree to have this special permit
it is welcome to have this here.

Dana & Zachary Graham

- Wonderful neighbors! We love the
animals too!

127 N. 77th St.

Kansas City, KS 66111

Loretta Bell - 107 N. 77th St. K.C.K. 66111

I LOVE THE ANIMALS, Every morning I

Get up to look FORWARD OF looking OUT THE
BACK YARD AT THE SHEEPS.

Tracy Martin 47 N 77th St
I have no issue with the sheep
& goat farm.

Phillip Hulsey 42 N. 77th St.
I have no problem with the goat farm.

7636 Lyon Ave KCKS 66111
We have no issue with the animals
- Jake Moore

147 N. 77th St.
Kansas City, KS 66111
We have no issue with the animals.
Jim takes care of his land and animals
well.

Just but
K. Smith

waste Managment

There is not much waste from the barn, but what there is, is spread on the pasture for fertilizer

Method of getting rid of lambs in fall
they are hauled to a livestock auction

Noise

they very seldom make any noise
I have never had any complaints



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-20

GENERAL INFORMATION

Applicant:
Rhonda Hall Smith

Status of Applicant:
Owner
3202 W. Barker Circle
Kansas City, Kansas

Requested Action:
Renewal of a Special Use Permit to for a temporary use of land to operate a daycare in a home that is not a primary residence

Date of Application:
December 23, 2015

Purpose:
To operate a daycare in a residential property in which the applicant does not reside.

Property Location:
3202 West Barker Circle

Existing Zoning: R-1 Single Family District



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

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

Total Tract Size: .24 acre

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

Major Street Plan: Kansas Avenue is designated as a local street

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owners – January 12, 2016 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Outline of Requested Action: Ms. Smith is requesting a renewal of a Special Use Permit (SP-2015-1) for the temporary use of land for commercial purposes in order to use a residential structure as a daycare center.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature.

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

The zoning and uses of nearby properties are set out above. Though we often allow daycares to operate in residential neighborhoods, this case is unique in that Ms. Smith does not reside in the house and it is only used in a commercial fashion.

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

The property was developed as a residence and is located in an exclusively residential neighborhood. By allowing a solely commercial use in the neighborhood, there are some changes to the neighborhood to be expected.

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

The property is not vacant.

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

This sort of operation is not addressed by the Master Plan.

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

There likely has been an increase in traffic in both the mornings and the evenings when parents are dropping off and picking up their children each day. Though it is unlikely to exceed the capacity of the street, it is not unreasonable to assume there are times when there would be traffic backed up or a lack of parking spaces near the property due to the increased traffic.

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

This use is not a necessary convenience to the public. Having a daycare in a neighborhood can be helpful to some nearby residents but is not a particular asset to the area.

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

Noise could become an issue if not properly managed. Children playing outside can be quite noisy where there are many of them together.

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

This will not be an issue

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

This will not be an issue

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

The Planning Commission will need to make this assessment.

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

This is not an issue.

PREVIOUS ACTIONS

On January 29, 2015 the Board of Commissioners approved #SP-2015-1.

KEY ISSUES

Noise
Traffic and parking

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 18, 2016 with three (3) persons in attendance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-20, subject to:

Urban Planning and Land Use Comments:

1. Please provide your business plan including hours of operation and how many children you are providing care for.

Applicant's comments are attached.

2. Please explain how you have kept noise down so as to not bother neighbors nearby.

Applicant's comments are attached.

3. How have you ensured that parking and traffic is not an issue when parents are dropping off and picking up their children?

Applicant's comments are attached.

4. Please submit updated photos of your facility both indoors and out.

Applicant's has provided the attached photos.

5. Approval for five (5) years.

Business License Comments:

Applicant has filed and maintained the occupation tax as required.

PLANNING STAFF RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-20 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Zoning map
Vicinity map
Updated pictures provided by applicant
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
Special Use	Approval	

STAFF CONTACT: **Zach Tusinger** **ztusinger@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-20** as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2016-20**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-20 – RHONDA SMITH WITH DIMPLES AND DIAPERS – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-1) for an after school program at 3202 West Barker Circle

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye

Schwartzman Aye
Serda Aye
Wing Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

1. Please provide your business plan including hours of operation and how many children you are providing care for.

Applicant's comments are attached.

2. Please explain how you have kept noise down so as to not bother neighbors nearby.

Applicant's comments are attached.

3. How have you ensured that parking and traffic is not an issue when parents are dropping off and picking up their children?

Applicant's comments are attached.

4. Please submit updated photos of your facility both indoors and out.

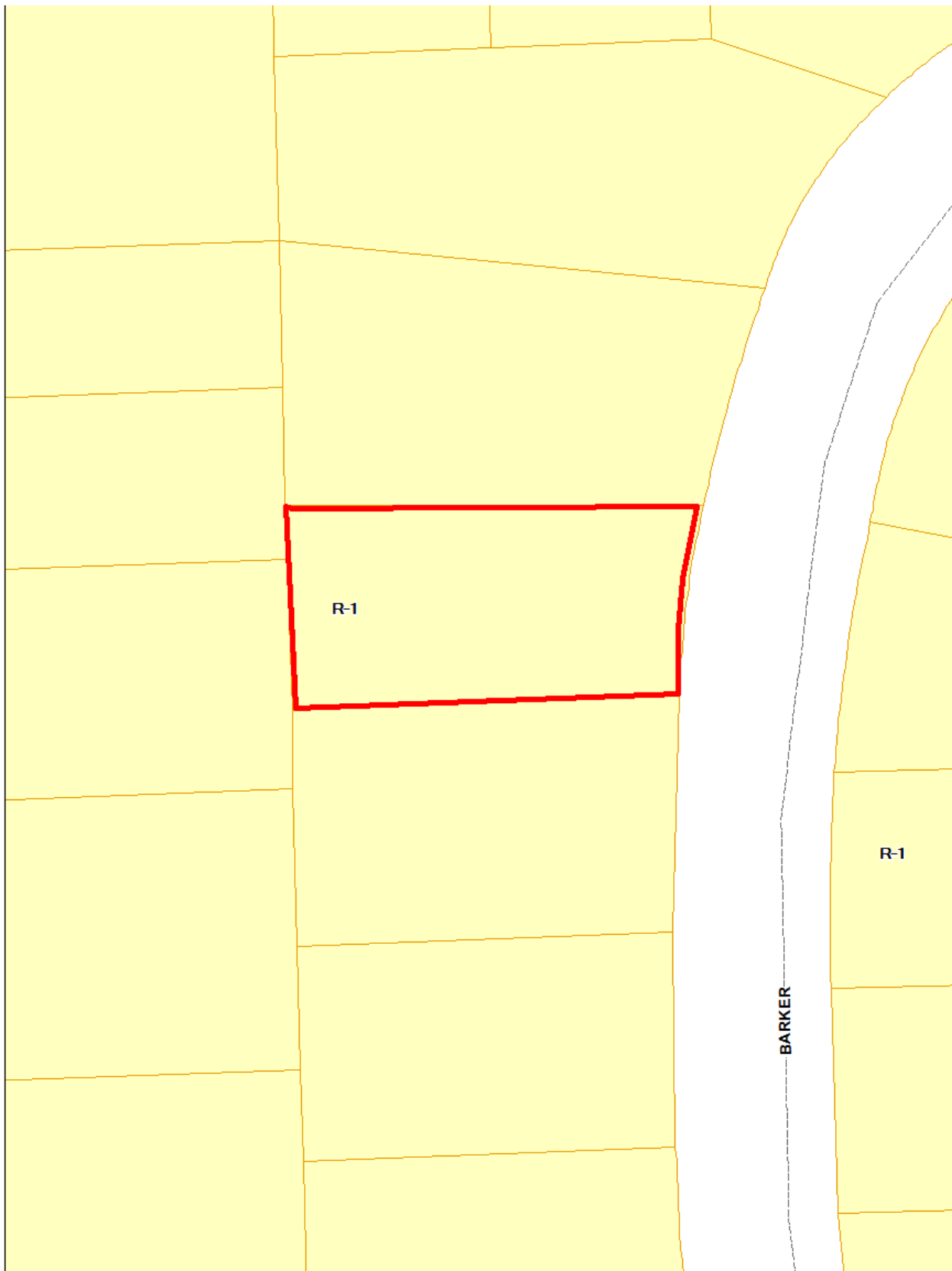
Applicant's has provided the attached photos.

5. *Approval for five (5) years.*

Business License Comments:

Applicant has filed and maintained the occupation tax as required.





DIMPLES & DIAPERS HAS BRANCHED OUT AND OPENED A SECOND IN HOME DAY CARE LOCATED AT 3202 BARKER CIRCLE KCK. HOURS OF OPERATION ARE MONDAY THRU FRIDAY, 7:30 A.M. TO 5:30 P.M., AGES INFANTS TO 8 YEARS OLD, WITH THE ACCOMADATION OF 12 CHILDREN. THE FOLLOWING HOLIDAYS ARE HONORED NEW YEARS DAY, MARTIN LUTHER KINGS BIRTHDAY, PRESIDENTS DAY, MEMORIAL DAY, INDEPENDENCE DAY, THANKSGIVING, AND CHRISTMAS. IN LOOKING AT THE PHOTOS YOU NOTICE THAT IT IS EQUIPT WITH A NURSERY, A KITCHEN, A BATHROOM, A CLASSROOM, DINNING AREA, INSIDE PLAY AREA/REST AREA, AND OUTSIDE PLAY. THERE WILL BE ONE/TWO QUALIFIED STAFF ON DUTY ACCORDING TO AMOUNT OF CHILDREN AT THE DAY CARE THAT DAY. THEY ARE EQUIPT WITH THE REQUIREMENTS TO BE CERTIFIED DAYCARE PROVIDERS BY THE STATE. EACH ONE HAS COMPLETED HIS OR HERS CLASS REQUIREMENTS FRO THE STATE. EACH PARENT/GUARDIAN WILL BRING THEIR CHILD/CHILDREN TO THE DOOR COME IN AND SIGN THE PROPER INFORMATON ON THE SIGN IN SHEET ON ARRIVAL AND WILL DO THE SAME WHEN THEY PICK THEM UP AT THE CLOSE OF THE DAY. AT THE TIME OF ENROLLMENT FOR NEW CLIENTS WE EXPLAIN THE WEEKLY FEE FOR EACH CHILD, HOURS OF OPERATION, WHAT WE DO DAILY FOR THEIR CHILDREN SUCH AS : MEALS SERVED, LEARNING CIRCULUM, AND INSIDE & OUTSIDE PLAY. WE ALSO EXPLAIN THAT WE DO NOT ALLOW LOUD MUSIC AND SMOKING ON THE PREMISES, AND WHERE THE DROP OFF AND PICK UP AREAS ARE AT THE DAYCARE. IF ANOTHER CLIENT IS ALREADY IN THE DRIVE WAY, PARK ON THE STREET IN FRONT OF THE DAYCARE MAKING SURE THE STREET OR NEIGHBORS DRIVEWAYS ARE NOT BLOCKED. ALSO WHEN ENTERING USE THE PAVED AREA TO COME TO THE DOOR NOT THE (GRASS). AND PLEASE DO THE POSTED SPEED LIMIT.

Dimples ? Diapers Early Learning
3202 West Barker Cir



Front
Entry

Inside
Front
Entry



(1)



Reading Center
Center Requirements



Student Mailbox
(2)



Learning Area



Dining Area

3

Kitchen Entry

(3)

DIMPLES & DIAPERS
3202 BARKER CIRCLE
KCK 66104

NEIGHBORHOOD MEETING
01-18-2016 @ 6:30 P.M.
6100 LEAVENWORTH RD.

6:30 P.M.

MEETING CALLED TO ORDER

PRAYER

INTRODUCTION OF STAFF

SHORT TALK ABOUT THE DAYCARE(SEE ATTACHED)

QUESTIONS & ANSWERS

ADJOURN MEETING

SERVE REFRESHMENTS



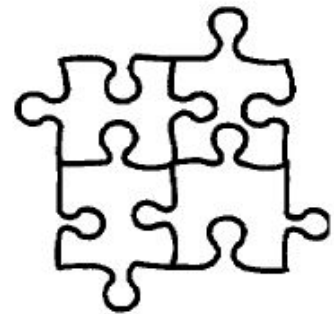
NEW BUSINESS COMING TO AREA

WE AT DIMPLES & DIAPERS ANNOUNCE OUR 2ND YEAR AT
3202 WEST BARKER CIRCLE

THE GOAL OF OUR STAFF IS TO PRODUCE INTELLIGENT ,
WELL ADJUSTED CHILDREN. HERE YOU WILL FIND A
NURTURING EDUCATIONAL ENVIRONMENT FOR CHILDREN.
WE RECOGNIZE THAT EACH CHILD HAS UNIQUE TALENTS,
LEARNING STYLES AND PERSONALITIES. OUR STATE
LICENCED QUALIFIED STAFF IS COMMITTED TO WORKING
WITHIN EACH CHILD'S COMFORT ZONE TO ENSURE
OPTIMAL SOCIAL, EMOTIONAL AND EDUCATIONAL
RESULTS. HOT MEALS ARE SERVED THE DAYCARE IS EQUIPT
WITH NURSERY, KITCHEN, BATHROOM, LASSROOM, DINNING
AREA, INSIDE AREA/REST AREA AND OUTSIDE PLAY. WE
STRESS TO EACH CLIENT WHEN DROPPING OFF AND
PICKING UP THEIR CHILDREN NO LOUD MUSIC AND DO NOT
BLOCK ANYONES DRIVE WAY. AND ALSO ABIDE BY THE
SPEED LIMIT. ALSO WHEN ENTERING DO NOT WALK IN
GRASS.

HOURS OF OPERATION:
MONDAY-FRIDAY
7:00 A.M-5:30 P.M. (OPT.)
INFANTS TO 8 YRS

CALL: (913)-788-2215



NEIGHBORHOOD MEETING MINUTES FOR
DIMPLES&DIAPERS @ 3202 BARKER CIRCLE KCK

APPLICATION NUMBER SP-2016-20

DATE AND LOCATION Jan 18, 2016 / 6100 Leavenworth Rd

MEETING CALLED TO ORDER AT: 6:30 P. M.

ATTENDANCE:

1. Louetta Briswell	11.
2. Rhonda Smith	12.
3. Sylvester Smith	13.
4. Kathy Crawford	14.
5.	15.
6.	16.
7.	17.
8.	18.
9.	19.
10.	20.

MINUTES: The meeting was called to
order at 6:30 P.M. We waited until
7:00 P.M and no neighborhood residents
showed up. We adjourned and everyone
listed above went home.

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Rhonda Hall Smith, of lawful age, sound mind and upon his/her oath states as follows:

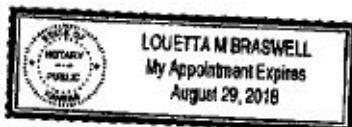
1. That I am the petitioner for Petition # SP-2016-20
2. That I conducted a neighborhood meeting on January 18, 2016
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Rhonda Hall Smith
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18 day of January, 2016

My commission expires 29 of August, 2018



L. Braswell



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2016-21

GENERAL INFORMATION

Applicant:
Tim Scribner

Status of Applicant:
PQ Corporation
1700 Kansas Avenue
Kansas City, KS 66105

Requested Action:
Renewal of a Special Use Permit

Date of Application:
December 28, 2015

Purpose:
To operate a temporary
construction trailer

Property Location:
1700 Kansas Avenue

Existing Zoning:
M-3 Heavy Industrial District



Existing Surrounding Zoning: **North:** None (Union Pacific Railroad)
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District (across 18th Street Expressway)

Existing Uses: **North:** Union Pacific Railroad
South: Industrial manufacturing business
East: Industrial business
West: Industrial business (across 18th Street Expressway)

Total Tract Size: .367 acre

Master Plan Designation: The Armourdale Master Plan designates this property as Heavy Industrial.

Major Street Plan: The City-Wide Master Plan classifies Kansas Avenue as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – January 14, 2016
Letters to Property Owner – January 12, 2014 and February 12, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tim Scribner with PQ Corporation, wants to continue using a temporary construction trailer on Union Pacific Railroad Company owned property for building construction occurring at 1700 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely comprised of heavy industrial businesses. The addition of the temporary trailer will fit within the overall aesthetics of the area.

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

The zoning and their uses are set out above. Because the construction trailer is temporary, the compatibility is not an issue.

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

The property is suitable for the proposed use and the removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is reasonably necessary for the applicant and will not substantially injure the appropriate use, visual quality, or marketability of adjoining property.

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

The proposed use will not create problems for near-by property.

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

The proposed use will not pollute the air, land or water.

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

This is not applicable.

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

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

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

This is not applicable.

PREVIOUS ACTIONS

Approval of SP-2014-10

NEIGHBORHOOD MEETING

A neighborhood meeting was held at 3 p.m. on January 22, 2016 in the PQ Plant Conference Room. Applicant has indicated no one attended.

KEY ISSUES

Length of Use

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-21, subject to:

Urban Planning and Land Use Comments:

- 1. Approval for a period of two (2) years.**
- 2. Could you provide photographs and diagrams of the structure?**

Applicant Response: See attached

- 3. You had indicated in your previous application that you were planning to utilize another building for sanitary services, is that still true?**

Applicant Response: Adjacent building is used for sanitary services.

- 4. Your original application stated you were intending to be finished with your project in 2015. Obviously there have been some adjustments to the**

schedule since then; do you have an updated estimation of how long the project requiring the trailer will last?

Applicant Response: There were delays on some major projects; future projects will require the trailer space for meetings. PQ is planning on maintaining the construction trailer through 2017.

5. Could you provide any other relevant documentation regarding your use of the land (land leased from the railroad, building permits, etc.)?

Applicant Response: Attached is a copy of the Property Ownership Affidavit from Union Pacific Railroad.

Conclusion:

1. Subject to approval, this permit is valid for a period of two (2) years.
2. No structural or functional changes take place to the structure over the approved period of time.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-21 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Applicant Response Letter
Photographs
Neighborhood Meeting Documentation
Property Owner Consent Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT: Kyle Kobe kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-21** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-21**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-21 – TIM SCRIBNER/PQ CORPORATION – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-10) for a construction trailer at 1630 Kansas Avenue

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Ms. Marilyn Alstrom asked that #PR-2016-2 be removed from the Consent Agenda.

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

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 6 to 0

NOTE: The special use permits is a recommendation for approval and they will be heard by the Board of Commissioners on February 25, 2016.

Subject to:

Urban Planning and Land Use Comments:

- 1. Approval for a period of two (2) years.**
- 2. Could you provide photographs and diagrams of the structure?**

Applicant Response: See attached

- 3. You had indicated in your previous application that you were planning to utilize another building for sanitary services, is that still true?**

Applicant Response: Adjacent building is used for sanitary services.

- 4. Your original application stated you were intending to be finished with your project in 2015. Obviously there have been some adjustments to the schedule since then; do you have an updated estimation of how long the project requiring the trailer will last?**

Applicant Response: There were delays on some major projects; future projects will require the trailer space for meetings. PQ is planning on maintaining the construction trailer through 2017.

- 5. Could you provide any other relevant documentation regarding your use of the land (land leased from the railroad, building permits, etc.)?**

Applicant Response: Attached is a copy of the Property Ownership Affidavit from Union Pacific Railroad.

Conclusion:

1. Subject to approval, this permit is valid for a period of two (2) years.
2. No structural or functional changes take place to the structure over the approved period of time.

Kyle

This is in response to your e-mail letter dated January 20, 2016 concerning the Urban Planning and Land Use General Information requirements.

Please see responses in **Red** to your question contained in the e-mail from Staff Comments and Suggestions.

Urban Planning and Land Use Comments:

1. Could you provide photographs and diagrams of the structure?

Note: See attached photos of the Construction Trailer location. Photos 433 & 434

2. You had indicated in your previous application that you were planning to utilize another building for sanitary services, is that still true?

Yes, the adjacent building is used the sanitary services.

3. Your original application stated you were intending to be finished with your project in 2015. Obviously there have been some adjustments to the schedule since then, do you have an updated estimation of how long the project requiring the trailer will last?

The extended use if the construction trailer was affected by project approval delays on major projects. Future projects will still require trailer space for engineering and construction meetings. At this point in time, PQ is planning on maintaining the construction trailer through the end of 2017.

4. Could you provide any other relevant documentation regarding your use of the land (land leased from the railroad, building permits, etc.)? #

Please see attached PDF copy of Affidavit Property Ownership from the Union Pacific Railroad concerning the land usage.

If there is any other questions or information needed please contact me.

Thanks

Timothy Scribner
Senior Project Engineer



(Photo provided by Applicant)



(Photo provided by Applicant)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP-2016-21.
2. That I conducted a neighborhood meeting on January 22, 2016.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Tim Schindler
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of January, 2016

My commission expires 19th of September 2019



Jody L. Jochen
Notary Public

Meeting Minutes:

Application Number__SP-2016-21__

Date and Location: _1/22/2016 PQ Plant Conference Room__

Meeting called to order at: _3:00 pm__

Names of people in attendance:

NO attendance from attached contact list.

Introductions:

Presentation by applicant and/or team

All presentation information was available with handouts.

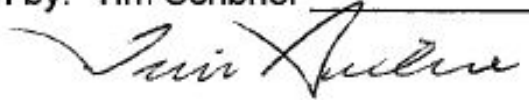
NO Attendance

Questions and answers (include the following):

- | | |
|--------------------------------------|------|
| ➤ Who asked question or gave comment | None |
| ➤ What was the question or comment | None |
| ➤ Who answered the question/comment | None |
| ➤ What was the answer given | None |

Meeting adjourned at: 3:35 pm

Minutes taken by: Tim Scribner



AFFIDAVIT, PROPERTY OWNER CONSENT FORM

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS:

Comes now Jeffrey D. Metter, Manager - Real Estate, UPRR of lawful age, sound mind and upon his/her oath stats as follows:

1. That Union Pacific Railroad Company records reflect that it is the property owner of 1700 Kansas Ave in Kansas City, Kansas.
2. That I have reviewed the application for PG Corporation to
(applicant)
operate/develop a temporary structure on Union Pacific property.
(proposed use)
3. That after discussing the matter and fully reviewing the application, I authorize this application to accomplish the plan/use noted above, to be filed on Union Pacific's behalf.

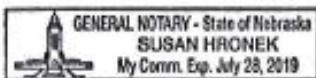
Further affiant saith not.

Jeffrey D. Metter
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORD to before me this 15th day of December 20 15

My commission expires 28th of July, 20 19.

Susan Hronek
Notary Public





Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: **Petition #PR-2016-3**

GENERAL INFORMATION

Applicant:
Denekew Bewketu

Status of Applicant:
Representative
Robert C. Hafner with Taliaferro & Browne,
Inc.
1020 East 8th Street
Kansas City, MO 64106

Requested Action:
Approve Preliminary and Final Plan Review

Date of Application:
December 27, 2015

Purpose:
To expand a parking lot to accommodate 44 additional parking spaces in conjunction with a church

Property Location:
2925 Minnesota Avenue

Existing Zoning: RP-5 Planned Apartment District



Surrounding Zoning:

North:	R-1(B) Single Family District (across Minnesota Avenue)
South:	R-1(B) Single Family and RP-5 Planned Apartment Districts
East:	R-1(B) Single Family District
West:	RP-5 Planned Apartment District

Existing Uses:

North:	A church and parking lot
South:	Single family homes
East:	Single family homes
West:	A birthing center and apartments

Total Tract Size: 12.08 acres

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

Major Street Plan: The City-Wide Master Plan classifies Minnesota Avenue and Westview Drive as Class C Thoroughfares.

Advertisement: Property Owner Letters – January 13, 2016 and February 16, 2016
Wyandotte Echo – January 14, 2016

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: No one appeared in opposition at the February 8, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Deneke Bewketu with Kidane Mehert Ethiopian Orthodox Tewahedo Church wants to expand their parking lot for 44 additional parking spaces at 2925 Minnesota Avenue on 12.08 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is largely residential with both a mixture of apartments and single family homes.

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

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

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

The proposed use conforms to the Master Plan.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by the East Patrol, District #442

e. *Fire*

Fire service is provided by Station #11 located at 31st and State Avenue.

f. *Transit*

Kansas City ATA does not provide service along this portion of Minnesota Avenue. The closet transit stop is one block north, along State Avenue, Route #101.

g. *Schools*

Kansas City, Kansas USD 500

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With the necessary revisions, the proposed use can meet applicable ordinance and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 21, 2016. According to the applicant, those in attendance did not appear in opposition.

KEY ISSUES

Compliance with the landscape requirements
Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **approval** of Preliminary and Final Plan Review Application #PR-2016-3, subject to:

Urban Planning and Land Use Comments:

1. Based on the Site Demolition Plan, sheet D01, nine (9) mature trees will be removed as part of the construction of the parking lot. Only four (4) trees are going to be planted after the expansion. There is a net loss of five (5) trees; therefore five (5) additional trees shall be planted.

Applicant Response: Parking Layout and Landscape Plan have been adjusted to indicate demolition of only seven (7) trees, saving two (2) additional mature trees, three (3) of the existing trees to be demoed are either already dead, very small sapling and one is close to its maturity peak. So, we are adding five (5) additional trees along with a multiple of shrubs for screening.

2. The landscape plan does not depict the total number of trees on the 12.08 acre property. The landscape requirement for RP-5 Planned Apartment District is one tree for every 4,500 square feet of site area. Based on that ratio, 117 trees should be already planted on the property.

The perimeter of the parking lot should be heavily landscaped to minimize the visual impact it will have on the surrounding property. Shrubs, three (3) gallons should be interlaced with trees so there is effective screening from headlights.

Please revise the landscape plan to include the total number of trees on the property, keeping in mind that four (4) trees that will be planted as part of the parking lot expansion is not going to be enough.

Applicant Response: The entire 12.08 acre site has approximately 165 trees counted on the premises. This exceeds the 117 trees required for the RP-5 Planned Apartment District tree count. Additional perimeter parking lot landscaping has been addressed on the landscape plan. 14 new shrubs and 5 new trees will be added at the perimeter of the parking.

3. How many parking spaces, in total will there be in the parking lot after the expansion?

Applicant Response: There will be a total of 42 parking spots, 2 of which will be ADA compliant.

4. Per the Commercial Design Guidelines, the islands of the parking lot rows, currently shown as painted shall be curbed and landscaped.
 - a. A 2" caliper shade tree shall be planted in each island.

Applicant Response: The church is wishing a variance to the landscaping of the island requirement because of these few number of parking spaces and the amount of landscaping proposed.

Staff Response: The church is building a commercial parking lot, and therefore must comply with the Commercial Design Guidelines. The requirement is one tree shall be planted in each island. There have been other smaller redevelopment projects that have complied with these guidelines and staff does not see how this parking lot expansion should be treated any differently than others than have come before staff and the Commission.

Planning Commission Stipulation: The Island landscape may be planted around the exterior of the parking lot.

5. All landscaping shall be irrigated.

Applicant Response: The owner is requesting a variance on the sprinkling. A wall hydrant in close proximity to the church will be able to provide necessary watering by church personnel.

Staff Response: Staff stands by its stipulation that landscaping shall be irrigated. The applicant may ask for further discussion of this item at the meeting.

6. The parking lot designates "Future Parking Expansion", how will that be accessed without the proposed expansion being significantly modified?

Applicant Response: The "Future Parking Expansion" has been deleted. There are no future plans for an expansion at this time.

7. Sec. 27-460(c)(2)e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line. Please show the property lines so staff can measure the setbacks from the two parallel parking spaces closest to Minnesota Avenue.

Applicant Response: The provisions have been made to adhere to the 25' front yard and side yard, corner setback from the property line. The plans have revisions indicating setbacks and property lines.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #PR-2016-3 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 8, 2016	February 25, 2016
Preliminary and Final Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2016-3** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2016-3**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

PLAN REVIEW APPLICATION #PR-2016-3 – DENEKEW BEWKETU/ETHIOPIAN ORTHODOX TEWAHEDO – SYNOPSIS: Preliminary Plan Review for a parking lot in conjunction with the church at 2925 Minnesota Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated January 13, 2016.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Bob Hafner, Taliaferro and Browne, 1020 East 8th Street, Kansas City, Missouri, and Mr. Denekeew Bewketu, Vice Chairman of the Church, appeared in support of this application. Mr. Hafner stated that they are requesting approval of the preliminary and final plan for the parking addition. There are 42 spaces including the existing parking spaces. There are two (2) items in the staff report that they would like a waiver from. One is a planted island. They have added some additional trees around the perimeter

of the parking and a lot of additional shrubs. They have also received approval from the Engineering Department. They widened the driveway from Minnesota Avenue coming into the drive to the parking area and they want to minimize the damage to the paving area as much as possible and the existing island is in that. They are hoping to have a waiver and if they need to have additional plantings around the parking, they can. The other would be the sprinkler which they would have to cut through the existing parking lot and provide backflow preventers, etc. and that becomes cost prohibitive. The staffing would provide watering of the plants every two (2) to three (3) days and they would have a timeframe for the contractor to make sure they maintain them so they have a good growth.

Mr. Bewketu stated that they are originally from Ethiopia and they are the oldest church dating back to the first century. Ethiopian Church has about 19 million people out of which 5 million are followers of this Coptic Christian Church. Around this area there are 3,000 to 4,000 Ethiopian people living in the Kansas City area and his church has a membership of 90 people. He stated that they used to be around 4832 Oak Grove and they bought this property from the seminary provided that the property stays as a church. He stated that they are growing; in 2015 approximately 17 Ethiopians were beheaded by ISIS in Libya because they were Christians and he said that they went to the local news about it. People are aware of them and are coming to them especially on holy days. At that time they were overwhelmed by church members and for them to grow this parking lot is very critical at this time. Even though they have a very good future in the next 5 to 10 years right now they do not have the resources. There is a four-story building that they are trying to make into a training area in the future. They have big plans for the community and their neighbors. They are also working with the Mercy and Truth medical center around there which is providing medical assistance for the low-income. He stated that what the Planning Department has proposed is according to the plan but the cost of the sprinkler system, etc. will throw them off their budget and they might have to abandon the project because their resources are limited. He stated that they are putting everything the church has into this.

No one appeared in opposition to this application.

Planning Director Richardson stated that the two (2) sections that they differ from the staff on are part of the Overlay Zone. He stated that the Overlay Zone will allow the Planning Commission to grant them a waiver from those stipulations. He stated that that he would be more inclined to switch out exterior landscaping for interior landscaping. If they ever expand again they will have to do interior landscaping otherwise it will be much larger than allowed anywhere else. He stated that he is more hesitant about giving up on the irrigation because it is significantly away from the building and it will be a daily pain to do that. It is his experience that when items become a daily pain they do not get done. If it is irrigated he does not worry about having to go back out for enforcement to replant shrubs and trees later. Director Richardson stated that the staff recommends approval subject to the staff stipulations and recommends that the Planning Commission grant the waiver for the tree and note that there will be an increase in landscaping around the perimeter and the Commission continues to require the irrigation.

On motion by Mr. Gonzalez, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2016-3:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Based on the Site Demolition Plan, sheet D01, nine (9) mature trees will be removed as part of the construction of the parking lot. Only four (4) trees are going to be planted after the expansion. There is a net loss of five (5) trees; therefore five (5) additional trees shall be planted.

Applicant Response: Parking Layout and Landscape Plan have been adjusted to indicate demolition of only seven (7) trees, saving two (2) additional mature trees, three (3) of the existing trees to be demoed are either already dead, very small sapling and one is close to its maturity peak. So, we are adding five (5) additional trees along with a multiple of shrubs for screening.

2. The landscape plan does not depict the total number of trees on the 12.08 acre property. The landscape requirement for RP-5 Planned Apartment District is one tree for every 4,500 square feet of site area. Based on that ratio, 117 trees should be already planted on the property.

The perimeter of the parking lot should be heavily landscaped to minimize the visual impact it will have on the surrounding property. Shrubs, three (3) gallons should be interlaced with trees so there is effective screening from headlights.

Please revise the landscape plan to include the total number of trees on the property, keeping in mind that four (4) trees that will be planted as part of the parking lot expansion is not going to be enough.

Applicant Response: The entire 12.08 acre site has approximately 165 trees counted on the premises. This exceeds the 117 trees required for the RP-5 Planned Apartment District tree count. Additional perimeter parking lot landscaping has been addressed on the landscape plan. 14 new shrubs and 5 new trees will be added at the perimeter of the parking.

3. How many parking spaces, in total will there be in the parking lot after the expansion?

Applicant Response: There will be a total of 42 parking spots, 2 of which will be ADA compliant.

4. Per the Commercial Design Guidelines, the islands of the parking lot rows, currently shown as painted shall be curbed and landscaped.
 - a. A 2" caliper shade tree shall be planted in each island.

Applicant Response: The church is wishing a variance to the landscaping of the island requirement because of these few number of parking spaces and the amount of landscaping proposed.

Staff Response: The church is building a commercial parking lot, and therefore must comply with the Commercial Design Guidelines. The requirement is one tree shall be planted in each island. There have been other smaller redevelopment projects that have complied with these guidelines and staff does not see how this parking lot expansion should be treated any differently than others than have come before staff and the Commission.

Planning Commission Stipulation: The Island landscape may be planted around the exterior of the parking lot.

5. All landscaping shall be irrigated.

Applicant Response: The owner is requesting a variance on the sprinkling. A wall hydrant in close proximity to the church will be able to provide necessary watering by church personnel.

Staff Response: Staff stands by its stipulation that landscaping shall be irrigated. The applicant may ask for further discussion of this item at the meeting.

6. The parking lot designates "Future Parking Expansion", how will that be accessed without the proposed expansion being significantly modified?

Applicant Response: The "Future Parking Expansion" has been deleted. There are no future plans for an expansion at this time.

7. Sec. 27-460(c)(2)e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line. Please show the property lines so staff can measure the setbacks from the two parallel parking spaces closest to Minnesota Avenue.

Applicant Response: The provisions have been made to adhere to the 25' front yard and side yard, corner setback from the property line. The plans have revisions indicating setbacks and property lines.

Public Works Comments:

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

January 26, 2016

Uniform Government of Wyandotte County
Urban Planning and Land Use
Attn: Staff Comments and Suggestions/Public Works Comments

Janet Parker
Byron A. Toy, AICP
City Planning Commission
701 North 7th, Str., Room 423
Kansas City, KS, 66101

RE: Petition #PR-2016-3, Urban Planning and Land Use - Responses to Kidane Mehret Ethiopian
Orthodox Methodist Church Parking Lot Expansion Comments
T&B Project No. 90-3500

Dear Janet:

We wish to submit the following responses to the City Planning Commission letter DRAFT STAFF
REPORT FOR PLAN REVIEW APPLICATION #PR-2016-3 Emailed on January 19th, 2016 pertaining
to the Kidane Mehret Ethiopian Orthodox Methodist Church Parking Lot Expansion for review
and approval.

RESPONSES

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

- 1) Parking Layout and Landscape plan has been adjusted to indicated demolition of only 7 trees, saving 2 additional mature trees, 3 of the existing trees to be demoed are either already dead, very small sapling and one is close to its maturity peak. So we are adding 5 additional trees along with a multiple of shrubs for screening.
- 2) The entire 12.08 acre site has approximately 165 trees. Counted on the premises. This exceeds the 117 trees required for the RP-5 Planned District tree count. Additional perimeter parking lot landscaping has been addressed on the Landscape plan. 14 new shrubs and 5 new trees will be added at perimeter of parking.
- 3) There will be a total of 42 parking spots, 2 of which will be ADA compliant.
- 4) Church is wishing for a Variance to the landscaping island requirements because of the few number of parking spaces that are being proposed and the amount of landscaping proposed.

- 5) Owner is requesting a Variance on sprinkling, A wall hydrant in proximity and church will be able to provided necessary watering by Church personnel.
- 6) The Future Parking Expansion has been deleted, there is no future plans for an expansion at this time.
- 7) The Provisions have been made to adhere to the 25' setback from the property line, the plans have revisions indicating set back and property lines located.

Public Works Comments

A)

- 1) Church will provide 2 lane width at Minnesota Ave. Addressed on the Plans.
- 2) No Parking or building expansion is addressed at this juncture. Owner will wish to discuss future expansion with the City when it becomes viable.
- 3) Refer to item #2 above
- 4) Storm Water detention has been moved to a location much closer to the parking lot, refer to plans for revised location.
- 5) Existing property lines, right-of-way and utilities, that affect the proposed parking lot, are now indicated on the plans

B) & C) No comment required

Factors to be Considered

- 1) Storm water retention has been moved much closer to parking area as recommended
Trying to keep with required planting and visual appeal for adjacent Family homes
- 2) The parking increase should only affect weekend traffic for services, it does not appear that the traffic will negatively affect the neighborhood on the weekends.

Please feel free to contact Robert Hafner at (816) 283-3456 if you have any questions or comments.

Sincerely,



Robert C. Hafner
Architect
Taliaferro & Browne, Inc.

CC:
Hagos Andebrhan, T&B Engineers

Subject:	Parking Lot Expansion		
Client:	Kidane Mehret Ethiopian Orthodox Tewahedo Church		
Project:	Neighborhood Meeting	T&B Project No:	95-3500
Meeting Date:	January 21 st , 2016	Meeting Location:	2915 Minnesota Ave. Kansas City, KS 66104
		Prepared by:	Robert Hafner Architect

Application Number PR-2016-3

Meeting called to order at: 4:30 PM

Names of people in attendance: Please refer to Attached Attendees Sheet

Introductions: Owner/Architect introduced to attendees. Contractor to be determined.
2 of the Attendees where from Mercy & Truth Medical Missions building

Robert Hafner presented a sketch of the building on a board, (see below)
Presentation was directed toward a 40 plus or minus parking lot attached just east of existing building and drive.



1. Howard Russell asked when the Planning department was going to have their hearing, Robert Hafner stated that it was at 6:30 p.m. February 8th, 2016 at City Hall. Below is the sign at the corner of the property.



2. Both Howard and Geoffrey were excited to see the church getting the parking lot and starting to expand enough to require some additional parking.
3. Robert Hafner explained that the Church would be adding an additional lane, making the access a 2 lane entrance.
4. Howard also asked if the City was going to require a retention pond and where that might be located, Robert Hafner discussed the original location was on the SouthEast corner of the property, but told them that it was in the process of being moved closer to the parking lot as recommended by the City Engineer.
5. Both Howard Russell and Geoffrey Kigewyi, from the Mercy & Truth Medical Missions discussed the difficulties they had with parking and storm water retention with the City requirements/demands.

Meeting adjourned at: 5:20p.m.

Minutes taken by: Robert C. Hafner





Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: February 25, 2016
Re: Petition #SP-2015-62

GENERAL INFORMATION

Applicant:
Alicia Nava

Status of Applicant:
Owner
4022 Silver Avenue
Kansas City, KS 66106

Requested Action:
Approve Special Use Permit

Date of Application:
August 28, 2015

Purpose:
To keep six (6) chickens on the property

Property Location:
4022 Silver Avenue

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



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

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

Total Tract Size: .14 acre

Master Plan Designation: The City-Wide Master Plan designates the property as Low Density Residential.

Major Street Plan: The City-Wide Master Plan classifies Silver Avenue as a local street.

Advertisement: The Wyandotte Echo – September 17, 2015 and October 29, 2015
Letters to Property Owner – September 15, 2015, October 22, 2015, December 15, 2015 and February 2, 2016

Public Hearings: October 12, 2015, December 14, 2015, January 7, 2016 and February 25, 2016

Public Oppositions: No one appeared in opposition at the October 12, 2015 or December 14, 2015 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Nava wants to keep six (6) chickens at her home at 4022 Silver Avenue on .14 acre. This application has been republished to include six (6) chickens. Originally, the application was for four (4) chickens.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is entirely comprised of single family homes. There are commercial businesses at the intersection of 42nd and Metropolitan Avenue.

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

The zoning of nearby properties and their uses are set out above. The proposed use is not compatible with them.

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

The removal of the restrictions, given the property is .14 acre could detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and could injure the visual quality or marketability of adjoining property given the current zoning district setbacks.

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

Noise and dust that is normally associated with the keeping of livestock, in this case chickens could be of such duration as to create problems for near-by property.

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

If waste is not picked up regularly and disposed of properly, the proposed use could pollute the water or land.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

The relative gain to the public health, safety, and welfare is minimal as compared to the hardship imposed on the individual landowner. If this application is denied, the applicant will be forced to find an alternate location to keep the chickens.

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

The keeping of six (6) chickens should not result in overcrowding of land, but if the chickens are given room to roam, then while not being overly concentrated could pose issues to adjacent property owners.

PREVIOUS ACTIONS

This petition was held over from the October 12, 2015 Board of Zoning Appeals meeting to republish the notice for the special use permit to keep six (6) chickens. Originally, the applicant had applied to keep four (4) chickens.

NEIGHBORHOOD MEETING

The applicant previously conducted a neighborhood meeting on September 22, 2015. According to the applicant, the five attendees did not appear in opposition.

KEY ISSUES

Size of the property
Location of coop

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **approval** of Special Use Permit Application **for four (4) chickens for two (2) years**.

STAFF COMMENTS AND SUGGESTIONS

The staff does not concur with the recommendation of the City Planning Commission and recommends denial.

Urban Planning and Land Use Comments:

1. Since the October 12, 2015 City Planning Commission, have the two (2) roosters been removed from the property? The two (2) roosters that are on the property must be removed from the property immediately, as they are not permitted by Code.

Applicant Response: Both roosters have been removed from the property.

2. How will chickens be kept on the property? Will they be in a fenced in area or stay within a coop at all times? If in a coop, will they move around the property or stay in a single location at all times?

Applicant Response: The chickens are in the back yard and they are in the coup and fenced area.

3. What are the estimated dimensions of the area that the chickens will take up on the property?

Applicant Response: The coup is 15' x 15'.

4. Please provide a drawing/image relating to where the chickens will be kept in relation to the home on the property, neighboring homes, property line and other structures.

Applicant Response: The applicant indicated on the aerial photograph that the coup is abutting the detached accessory structure in the northwest corner of the property.

5. Please submit a plan for how the chickens will be kept in addition to a plan to deal with waste from the chickens.

Applicant Response: The applicant stated that the waste is bagged and put out with the weekly trash.

6. Please address issues of feed and diet for the chickens, how will they be fed?

Applicant Response: The chickens are fed corn and grain.

Public Works Comments:

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

Staff Conclusion:

The property is simply too small; .14 acre to keep six (6) chickens. While staff understands chickens do not require a lot space, the proximity to adjacent property owners may cause issues that will become problematic such as noise, noxious odors and dust.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2015-62 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 12, 2015 City Planning Commission Minutes
December 14, 2015 City Planning Commission Minutes
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 14, 2015	January 7, 2016
Special Use	Approval	Held Over February 25, 2016

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2015-62, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2015-62 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OCTOBER 12, 2015 CITY PLANNING COMMISSION MINUTES:

150280 SPECIAL USE PERMIT APPLICATION #SP-2015-62 – ALICIA NAVA -

SYNOPSIS: Special Use Permit for four (4) chickens at 4022 Silver Avenue

Recording Secretary Parker stated that since the appeal was held over until the December meeting, the Commission needs to take action on this special use permit (so it can be republished for six (6) chickens.)

Planning Director Richardson stated that the staff recommends that this application be held over until the December meeting.

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2015-62 until the December 14, 2015 meeting:**

Carson	Aye
Connelly	Aye
DeWitt	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairwoman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Aye

Motion to HOLD OVER Passed: 9 to 0

DECEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

15298 SPECIAL USE PERMIT APPLICATION #SP-2015-62 – ALICIA NAVA -

SYNOPSIS: Special Use Permit for six (6) chickens at 4022 Silver Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 17, 2015 and October 29, 2015;
7. The Notices to property owners dated September 15, 2015 and October 22, 2015.
8. The testimony from Appeal #2178 heard earlier this evening.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Ms. Alicia Nava, 4022 Silver Avenue, Kansas City, Kansas, applicant, appeared in support of this application. (Ms. Nava was assisted by an interpreter provided by A+ Communications.)

Planning Commissioner Serda stated that the previous testimony raised questions about the number of chickens. He asked if the applicant would be satisfied with approval for fewer chickens. Ms. Nava stated only four (4) or two (2). Dr. Serda stated that it was just a suggestion. Ms. Nava stated yes.

Planning Commissioner Wing asked if she currently has three (3) chickens right now. Ms. Nava stated that she has four (4) chickens.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends denial.

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2015-62 for four (4) chickens for two (2) years:**

Carson	Not Present
---------------	--------------------

Connelly	Aye
-----------------	------------

DeWitt	No
---------------	-----------

Ernst	No
--------------	-----------

Gonzalez	Aye
-----------------	------------

Huey	Chairman
-------------	-----------------

Pauley	Aye
---------------	------------

Schwartzman	Aye
--------------------	------------

Serda	Aye
--------------	------------

Wing	Aye
-------------	------------

Motion to recommend APPROVAL Passed: 6 to 2



Figure 1. Aerial photograph of 4022 Silver Avenue (provided by UG Maps).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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To: Unified Government Board of Commissioners

From: City Staff

Date: February 25, 2016

Re: **Proposed Ordinance Amendment definitions and a new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small, discount dollar retail stores.**

GENERAL INFORMATION

This is a request of staff from the Board of Commissioners to prepare and process the following:

- Ordinance amendment to require a special use permit for small, discount dollar retail stores
- New definition for “dollar retail store”

Purpose: To better regulate the total number and proximity of dollar stores

Advertisement: Wyandotte Echo – December 17, 2015

Public Hearings: February 8, 2016 and February 25, 2016

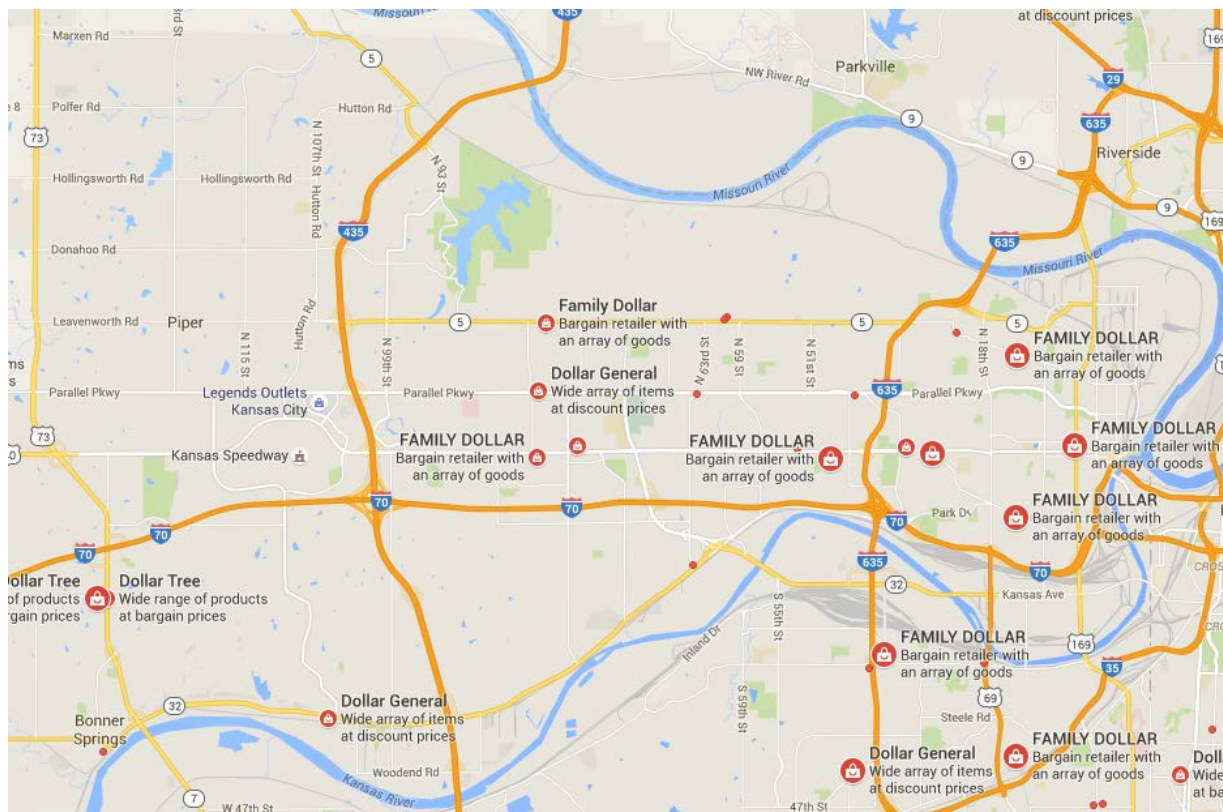
Public Opposition: None expressed to date.

PROPOSAL

This ordinance recognizes that dollar retail stores may serve needs that are not being served by other businesses in the neighborhood. However, the proliferation of dollar retail stores in close proximity to each other can negatively impact the character of the neighborhood. The following guidelines are meant to preserve the character of each neighborhood while still allowing dollar retail stores to operate under certain conditions.

Currently, a high number of dollar retail stores exist, with many in close proximity to each other. In the proposed ordinance, the separation requirement of 10,000 feet was determined after considering current location patterns and pedestrian and transit access.

Existing dollar retail stores in Wyandotte County:



Dollar Stores an issue to be addressed based on the following conclusions:

WHEREAS a significant number of Dollar Stores are already in operation in Wyandotte County;
and
WHEREAS many of the Dollar Stores are currently in operation in close proximity to one another; and
WHEREAS Dollar Store structures are difficult to repurpose after the store closes and can become a blight on the community; and
WHEREAS there is a tendency of Dollar Stores to proliferate in low-income areas; and

WHEREAS there is a correlation between negative health indicators and the presence of Dollar Stores in communities; and

WHEREAS it is recognized that Dollar Stores may be the only convenient source of food and dry goods for people in communities underserved by traditional grocery stores; and

WHEREAS it is necessary to continue to allow the presence of Dollar Stores, but to regulate them; and

WHEREAS such regulations are necessary to preserve property values, prevent blight, and protect the health and welfare of the citizens of Wyandotte County; and

WHEREAS such regulations will promote the efficient use of land and resources in Wyandotte County; and

WHEREAS the Board of Commissioners has directed the planning department to research and draft an ordinance regulating Dollar Stores;

Therefore staff proposes the following ordinance modifications to achieve the goals of the community:

Sec. 27-340. – Definitions.

Dollar retail store means a store with a wide variety of new merchandise for sale for five dollars or less, limited fresh produce, and buildings of less than 15,000 square feet. Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores.

Sec. 27-593. - Allowable special uses.

(b) The following uses are permitted only on approval of a special use permit regardless of the zoning district of the proposed location:

(21) Dollar retail stores only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

a. Separation Requirements

1. No dollar retail store shall be located within 10,000 feet of any other dollar store or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or any apartment building. The separation distances shall be measured from property line of the dollar retail store to the property line of the property containing the residential use. This separation provision shall not apply to any dollar store that can demonstrate to the Unified Government that they were in operation at the location requested in the license application prior to the effective date of this article, and that they have operated continuously under the same business name since that time.

b. Signage

1. Following all permanent sign requirements under section 27-727.
- c. *Façade, Landscaping, and Screening*
 1. All commercial design guidelines must be met for all facades including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 2. Commercial uses in industrial districts shall be subject to commercial design guidelines.

ATTACHMENTS

February 8, 2016 City Planning Commission Minutes
Impact of Chain Stores, April 18, 2000
As Dollar Stores Proliferate, Opponents Worry for Small Towns, March 20, 2012
Food Environment and Child Obesity, 2015
4 Reasons Shopping at Dollar Stores Costs More, May 8, 2015
What Dollar Stores Reveal About America, February 7, 2012
UG to Look at Limiting Number of Dollar Stores, May 22, 2015

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **approval** of the dollar store ordinance amendment subject to adding the word “new” to merchandise in the dollar store definition.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT: **Zach Tusinger** **ztusinger@wycokck.org**

MOTIONS

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

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

OR

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

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

ORDINANCE AMENDMENT - SYNOPSIS: Certain amendment to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small, discount dollar retail stores.

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 17, 2015.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Planning Director Rob Richardson, 701 North 7th Street, Suite 423, Kansas City, Kansas, appeared in support of this ordinance amendment. This item was held over

from last month for additional research to be completed. That research has been done and is part of the staff report. There are several articles included as to why the city might want to do further regulation on dollar stores within the community. The essence of the amendment is that a 2,000' spacing between new retail establishments termed as dollar retail stores and they could not be within 200' of any residential property. They will have to comply with the sign code and commercial design guidelines. The staff would request the support of the Planning Commission in recommending this to the Board of Commissioners.

Planning Commissioner Connelly asked why it has to be dollar stores. Does it have to have the name dollar in it? Planning Director Richardson stated that the definition on page 3 says a wide variety of merchandise for sale \$5.00 or less, limited fresh produce, buildings less than 15,000 square feet (and some examples such as Family Dollar, Dollar Tree, Dollar General, 99 center, \$5.00 below, dime stores and five and dime stores) are given. Mr. Connelly stated that no other stores would be affected. Director Richardson stated correct.

Planning Commissioner Gonzalez stated that he said something about 2,000 feet but he sees 10,000 feet and asked how far 10,000 feet would be. Director Richardson stated that 10,000 feet is correct and it is a little less two (2) miles. Mr. Gonzalez stated that it would not affect present operations. Director Richardson stated no, they would be existing non-conforming uses. If they closed, they could not be another dollar store. Mr. Gonzalez asked what the purpose of this ordinance was. Director Richardson stated that the staff was asked to prepare this ordinance by the Board of Commissioners.

Planning Commissioner Gonzalez stated that he has seen a lot of dollar stores go up. Planning Director Richardson stated that there is probably another generation of them coming. American's largest retailers are also looking at those types of stores to come in and compete with the others ones.

Planning Commissioner Serda asked if the definition would include thrift stores. Director Richardson stated no. Dr. Serda stated that there are many thrift stores downtown that are less than 15,000 square feet and they are not selling new merchandise as the dollar stores are selling new merchandise. If the intent is to capture dollar stores he thinks that this definition would catch thrift stores. He suggested that the definition say new merchandise in the ordinance.

Planning Commissioner Gonzalez stated that when you go into a Dollar General store you are probably going to see products that are in the local grocery store. The Dollar General store that is no longer in his neighborhood, when he walked in he walked back out because of the uncleanliness. That store has been replaced by Family Dollar store which attracts a different clientele because you can get good deals there. He stated that he has not been in the store. He would hate to discriminate between those three because one is cleaner than the other. Planning Director Richardson stated that they all have to be treated as a group as one retailer cannot be singled out over another. He

would say generally there has been maintenance, cleanliness, and fire code compliance issues with all these type of stores because they over pack the aisles and there have been some maintenance and trash issues even with some of the brand new ones. The staff still has not released the Certificate of Occupancy on two (2) of them because they are never clean to where staff would approve a CO when it is time to give it. There have been a couple of them that have been ok; the ordinance just says that the city does not want them on every corner.

Planning Commissioner Gonzalez stated that another business that should be regulated is pay day loan locations. Planning Director Richardson stated that there is a regulatory ordinance that deals with the maximum number of them. He stated that staff did think about regulating dollar stores in this manner but there is a need for them and adding two (2) more to the number already in operation could lead to some other legal issues.

Planning Commissioner Connelly stated that he lives in District 1 and he has seen a lot of these stores go up such as the one on 7th Street and this is the only place that people have to shop. Director Richardson stated that that one is not going away and the one at 7th and Nebraska is probably the shining star of what has been built. Even stores of that chain have had issues such as the one on Leavenworth Road. There have been significant issues with them getting their grading right so their neighbor was not flooded. It was hard to get them to act and get that situation taken care of. Mr. Connelly stated that he is very impressed with the one on 47th Street that just opened up. Director Richardson stated some of the chains go in and remodel existing locations. Mr. Connelly stated that it looks like that is singling out a place that provides a service to low-income people. Director Richardson stated that if he reads some of the articles it may look like they are serving the people. While being a “dollar store” their pricing is not always competitive. It is close and convenient but it may not be actually serving them in the way they might be served with something else in the neighborhood. When a grocery store looks at building a new grocery store in the northeast area, it takes away from the square footage that they want to build because these stores are there. There is a sentiment that they are not as good for the community as they appear to be in the articles.

Planning Commissioner Gonzalez stated that there is a fundamental problem with any convenience store when it says “buy 1 get 1 free.” When you go to the cash register and then go home and look at the receipt and you did not get the deal that you thought it is a whole education deal. They sell unhealthy foods but it is also an issue of education. He went to Sun Fresh in Turner the other day and bought 2 bags of chips because it said “buy 1 get 1 free” and when he went to check out the manager said that is not true. He told him that if he went over there to the section of the chips (they have been picked over) there are “buy 1 get 1 free” tabs all over. He gave him the second item free but he had to pay for the bag of chips that was \$4.19 instead of the bag that was \$3 something. It is an education issue.

Planning Commissioner Carson asked if this has been reviewed by the Legal Department and there is no problem. Assistant Counsel Waters stated yes.

No one appeared in opposition to this ordinance amendment.

Planning Director Richardson stated that he would request that the word “new” be added to merchandise as suggested by Commissioner Serda.

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of this ordinance amendment subject to the revised definition:**

Carson	Aye
Connelly	No
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 5 to 1

Exhibit1



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INDEPENDENT BUSINESS

ARTICLE, RESOURCE

The Impact of Chain Stores on Community

Stacy Mitchell | 2 Comments | Apr 18, 2000

A speech by ILSR's Stacy Mitchell delivered at the annual conference of the American Planning Association, April 2000

Chain store proliferation has weakened local economies, eroded community character, and impoverished civic and cultural life. Moreover, consolidation has reduced competition and may harm consumers over the long-term. Contrary to conventional wisdom, the decline of independent businesses is not inevitable, nor is it simply the result of free market forces. Rather, public policy has played a major role, particularly through tax incentives and other development subsidies that give national chains a significant advantage. Meanwhile, a growing number of communities are taking a different approach. They are adopting land use rules that deter chain stores and actively encourage local ownership.

Let me begin by reading something that Jane Jacobs wrote in her book, *The Death and Life of Great American Cities*, about the relationship between locally owned businesses and community. Community is one of those words so overused that we rarely pause to consider its meaning. For Jacobs, what constitutes community is not any one particular thing, but rather the many small interactions that occur in our everyday lives.

"It grows," she writes, "out of people stopping by the bar for a beer, getting advice from the grocer and giving advice to the newsstand man, comparing opinions with other customers at the bakery and nodding hello to the two boys drinking pop on the stoop . . . hearing about a job from the hardware man and borrowing a dollar from the druggist . . .

"Most of it is ostensibly utterly trivial, but the sum is not trivial at all. The sum of such casual, public contact at the local level. . . most of it fortuitous, most of it associated with errands . . . is a feeling for the public identity of people, a web of public respect and trust, and a resource in time of personal or neighborhood need. The absence of this trust is a disaster to a city street."¹

What Jacobs describes here could be an urban neighborhood or a small town. Its defining feature—and indeed the very foundation of this close-knit community—is a vibrant local retail economy. It is a place of small stores and sidewalks; a place where public and private space overlaps; and a place where we buy goods and services from businesses owned by our neighbors.

Such places are increasingly rare. Small-scale, pedestrian streets are giving way to massive, impersonal shopping centers. Street life has suffered, as our daily errands revolve increasingly around stores accessible only by car. Locally owned businesses are disappearing, displaced by national chains that have limited ties and no long-term commitment to the community.

The loss of locally owned stores and the pace of retail consolidation is staggering. 11,000 independent pharmacies have closed since 1990. Independent bookstores have fallen from 58 percent of book sales in 1972 to just 17 percent today. Local hardware dealers are on the decline, while two companies have captured 30 percent of the market. Blockbuster rents one out of three videos nationwide. Five firms control one-third of the grocery market, up from 19 percent just five years ago. A single firm, Wal-Mart, now accounts for 7 percent of all consumer spending.²

If the current trends continue, independent retailers might soon be a thing of the past. But, in the midst of this unprecedented expansion by national retail corporations, another trend is underway: a growing number of communities are rejecting chain stores.

Last summer, residents of Ashland, Virginia mounted a spirited campaign to block a proposed Wal-Mart. In October, the Planning Commission voted unanimously to reject the store. In Chelsea, Michigan, residents organized a picnic to protest plans for a Rite Aid drugstore. The event drew a crowd of 1100 people. Rite Aid quickly backed down. Similar events are occurring across the country.

Indeed, over the past two years, dozens, or perhaps hundreds, of neighborhood groups have sprung up to protect their hometown businesses. In Lake Placid, New York, a group known as the Residents for Responsible Growth is working with neighboring towns to form a regional response to chain store expansion. In Flagstaff, Arizona, it was the arrival of a Barnes & Noble and a Home Depot that prompted residents to form the Friends of Flagstaff's Future. In Northfield, Minnesota, the Citizens for Responsible Development is working to defend the town's historic Main Street and local shops.

CONSUMERS

The debate over chain stores is often characterized as a struggle between our hearts and wallets. We may mourn the loss of the corner drugstore, a fixture in the neighborhood for three generations, or the local independent bookstore, but ultimately we believe that, as consumers, we are better off. We tend to take as self-evident the chain stores' claims that they bring us lower prices and wider selection.

Over the long term, however, consumers are best served when there are numerous competitors in the market. The big retail corporations, like Home Depot, Toys R Us, and Best Buy, are known in the industry as "category killers." The name is significant. These businesses do not intend to compete with local stores; they aim to be the only game in town.

Typically, a chain store will enter a new market sporting deep discounts. Many chains employ loss leaders to attract customers. Wal-Mart has been known to sell gallons of milk for 25 cents or to price entire departments below its own acquisition costs. This sets up a battle that local merchants cannot win. If they don't match the chain's prices, they risk losing customers. If they do match the chain's prices, they will lose money on every sale. While a chain can afford to operate a new outlet at a loss indefinitely, it's only a matter of time before the local business will be forced to close.

Once the chain has eliminated the local competition, prices tend to rise. In Virginia, a survey of several Wal-Mart stores statewide found prices varied by as much as 25 percent. The researchers concluded that prices rose in markets where the retailer faced little competition. A similar conclusion was reached in a survey of Home Depot. Prices were as much as 10 percent higher in Atlanta compared to the more competitive market in Greensboro, North Carolina.⁴

As for wider selection, consumers should be especially wary of the claims made by chain stores. Independent merchants are usually the first to sell products made by small companies. By contrast, most national chains refuse to do business with small and mid-sized companies. They prefer to deal only with large manufacturers. The result is that small manufacturers—even those that make innovative products, publish great books, or distribute ground-breaking films—are having an increasingly difficult time reaching consumers.⁴

Consider the impact of this on book publishing. Borders Books and Barnes & Noble certainly stock a large number of titles under one roof, but these are virtually the same titles found in each of their 2,000 stores. Although local bookstores tend to be smaller, collectively they stock—and promote—far more titles than either of the chains. They take risks on unknown authors and small publishers. A number of best-selling writers, including Barbara Kingsolver and Amy Tan, contend that, without independent booksellers, their first books would have gone quietly out of print.

LOCAL ECONOMIES

Even if chain stores do save us a few dollars now and again, it comes at a great cost. Chain stores contribute far less to the local economy than independent businesses.

Developers often present new chain store developments as major additions to the local economy. They note the growth in retail sales and shopping options. They tally up the number of new jobs and the added tax revenue that the development will bring.

What is often overlooked is the other side of the balance sheet. Unlike new manufacturing facilities, which do create real economic growth, new retail stores simply shift consumer spending from one area of town to another. A new big box store can only be successful at the expense of existing businesses.

A study in Iowa, for example, found that new Wal-Mart stores derive on average of 84 percent of their sales from existing businesses within the community.⁴ Similar conclusions have been reached in studies of big box development in Massachusetts, Maine, Vermont, New York, California, and Virginia.

What all of the studies find is that very little of the sales generated by a new retail store represent new retail spending. Instead these developments simply shift economic activity from one part of town to another. The end result is not economic development, but rather economic displacement.

One study in Greenfield, Massachusetts concluded that a proposed Wal-Mart store would cost existing businesses \$35 million in sales. The 177 jobs expected to be gained by the Wal-Mart would be offset by the loss of 148 jobs at other businesses.⁴ A similar study in Saint Albans, Vermont found that a new Wal-Mart would derive 76 percent of its sales from local businesses. Many of these stores would be forced to close, leading to a significant net decline in total retail employment and property tax revenue.⁵

Trading locally owned businesses for chain stores also entails the loss of significant secondary economic benefits.

Local stores keep profits circulating within the local economy. They also support a variety of other local businesses. They create opportunities for service providers, like accountants and printers. They do business with the community bank. They advertise through independent radio stations and other local media outlets. They purchase goods from local or regional distributors. In this way, a dollar spent at a locally owned businesses sends a ripple of economic benefits through the community.

By contrast, chain stores typically centralize these functions at their head offices. They keep local investment and spending to a minimum. They bank with big national banks. They bypass local radio stations in favor of national advertising. In this way, much of a dollar spent at a chain store leaves the community immediately.

Small, independent stores also create economic diversity and stability. Because they are locally owned, these stores are firmly rooted in the community. They are unlikely to move and will do their best to weather economic hard times.

Chain stores, by contrast, tend to be fair-weather friends. They are highly mobile and will abandon a location if profit margins do not meet their expectations. The worst case scenario is when a big box store builds on the edge of town, destroys the central business district, and, then a few years later, decides that it too will close its doors. The town is left with a dead Main Street and nothing to show for it. Nationwide, there are more than 300 empty Wal-Marts.⁶ It's very difficult to find a tenant for these single-purpose buildings and they often remain vacant for many years.

A community that loses its local businesses to national chains also risks losing other economic development opportunities. New technologies have enabled many companies to operate virtually anywhere. When these companies consider location options, towns with a vibrant commercial core and a unique character are often at the top of the list.

COMMUNITY

From an economic perspective, there is much to suggest that chain stores may not be our best value. But perhaps more significant than any of the economic considerations are the qualitative benefits of local ownership. Locally owned businesses build strong communities. They provide a foundation for the web of connections and trust that Jane Jacobs believed so essential to a healthy neighborhood.

There are several reasons for this. The first is that independent stores tend to be located in humanly-scaled, pedestrian-oriented shopping districts, as opposed to the sprawling, isolated experience of a chain store parking lot.

The second reason is that local stores create a sense of place and community identity. They reflect the local culture. They give neighborhoods their distinct flavor. They are often a source of community pride and an attraction to visitors.

Chain stores, by contrast, are sapping communities of their character and individuality. Even the most famous American cities are losing their unique appeal. Kmart, Costco, and Home Depot are building in Manhattan. Fifth Avenue is home to Starbucks and The Gap. These same stores can be found on Michigan Avenue in Chicago, Market Street in San Francisco, and thousands of other locations worldwide.

The arrival of chain stores may also entail the destruction of important local landmarks. An 1876 Friends Meeting house in Richmond, Indiana, for example, was demolished for a CVS drugstore. In Nashville, the Jacksonian Apartments, eligible for the National Register of Historic Places, were torn down for a Walgreen drugstore.⁷

The third way that independent businesses strengthen community is through their contributions to civic and cultural life. Local merchants are more than providers of goods and services. They often take a leadership role in community affairs. Many chair neighborhood organizations, host cultural events, or organize local festivals. According to the U.S. Small Business Administration, small businesses give more time and money to charitable organizations than do their large competitors.¹⁰

Because they live in the places where they do business, local merchants tend to be far more committed to the community's well-being and long-term stability than distant corporations. This commitment manifests itself in a variety of ways. In St. Paul, Minnesota, for example, the local food cooperative recently opened a new store in a low income neighborhood on a lot that had been vacant for years. As with many construction projects, the coop ran into higher than expected costs. Several independent merchants, including the local bookseller, stepped in and provided a sizable and much-needed loan. Meanwhile, Barnes & Noble and Borders Books, both of which operate stores in the city, were nowhere to be found.

Finally, the shift from local to absentee-owned stores means that business decisions are no longer made locally by members of the community. Who decides whether to close a store in a distressed neighborhood, stock a controversial book, sell produce from local farms, pay a living wage, or contribute to a local charity? In the case of chain stores, these decisions occur in distant boardrooms, where the values of the local community carry little or no weight.

This loss of local decision-making and the growing power of a small number of large corporations has implications for democracy. In 1952, Senator Hubert Humphrey asked, "Do we want an America where the economic market place is filled with a few Frankensteins and giants? Or do we want an America where there are thousands upon thousands of small entrepreneurs, independent businessmen, and landholders who can stand on their own feet and talk back to their Government or to anyone else?"¹¹

NEW RULES

There are tremendous benefits to choosing the latter path. Our ability to do so will depend not only on the decisions we make as consumers, but on the decisions we make as citizens. The actions of policymakers, and, in particular, planners, are critical to reviving the homegrown economy and ensuring that local businesses continue to be a vital part of our communities.

Many contend that public policy should have no role in shaping the retail economy. This is, after all, a free market.

But public policy is never neutral, and has, in fact, played a major role in the expansion of national chain stores. In many ways, public policy has undermined local retailers by giving large retail corporations unfair advantages.

Examples can be found at all levels of government. Congress, for instance, has exempted retailers like Amazon.com and Barnes & Noble from collecting sales tax on internet sales. This effectively gives these companies a 6 to 8 percent price advantage over local stores.

At the city and state level, tax incentives and other kinds of subsidies are routinely made available to chain stores. In Wisconsin, nearly \$20 million was provided a few years ago for a distribution center for Target stores. The city of Rochester, Minnesota spent \$3 million attracting a Barnes & Noble. Long Beach, California waived \$6 million in taxes for a development that included Kmart. In Florida, Walgreens has requested \$4.5 million in state and county tax breaks for the construction of a new warehouse.¹²

Similar examples can be found all over the country. Even if your hometown does not provide such subsidies, the chains that expand there are able to do so in part because of public funding they've received elsewhere. Rarely are tax breaks and subsidies given to locally owned businesses. Instead, they often see their tax dollars used to subsidize a competitor.

In other cases, city governments have evicted local businesses to make room for chain store developments. A proposal currently under consideration in Pittsburgh would level 60 buildings and remove 125, mostly locally owned, businesses to make way for a shopping center that will house some three dozen chain stores. The beneficiaries of this plan include The Gap, Borders Books, and FAO Schwartz.¹³

Under these circumstances, even the most competitive, efficient, and popular independent businesses are struggling to stay afloat.

What these examples make clear is that the loss of independent businesses is not inevitable. Rather than undermining the local economy, many communities are taking a different approach. They have made sustaining humanly scaled, unique homegrown businesses a primary focus of planning and economic development decisions.

They are adopting a variety of land use rules that deter chain stores and foster local ownership. Many have restricted the physical size of new stores. Others allow new retail development only if it meets specific criteria defined by the community. Some have banned uniformity, by prohibiting "formula" businesses. Others have barred new retail development outside of the town's central business district. (Examples of these policies, including the full text of the local ordinance, can be found on the New Rules web site, created by the Institute for Local Self-Reliance, at <http://www.ilsr.org>.)

By designing policies that put community first, local businesses can once again become a key component in a dynamic retail economy and a vibrant community.

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Stacy Mitchell is a researcher for the Institute for Local Self-Reliance (ILSR), a national nonprofit organization advancing community-oriented economic development through research and educational activities.

Exhibit 2

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As Dollar Stores Proliferate, Opponents Worry For Small Towns

03/20/12 7:50AM By [Steve Zind](#)



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VPR/ Steve Zind.

Dollar General and Family Dollar both have plans to expand the number of stores in Vermont this year. Opponents say the stores are a bigger threat to small towns than big box stores.

(Host) Two national dollar store chains have plans to expand the number of their Vermont stores in the coming year, but they're running into some local resistance.

Opponents say the proliferation of dollar stores poses a greater threat to the economy and character of many more towns than big box stores.

VPR's Steve Zind reports.

(Zind) With its vibrant village and distinctive stone architecture the Windsor County town of [Chester](#) has a charm that translates into dollars. The shops and boutiques that line Main Street thrive on tourism.

But there's one sign of economic growth that some residents aren't so happy about.

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Dollar General, the large national retailer wants to build a store at the edge of the village. At 9,100 square feet, it would be by far the largest retailer in Chester.

Shawn Cunningham is with the group Smart Growth Chester

(Cunningham) "It's out of scale, it's not with the character of the town and we're concerned about the businesses in town because there are a number of businesses this would compete with unfairly. It's like asking a bantamweight to crawl into the ring with a heavyweight."

(Zind) Cunningham's group is urging the town's Development Review Board to reject Dollar General's application.

Cunningham argues that the national chain brings little to the town's economy in jobs or revenue.

Dollar General hopes to build several stores in Vermont this year in addition to the 15 it already has.

Another large national chain, Family Dollar wants to add at least seven stores to the nine it already has in Vermont.

Across the country, business is booming for dollar stores. Joshua Braverman is a spokesman for Family Dollar.

(Braverman) "We are definitely in a growth mode and are looking forward to providing the value and convenience that we provide in our stores to more communities around the country."

(Zind) Braverman says Family Dollar's core customers are single women heads of household who earn less than \$40,000 a year. But he says that demographic is expanding and creating more opportunities for the company to build new stores.

Many dollar stores are located in strip development or stand-alone buildings outside of towns. Those outliers are the ones that concern Paul Bruhn of the Preservation Trust of Vermont.

(Bruhn) "We understand that there are people in Vermont that need that kind of shopping experience. Our concerns are much more around location. Most of the dollar stores are located in sprawl locations that has the effect of undermining out downtown and village centers."

(Zind) Bruhn says he has nothing against dollar stores if they're reasonably sized and in town.

Gayle Aertker is senior vice-president of store development for Dollar General which is based in Tennessee. It's the largest of the national dollar store chains.

Aertker says the Dollar general prefers to erect its own stand-alone buildings, or locate stores in strip developments. Both options tend to put stores outside of village centers.

And Aertker says the 9,100 square foot store proposed for Chester is the smallest size that works for the company.

(Aertker) "It is a balance of making sure that we have all the basic merchandise in our store that makes a Dollar General a profitable store. So, no, we're not building smaller stores today."

(Zind) Aertker says her company brings jobs to communities and supports local non-profits.

In Randolph, there's a locally owned downtown variety store called Belmain's. It competes with two dollar stores just outside of the village.

Belmain's manager Penny Young says some customers shop with her out of loyalty to a locally owned business. She says the dollar stores haven't had an impact on Belmain's.

(Young) "We felt no big change as far as our customer base and how busy we were."

(Zind) But Young says sprawl has had an effect on Belmain's. Her business took a hit when Randolph's only supermarket moved from the village to a strip development outside of town.

There are many arguments for controlling sprawl in addition to concerns about the vitality of downtowns. Traffic headaches and infrastructure costs figure into the sprawl equation.

Dollar stores also raise aesthetic concerns. They're considered small box stores and the buildings have a generic look. A letter writer to the Herald of Randolph opined that "nothing says 'armpit' like a dollar store at the edge of town."

But one person's eyesore is someone else's shopping opportunity. Bristol lawyer James Dumont says what's important is that towns have the tools to make their own decisions on managing growth.

Dumont is working with opponents of three dollar stores planned for Vermont.

(Dumont) "You could write a zoning ordinance or town plan or both that has architectural standards in it so that we are not perpetuating the homogenization of America in Vermont, so when you drive into a Vermont town it looks like a Vermont town, it doesn't look like a suburb in Connecticut or New Jersey."

(Zind) The problem, Dumont says, is that most Vermont towns don't have plans or ordinances that are clear and concrete enough to hold up to a court challenge.

(Dumont) "Most people are not aware that the Supreme Court has laid out some really strict standards for what needs to be in a town plan. A lot of people get into this process thinking the town plan will protect them and it doesn't."

(Zind) Dumont says there are limits to what a town plan can dictate, and one gray area is whether they can be used to protect local businesses from the impact of national chains.

But opponents like those in Chester say protecting locally owned businesses is important because they provide more and better jobs and give a community its identity.

For VPR News, I'm Steve Zind.

Read the latest select board minutes from Chester at [VPR's Public Post](#).

Tags

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17 Comments Vermont Public Radio

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Northern New England Villages • 4 years ago

While this Dollar General is being built on a green site, their MO in other places has been to tear down a building (often historic) for their building site. See the ongoing saga over the Wheaton-Alexander House in Winchester, New Hampshire for instance: <http://northernnewenglandvilla...>

1 | 0 | Reply | Share



Delchi • 4 years ago

The logic will be lost on people until they lose their jobs and have no choice but to buy at the \$1 store because they can't afford anything else. You can love little folky home feeling stores until the day you die - but if you can't afford to shop there you just can't afford it.

1 | 0 | Reply | Share



J • 4 years ago

Why would somebody drive 8 miles each way to save a couple of dollars when according to the IRS it costs over .50 cents a mile to operate a car. It would cost somebody over \$8.00 to go to the store in Springfield and send petro dollars to OPEC.

Chester isn't a tourist trap theme park owned by a few people trying to make money off the tourist trade. It's a town of over 3,000 people who all have rights including the people trying to sell a piece of property.

Using the logic some people have automobiles and gasoline stations should have never been allowed in town because they would hurt stables and blacksmiths. Yet here we have somebody saying jump in the car and drive to another town.

1 | 0 | Reply | Share



Susan H. • 4 years ago

The point I was trying to make is that many people are shopping in Springfield and Walpole already and would combine a trip to one of these dollar stores with other errands, Dr appointments, work etc. So perhaps the same store in the next town over may not be a wise choice for a new location.

1 | 0 | Reply | Share



Susan H. • 4 years ago

What the article does not mention is that there is a Dollar General and I believe also a Family dollar (or other similar store) just 8 miles away in Springfield. In addition there is a new Family Dollar in Walpole, NH. If people want to shop at these stores they can when they go on errands to these other shopping locales for residents of Chester. But why put local businesses of Chester at risk for a national chain where most of the profits will never go back into the community. Will they be able to compete with their own stores so close together? Will Chester end up with a huge 9100 sq ft store sitting empty in a year or so?

1 | 0 | Reply | Share

Exhibit 3

Drichoutis et al. *Health Economics Review* (2015) 5:37
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 Health Economics Review
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RESEARCH

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Food environment and childhood obesity: the effect of dollar stores



Andreas C. Drichoutis^{1*}, Rodolfo M. Nayga, Jr.^{2,3,4}, Heather L. Rouse⁵ and Michael R. Thomsen²

Abstract

In this paper we examine the effect of dollar stores on children's Body Mass Index (BMI). We use a dataset compiled by the Arkansas Center for Health Improvement that reflects a BMI screening program for public school children in the state of Arkansas. We combine propensity score matching with difference-in-differences methods to deal with time-invariant as well time-varying unobserved factors. We find no evidence that the presence of dollar stores within a reasonably close proximity of the child's residence increases BMI. In fact, we see an increase in BMI when dollar stores leave a child's neighborhood. Given the proliferation of dollar stores in rural and low-income urban areas, the question of whether dollar stores are contributing to high rates of childhood obesity is policy relevant. However, our results provide some evidence that exposure to dollar stores is not a causal factor.

JEL Classification Numbers: D10, I10, C31, C33, R10

Keywords: Childhood obesity, Food-at-home, Propensity score matching, Difference-in-differences

Introduction

At present, nearly 35 percent of young Americans aged 6 to 19 are overweight and 19 percent are obese [1]. This is up from just over 4 percent in the 1960s [2]. In Arkansas, the problem is more pronounced. Twenty one percent of Arkansas schoolchildren are obese and many more are at risk of obesity [3]. In fact, only 60 percent of Arkansas schoolchildren have a healthy weight status. The childhood obesity problem has caught the attention of policy makers at all levels of government and has become a front-burner issue for concerned community and business leaders. Proposals to address childhood obesity are often aimed at augmenting features of the environment by improving access to healthy foods in or around the home and school, reducing accessibility and exposure to unhealthy food, and/or providing more opportunities for exercise and vigorous play. For example, many of the strategies proposed by the Institute of Medicine [4] to address obesity emphasize the built environment, the commercial food environment, and the food distribution system. Similarly, Frieden et al. [5] call for

neighborhood policy interventions to encourage healthy food choices. Specifically, they advocate for changes that increase the likelihood that healthy foods will be chosen by default. Goldberg and Gunasti [6] provide recommendations aimed at the food marketing system both in terms of promotional messaging and in terms of product design, pricing, and distribution.

Ambitious and comprehensive interventions are clearly needed to reduce the incidence of childhood obesity. However, concerns have been expressed that existing research is inadequate to guide policy interventions. For example, Story et al. [7] acknowledge that the systematic study of interactions between features of the environment, policy interventions, and nutrition outcomes is a relatively new field of study. As such, it lacks well established models and faces numerous challenges in terms of measurement of environmental attributes and empirical design. Researchers attempting to investigate the link between environmental attributes and obesity face important challenges. First, the environmental features of interest are likely to be endogenously determined with rates of obesity. For instance, food stores would be expected to consider consumer demand when making choices about the location of stores, but consumers with stronger demand for unhealthy foods may be making

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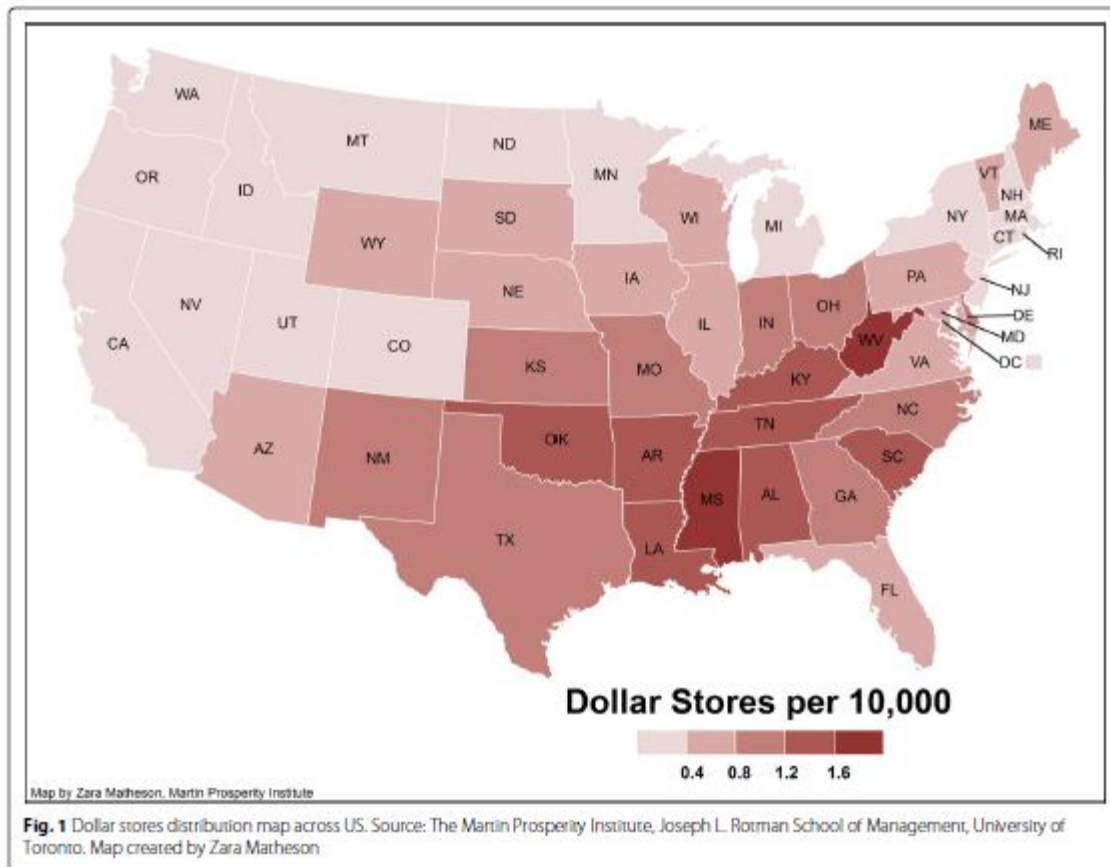
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lifestyle choices that otherwise place them at a higher risk of obesity [8]. Neighborhood choice is also not randomly assigned [9]. Thus, if health-conscious individuals self-select into neighborhoods that are conducive to healthy diets or active lifestyles, the statistical association between neighborhood features and obesity is suspect. Second, the impact of environmental features may be context specific. For example, in one context a new food store may meaningfully expand healthy food options for residents and facilitate healthy dietary choices. In another, the increased competition that results from the additional store may have the opposite effect by lowering prices on less healthy foods [10]. For these reasons, it is not surprising that it has been difficult to draw clear conclusions from correlational studies on the relations between features of the environment and weight outcomes.

The aim of this article is to examine the role of dollar stores. Dollar stores are an unstudied feature of the built environment that may impact childhood obesity, especially in predominantly rural states such as Arkansas.

In comparison to supermarkets, dollar stores provide a very narrow range of food items, but at price points much lower than convenience stores and often lower than supermarket prices. A recent inventory of Arkansas dollar stores found very limited offerings of healthier (e.g., lower-sodium) product formulations and limited offerings of fresh fruits and vegetables [11].

Dollar stores have been growing markedly throughout the United States but this growth has not been uniform. Figure 1 [12] shows dollar stores distribution across US. The mid South is one region where dollar stores are becoming prominent features of the retail environment. Natunewicz [13] provides counts, by state, for the four leading dollar store retailers. A simple adjustment of these data by population reveals that Arkansas, Mississippi, and Louisiana each have more than 140 dollar stores per million residents. This compares to only 14 stores per million residents in California and 37 stores per million residents in New York State. Even in Texas, dollar store density is considerably smaller at 86 stores per million res-



idents. Dollar stores are not only a rural phenomenon. These stores are also growing in urban areas, albeit in less desirable neighborhoods [13].

As a result, a larger fraction of the household budget has been shifted toward dollar stores and the trend is not confined to less affluent households. Even among households with an income of at least \$75,000, 28 % now spend more in the dollar channel [14]. According to one industry report, the dollar (and variety) store industry capitalized on the recession to attract more middle class consumers making it a \$62bn business that has seen a 3.5 % annual growth in the period 2009–2014 [15]. The dollar store channel has seen the largest year-over-year share increase in shopping visits (as compared to the brick-and-mortar market overall), likely driven in part by new store openings, where in one recent retail quarter (May 2014 – July 2014) shopping visits were up 14 % with a particular increase in the 16–24 age group [16].

Given the significant increase in the number of dollar stores, our objective in this study is to examine how access to these types of stores influences weight outcomes of children. Our empirical strategy involves a difference in differences (DiD) framework coupled with propensity score matching. The National Research Council [17] has called for strong quasi-experiments that couple observational data with one or more empirical identification strategies to improve understanding of the factors that may be responsible for the growth in obesity rates. Our focus is on childhood obesity outcomes among early elementary schoolchildren in Arkansas. Arkansas provides an ideal context within which to conduct this research. As already noted, it has one of the highest childhood obesity rates in the country. However, the state has been taking active steps to address this problem and has assembled unique panel datasets of childhood Body Mass Index (BMI) screenings that can be used to assess the impact of environmental features such as dollar stores.

Background

Arkansas was the first state to require BMI measurements for all public schoolchildren. The Arkansas General Assembly passed Act 1220 of 2003, which established a formal Child Health Advisory Committee (CHAC) and mandated BMI screenings for public schoolchildren. Our data on weight outcomes are from the Arkansas BMI dataset for 2004 through 2010. These data are maintained through legislative mandate at the Arkansas Center for Health Improvement (ACHI) [18]. The data contain age-gender specific z-scores and are based on height and weight measurements taken by trained personnel within the public schools. Weight and height of school children were measured yearly in all grades beginning with the 2003–2004 school year but in 2007 this was

changed to measurement only of children in even grades. Hence, the dataset we use is an unbalanced panel which contains information for schoolchildren from 2004 to 2010.

Dollar store location data were obtained from Dun and Bradstreet (D&B) for the period 2004 through 2010. To ensure that BMI screenings in any given year were matched correctly to the locations of dollar stores as they existed in that year, we obtained archival data showing the location of dollar stores as of December of the year in question. ACHI personnel geocoded student addresses within the BMI dataset and linked them geographically to the D&B data on dollar store locations. The final dataset contains measures of the food environment around the children's home and schools such as number of fast food restaurants, dollar stores, convenience stores and grocery stores within a certain radius of the child's home.

ACHI personnel also matched the BMI screenings to neighborhood demographic characteristics from the 2009 American Community Survey (ACS) block-group summary file. The 2009 ACS reflects an average over the 2005–2009 period and so is centered on the 2004 to 2010 period covered by the BMI data we use here. The ACS data provide information on socioeconomic characteristics of the census block group where the student lives as well as information on neighborhood characteristics such as the proportion of population by race, income level, education, and work status.

Methods

In this study we examine the effect of access to dollar stores (DS) on children's BMI. To determine whether children and their guardians have easy access to dollar stores, we created binary measures of whether a dollar store is in close proximity to the child's residence. For this reason we adopted one of the measures that the Economic Research Service (ERS) of the US Department of Agriculture (USDA) uses to define food desert areas i.e., distance to the nearest store, taking into account that the definition applies differently to urban and rural areas.¹ Therefore, a child was considered exposed to a DS (i.e., has easy access to the store) if there was at least one store within a one-mile radius from the child's residence in an urban area or one store within a ten-mile radius of the child's residence in a rural area. Otherwise, the child was considered non-exposed (i.e., did not have easy access to a DS).

For reasons that will become apparent momentarily, we only use cohorts of students that we observe for a full five-year period. Given that the dataset we use extends through 2010, this implies that our sample includes three different age cohorts i.e., 2004 to 2008, 2005 to 2009 and 2006 to 2010.² We also limit our analysis to school children

who were kindergarten in their first year of their respective age cohort. Thus, by construction, the kindergarten cohort is observed up to the 4th grade. We focus specifically on children in early elementary grades because their diets are more likely to be dictated by the adults in their lives and so any DS effects would most likely be felt in these young children. For children at later elementary grades, a number of other confounding factors could potentially be contributing to their weight. Nevertheless, this could also be an interesting topic for future investigation. The cohorts used in the analysis are depicted in Table 1.

To examine the effect of ease of access to a DS, we use the panel difference-in-differences (DiD) method. DiD estimation is a common approach in program and policy evaluations [19] and it has become a common strategy to estimate effects of programs that could impact nutrition, weight, or health outcomes [20, 21]. Given the four year subsamples with the cohorts exhibited in Table 1, we are able to examine two-year exposure to DS (i.e., ease of access) or two-year non-exposure to DS. Thus, we define the first two years of each age cohort as period 1 and the last two years of each cohort as period 2. We use two years for each period so that there is adequate time for any effect of the food environment to manifest itself. Table 1 marks period 1 with the '✓' symbol and period 2 with the '✓' symbol. The table also exhibits the grade level at which we observe each age cohort during each year. We then define two different treatments that we examine separately in the analysis. Our first treatment includes children that were exposed (i.e., had ease of access) to a DS in period 2 but were not exposed to a DS in period 1. Our control group in this case includes children that were not exposed to a DS in both periods. Our second treatment includes children that were not exposed to a DS in period 2 but were exposed to a DS in period 1. Our control group in this case includes children who were exposed to a DS in both periods. Treatments and control groups are depicted in Table 2 where we define by 'E' exposure (i.e., having at least one store within the radial distances described above) and by 'N' non-exposure. Treatment 1 will be referred to as the

'Exposed' treatment and treatment 2 as the 'Non-exposed' treatment.

Exposure or non-exposure to a particular DS in period 2 may have been due to one of two rival explanations. If the child resides in the same location during period 1 and period 2, then exposure and non-exposure can be attributed to the fact that a DS opened or closed, respectively, within a radius distance from the child's residence. On the other hand, if the child has moved to a different residence in period 2, then exposure (non-exposure) can be attributed to the child moving from an area without (with) a DS to an area with (without) this type of store. Thus, in addition to performing our analysis for the full sample, we repeat the analysis for two subsamples: (a) the 'Movers' which are defined as children that moved in a different residence in period 2 and (b) the 'Stayers' which are defined as children that did not move to a new residence in period 2.

Although the use of DiD is appealing due to its simplicity, the validity of a DiD estimate hinges upon the possible endogeneity of the intervention itself [22]. An additional assumption requires that in the absence of the treatment, the average outcomes for the treated and control groups would have followed parallel paths over time [23]. This latter assumption, known as common time effects (see for example Blundell et al. [24]), would be unattainable if, for example, pre-treatment characteristics associated with the dynamics of the outcome variable are unbalanced between the treated and control groups.

To alleviate concerns regarding the comparability of the treatment and control groups and to limit model dependence [25, 26], we use propensity score matching technique prior to running our panel DiD models. Heckman et al. [27] concluded that matching helps control for heterogeneity in initial conditions and also controls for unobserved determinants of participation. Blundell and Dias [28] also show that combining propensity score matching with DiD (MDiD) can be advantageous and has the potential to improve the quality of non-experimental evaluation results significantly. This is because DiD deals with time-invariant unobserved factors, while matching rebalances

Table 1 Cohorts used in the study

	Years						
	2004	2005	2006	2007	2008	2009	2010
2004 cohort	✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade		
2005 cohort		✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade	
2006 cohort			✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade

Table 2 Treated and control groups by age cohorts

			Years						
			2004	2005	2006	2007	2008	2009	2010
2004 cohort	Treatment 1	Treated	N	N	E		E		
		Control	N	N	N		N		
	Treatment 2	Treated	E	E	N		N		
		Control	E	E	E		E		
2005 cohort	Treatment 1	Treated		N	N	E		E	
		Control		N	N	N		N	
	Treatment 2	Treated		E	E	N		N	
		Control		E	E	E		E	
2006 cohort	Treatment 1	Treated			N	N	E		E
		Control			N	N	N		N
	Treatment 2	Treated			E	E	N		N
		Control			E	E	E		E

Notes: E exposed, that is, there is at least one dollar store within a one mile radius (10 mile radius if child resides in a rural area), N non-exposed, that is, there is no dollar store within a one mile radius (10 mile radius if child resides in a rural area)

the sample to deal with time-varying unobserved factors [20]. Thus, the MDiD combines the advantages of both methods.

However, matching estimators hinge upon a significant assumption, the Conditional Independence Assumption (CIA), which requires that selection is on observables only. However, with MDiD there is scope for an unobserved determinant of participation as long as this can be represented by separable individual/time specific components in the error term. Blundell and Dias [28] show that CIA in MDiD can be replaced with a different assumption that only assumes that "...controls have evolved from a pre- to a post-programme period in the same way treatments would have done had they not been treated". This occurs both in the observable component of the model and in an unobservable time trend. In addition, if the impact of the treatment is heterogeneous with respect to observable characteristics, we must guarantee that the distribution of the relevant observable characteristics is the same across periods and assignment to treatment for the evaluation to make sense. Blundell et al. [29] show how propensity score matching can ensure that the composition of the samples being compared is kept constant with respect to key determinants of outcomes before they apply a DiD estimator.

In our MDiD method, we first perform propensity score matching with the aim of balancing the distribution of observable characteristics between treated and control observations. We then apply DiD on the balanced sample. Matching is performed on the first year of BMI measurement of each cohort and propensity scores are estimated

separately for each age cohort depicted in Table 1. The control variables for the PSM model include children's gender, age (in months), race (Black/African-American, Hispanic/Latino or Native; White/Asian is the excluded category), language spoken at home (dummy if Spanish is spoken at home), an urban residence location dummy, dummies for free and reduced lunch participation (as proxies for income) as well as census-block group characteristics that capture neighborhood effects.³ Most importantly, the PSM model controls for relative distance of competing types of stores as well as number of competing stores within the given radius between neighborhood income and retail density.⁴ Although some of the variables above could be endogenous to the treatment, Lechner [30] showed that this would not matter as long as the usual formulation of the CIA holds.

Matching was performed with four different matching estimators that differ on how strict the matching process is: (1) two nearest neighbors without a caliper, (2) five nearest neighbors without a caliper, (3) two nearest neighbors with a caliper set at 1/4 of the standard deviation of the estimated propensity score, and (4) five nearest neighbors with a caliper set at 1/4 of the standard deviation of the estimated propensity score.⁵ After matching we estimate fixed and random effects DiD models using the matched samples. In terms of notation, the DiD estimate comes from a (random effects) model of the form:

$$BMI_{it} = b_0 + b_1 Period_{it} + b_2 Treat_i + b_3 Period_{it} \times Treat_i + \gamma X_{it} + u_i + \varepsilon_{it} \quad (1)$$

where *Period* is a dummy for the last two years where we observe each child (Period 2), *Treat* is a treatment dummy and *X* is a vector of controls as discussed above. The dependent variable is the Body Mass Index which has been calculated as a ratio $(weight(lb)/(height(in))^2) \times 703$ and then converted to age-gender specific z-scores according to the Centers for Disease Control and Prevention guidelines [31]. Appropriate modifications to equation 1 are in place for the fixed effects counterpart.

Results

Balancing tests

Before examining the results, it is important to take a look at the performance of the matching estimators and the distribution of observable covariates (balancing) of the matched data. Table 5 in the Appendix shows results from balancing tests arranged in separate panels for 'Movers & Stayers', 'Movers' and 'Stayers'. Results from all four matching estimators are reported in each panel. Although matching is performed for each age cohort separately, we report balancing tests after we pool together the matched observations from all age cohorts given that the DiD estimates come from the pooled age cohorts. Nothing changes, however, when we perform the balancing tests for each age cohort separately.

For each matching estimator and treatment (Exposed and Non-exposed) two *p*-values are reported in vertical orientation. The upper *p*-value corresponds to a likelihood-ratio (LR) test of the joint significance of all the regressors before matching. The lower *p*-value corresponds to a LR test of the joint significance of all the regressors after matching. A small *p*-value before matching (rows labeled as BM) indicates that the distribution of observables is not balanced between treated and control units, while a large *p*-value after matching (rows labeled as AM) indicates that balance has been achieved.

It is apparent across all panels of Table 5 in the Appendix that in all cases the distribution of covariates before matching was not balanced to begin with. After matching, balance has been achieved in most cases. There are only a couple of exceptions and these are marked with gray in Table 5 in the Appendix. The two exceptions concern exclusively the five nearest neighbor estimator. Therefore, caution is needed when interpreting results for this specific matching estimator.

Additional columns in Table 5 in the Appendix show mean standardized percent of absolute bias before and after matching.⁶ As depicted in the table, mean standardized percent absolute bias is generally higher before matching and lower after matching (even for the two cases of the five nearest neighbor estimator for which a good

balance was not achieved). In general, a lower mean percent absolute bias is a sign that matching was able to reduce differences of observables between treated and control units.

Two additional columns in Table 5 in the Appendix show the number of treated and control observations before matching as well as the number of treated and control observations that are left after matching. To get a closer look at how exactly the matching worked in each case, Table 6 in the Appendix shows the number of observations that were dropped and retained after matching per cohort, treatment and matching estimator.⁷ More detailed information for the unmatched samples are provided in Table 7 in the Appendix. Interpretation of this table is similar to the other tables in the Appendix as described above.

Estimation results

Results are presented in Table 3. Table 3 is subdivided into three panels (Movers & Stayers, Movers, Stayers) and results from all four matching estimators are reported in each panel. Each panel also provides baseline estimates from fixed and random effects regressions on the full sample of all control and treatment groups against which the DiD estimates can be compared. The DiD estimates for the unmatched samples (before we perform matching) are also reported in Table 3 is the coefficient estimate for the interaction term b_3 in estimate for the interaction term b_3 in Eq. 1. Standard errors in the table are robust standard errors. Bootstrapped standard errors, as suggested by Bertrand et al. [32], were calculated as well but these only differ at the third decimal place.

The first obvious result is that dollar stores have a positive effect on BMI. This effect is statistically significant, however, only for the full 'Movers & Stayers' sample. The DiD estimates from the two nearest neighbor matching show that in terms of magnitude the effect is about 5/100 of a standard deviation. We do not observe a statistically significant effect when we split the sample between 'Movers' and 'Stayers'. However, if one observes closely the magnitude of the DiD estimates for these subsamples, it is obvious that the DiD estimate for the full sample is almost entirely driven by the 'Stayers' group. This is because for the 'Movers' subsample we get an estimate close to zero, while for the 'Stayers' subsample the DiD estimates are close to 6/100 of a standard deviation.

The positive effect for the non-exposed treatment implies that when the child moves from a food environment with a dollar store to a food environment without a dollar store, BMI increases on average by 5/100 of a standard deviation. Given that, as discussed above, the effect seems to be totally driven

Table 3 Panel, DiD and MDiD estimated effects

		Movers & Stayers				Movers only				Stayers only			
		Effect	SE	p-value	N	Effect	SE	p-value	N	Effect	SE	p-value	N
NM	Panel FE	-0.009	0.014	0.523	99644	-0.010	0.017	0.547	13888	-0.014	0.026	0.593	85756
	Panel RE	0.012	0.010	0.246	99644	-0.007	0.016	0.673	13888	0.028**	0.014	0.043	85756
	Non-Exp. FE	0.005	0.020	0.783	70204	0.017	0.025	0.483	10148	0.061	0.040	0.120	60056
	Non-Exp. RE	0.011	0.019	0.581	70204	0.018	0.025	0.476	10148	0.061	0.040	0.123	60056
	Exp. FE	0.004	0.022	0.845	29440	-0.013	0.035	0.716	3740	0.046	0.035	0.188	25700
	Exp. RE	-0.003	0.021	0.895	29440	-0.018	0.034	0.592	3740	0.049	0.035	0.165	25700
2NN-nc	Non-Exp. FE	0.055**	0.025	0.025	7452	0.013	0.030	0.669	4612	0.061	0.047	0.198	1916
	Non-Exp. RE	0.053**	0.024	0.029	7452	0.014	0.030	0.632	4612	0.060	0.048	0.208	1916
	Exp. FE	0.007	0.026	0.775	7148	-0.052	0.038	0.171	3088	0.017	0.044	0.707	2264
	Exp. RE	0.002	0.026	0.927	7148	-0.055	0.038	0.147	3088	0.018	0.044	0.687	2264
5NN-nc	Non-Exp. FE	0.038**	0.022	0.087	13368	0.024	0.027	0.373	6820	0.050	0.043	0.244	3352
	Non-Exp. RE	0.040**	0.022	0.067	13368	0.024	0.027	0.373	6820	0.051	0.043	0.241	3352
	Exp. FE	0.004	0.023	0.879	11736	-0.026	0.035	0.464	3524	0.046	0.039	0.240	3832
	Exp. RE	-0.001	0.023	0.956	11736	-0.031	0.035	0.376	3524	0.050	0.039	0.204	3832
2NN-1/4c	Non-Exp. FE	0.052**	0.025	0.036	7428	0.008	0.030	0.798	4584	0.054	0.051	0.291	1788
	Non-Exp. RE	0.050**	0.024	0.041	7428	0.009	0.030	0.752	4584	0.052	0.051	0.306	1788
	Exp. FE	0.005	0.026	0.844	7088	-0.051	0.038	0.183	3056	0.011	0.045	0.800	2188
	Exp. RE	0.000	0.026	0.991	7088	-0.054	0.038	0.153	3056	0.012	0.045	0.794	2188
5NN-1/4c	Non-Exp. FE	0.034	0.022	0.126	13336	0.020	0.027	0.460	6796	0.044	0.047	0.350	3184
	Non-Exp. RE	0.036	0.022	0.097	13336	0.020	0.026	0.458	6796	0.044	0.047	0.350	3184
	Exp. FE	0.001	0.024	0.977	11672	-0.025	0.036	0.487	3492	0.036	0.040	0.368	3744
	Exp. RE	-0.004	0.023	0.849	11672	-0.031	0.035	0.384	3492	0.039	0.040	0.326	3744

Notes: NM = no matching, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score
Standard errors are robust standard errors

*[**][***] Statistically significant at the 10 % (5 %) [1 %] level

by 'Stayers', this effect could as well be due to a dollar store shutting down in the proximity of a child's residence.

Both our matching and DiD models include variables of economic development (e.g., number of convenience and grocery stores, proportion of the population with income below poverty etc.) to account for the effect of broad changes that occur with economic development in an attempt to disentangle their effects from the pure effect of dollar stores. However, given that these potential confounders are likely endogenous, one may worry about spillover bias.⁸ To rule out an effect of neighborhood deterioration we also estimate effects from models that omit the economic development variables. Results are shown in Table 4. Consistent with our previous results, we find a positive and statistically significant effect for the 'Stayers' subsample in the non-exposed treatment. Thus, endogenous economic development is likely not a factor adversely affecting our results and we can be more confident that the positive effect on BMI of a

dollar store shutting down in a neighborhood is a clean effect.

Discussion and Conclusions

The growth of dollar stores is a matter of interest to those seeking to address unacceptably high rates of childhood obesity. These stores tend to target smaller communities and lower income areas within urban population centers, areas where children would otherwise be at greater risk for obesity. No other known study, however, has examined the effect of dollar stores on childhood obesity. Our main goal in this paper is to determine whether access to dollar stores is a significant driver of childhood obesity. This is an interesting and important research topic since there is a perception that dollar stores typically do not offer healthier food alternatives compared to the traditional supermarkets. In this study, we are able to measure access to dollar stores around children's actual residences and control for other attributes of the food environment (i.e., other types of food stores). Our

Table 4 Panel, DiD and MDiD estimated effects (without economic development variables)

		Movers & Stayers				Movers only				Stayers only			
		Effect	SE	p-value	N	Effect	SE	p-value	N	Effect	SE	p-value	N
NM	Panel FE	-0.009	0.014	0.530	99644	-0.010	0.017	0.533	13888	-0.014	0.026	0.597	85756
	Panel RE	0.019*	0.010	0.069	99644	-0.005	0.016	0.739	13888	0.040***	0.014	0.004	85756
	Non-Exp, FE	0.006	0.020	0.769	70204	0.018	0.024	0.454	10148	0.061	0.041	0.133	60056
	Non-Exp, RE	0.007	0.020	0.708	70204	0.017	0.024	0.482	10148	0.061	0.041	0.137	60056
	Exp, FE	0.005	0.023	0.834	29440	-0.015	0.033	0.659	3740	0.047	0.035	0.181	25700
	Exp, RE	-0.003	0.022	0.872	29440	-0.019	0.033	0.560	3740	0.050	0.035	0.156	25700
2NN-nc	Non-Exp, FE	0.023	0.025	0.355	7516	0.045	0.030	0.134	4768	0.094**	0.046	0.043	2160
	Non-Exp, RE	0.022	0.025	0.375	7516	0.045	0.030	0.132	4768	0.092**	0.046	0.046	2160
	Exp, FE	0.017	0.024	0.491	7404	-0.014	0.035	0.679	3316	0.020	0.041	0.632	2492
	Exp, RE	0.015	0.024	0.534	7404	-0.017	0.035	0.617	3316	0.021	0.041	0.616	2492
5NN-nc	Non-Exp, FE	0.015	0.022	0.481	14084	0.030	0.026	0.240	7336	0.077*	0.044	0.077	4128
	Non-Exp, RE	0.016	0.022	0.465	14084	0.028	0.026	0.276	7336	0.076*	0.044	0.080	4128
	Exp, FE	0.003	0.024	0.907	12596	-0.015	0.035	0.662	3680	0.022	0.039	0.569	4628
	Exp, RE	-0.001	0.023	0.965	12596	-0.018	0.035	0.595	3680	0.024	0.039	0.537	4628
2NN-1/4c	Non-Exp, FE	0.023	0.025	0.359	7512	0.043	0.029	0.135	4748	0.094**	0.048	0.049	2148
	Non-Exp, RE	0.022	0.025	0.376	7512	0.044	0.029	0.132	4748	0.093*	0.048	0.052	2148
	Exp, FE	0.016	0.026	0.543	7392	-0.014	0.035	0.679	3316	0.020	0.041	0.632	2492
	Exp, RE	0.014	0.026	0.588	7392	-0.017	0.035	0.617	3316	0.021	0.041	0.616	2492
5NN-1/4c	Non-Exp, FE	0.016	0.023	0.476	14068	0.030	0.027	0.263	7296	0.078*	0.043	0.071	4092
	Non-Exp, RE	0.017	0.023	0.463	14068	0.028	0.027	0.298	7296	0.077*	0.043	0.074	4092
	Exp, FE	0.002	0.023	0.938	12584	-0.015	0.035	0.662	3680	0.020	0.038	0.593	4604
	Exp, RE	-0.002	0.023	0.926	12584	-0.018	0.035	0.595	3680	0.022	0.038	0.559	4604

Notes: NM = no matching, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score
Standard errors are robust standard errors

() [***] Statistically significant at the 10 % (5 %) [1 %] level

focus on the state of Arkansas is also noteworthy since it has one of the highest childhood obesity rates in the US. Additionally, Arkansas was the first state to legislatively mandate the measurement and collection of BMI for every public school student starting in 2004 and so these data provide a unique opportunity to study child weight status and potential factors that impact BMI.

Using a unique panel data and difference in differences estimation with unmatched and matched children, we find no evidence that the presence of dollar stores within a reasonably close proximity to the child's residence can increase body mass index. In fact, we see an increase in BMI z-score when dollar stores leave a child's neighborhood. However, this finding is based on a small number of individuals for whom a dollar store exited their neighborhood, a rare phenomenon in the period we study. One should also keep in mind that our results concern very specific age cohorts. In addition, we restricted our analysis

to children in early elementary grades because the diets of these children are more likely to still be dictated by the adults in their lives. In older children, several other competing factors may be at play which could confound any attempt to identify the separate effect of dollar stores on health and diet.

While dollar stores lack the breadth of healthy food options typically found in supermarkets, our results suggest that they are not a contributor to the childhood obesity problem. As noted above, the emergence of dollar stores as a common retail format is a recent phenomenon. It could be that these stores and their food inventories reflect existing preferences of the populations they serve. Thus, although dollar stores are more prominent in states like Arkansas, with high rates of obesity, they could be a symptomatic as opposed to a causal factor. Our results are consistent with this argument. Alternatively, it could be that dollar stores may actually play some role in facilitating healthy food consumption behaviors.

Stambuck [11] inventoried several Arkansas dollar stores. The inventory revealed a dearth of fresh foods, especially fruits and vegetables, and very few low-sodium or reduced fat options. However these stores did provide healthy staple items such as dried beans, rice, and oatmeal. Many of the food items in dollar stores are packaged in a manner for at-home consumption. Hence, when residents have ready access to dollar stores, they may be in a better position to procure supplies for at-home meals. These meals, even if not perfectly balanced, are likely to be healthier and lower-calorie than the fare found on fast-food value menus.

Community leaders and public health professionals interested in childhood obesity would be wise to recognize that dollar stores are now prominent features of the food environment facing residents in many rural and lower income urban communities. As discussed earlier, many people now consider dollar stores as their neighborhood supermarkets. Dollar stores are especially dense in regions of the country where childhood obesity rates are the highest. The question of how dollar stores could contribute to dietary health should be considered in efforts to combat childhood obesity. For instance, educational interventions targeting children and their parents could emphasize ways to shop wisely at dollar stores to source nutritious food items. Community initiatives could also be developed that could further entice dollar stores to carry healthy foods. This would likely require cooperation between the store owners and the entire community. Moreover, as dollar stores continue to expand their food offerings, health on a budget may be a yet-to-be exploited marketing angle for this growing retail format.

Endnotes

¹A quick overview of food access measures and definitions can be found at <http://www.ers.usda.gov/data-products/food-access-research-atlas/about-the-atlas.aspx>.

²Recall that the periodicity of assessments was changed from all grades to even grades only, beginning in 2007 so that each age cohort was observed four times (with gaps) during this five-year period.

³These include the proportion of block group residents that are African-American, Hispanic/Latino, that have completed high school, some college, or have attained a college degree. Block group measures also include proportion of the population with income below poverty, the median household income, the median age of residential housing stock, and the proportion of residential units that are vacant. We also include the proportion of single-parent families, working mothers, residents with no vehicles, and of residents using public transportation. Millimet and Tchernis [33] showed that

over-specifying the model used to estimate the propensity score is always the best strategy, considering the penalty associated with under-specification. The rationale for including a control for language spoken at home, in addition to controls for race and ethnicity, is that recent immigrant families often have low socioeconomic status and may have different dietary behaviors than the population at large.

⁴To make this statement clear, the model where the dependent variable is whether a dollar store is within a given radius (ten miles for rural areas and one mile for urban areas) from a child's residence includes four additional covariates: (a) the log of the ratio of distance to a convenience store over distance to a dollar store (b) the log of the ratio of distance to a grocery store over distance to a dollar store (c) number of convenience stores within a ten (one) mile radius when the child resides in a rural (urban) area (d) number of grocery stores within a ten (one) mile radius when the child resides in a rural (urban) area.

⁵The caliper width of 1/4, has been widely suggested in the PSM literature since Rosenbaum and Rubin [34]. Rosenbaum and Rubin [34] based this rule on results from Cochran and Rubin [35] that indicated that a caliper width of 1/4 of the standard deviation of the estimated propensity score would remove at least 90 % of the bias in a normally distributed covariate.

⁶Mean standardized percent absolute bias is the mean absolute bias of the percent difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [34]. The percent bias is first calculated for each covariate separately and then the absolute values are averaged across all covariates and reported in Table 5 in the Appendix.

⁷There is a 1:1 correspondence between Table 5 and Table 6 in the Appendix. To illustrate this, consider the non-exposed treatment that was matched with the 2 nearest neighbor (without caliper) matching estimator. Table 6 in the Appendix indicates that 423, 963 and 477 (Total = 1863) observations were retained after matching for the age cohorts 2004, 2005 and 2006, respectively. The number of retained observations corresponds to the sum of treated and control units (660 + 1203) in the respective rows and columns of Table 5 in the Appendix.

⁸It has been shown that high-poverty neighborhoods have lower retail employment density for retail overall as well as several other types of retail, such as supermarkets, drugstores, food service and laundry [36]. On the other hand, neighborhoods that experience income upgrading see larger gains in retail employment.

Appendix

Table 5 Balancing tests

		Movers & Stayers				Movers				Stayers			
		p-value	Mean % bias	N treated	N control	p-value	Mean % bias	N treated	N control	p-value	Mean % bias	N treated	N control
2 NN-nc	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827
		AM 0.999	2.51	660	1203	0.995	3.58	472	681	0.978	4.77	186	292
	BM	< 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204
	Exp	AM 0.975	2.83	684	1103	0.582	6.58	463	309	0.830	7.50	221	345
5NN-nc	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827
		AM 1.000	2.24	660	2682	0.978	3.24	472	1233	0.860	6.93	187	651
	BM	< 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204
	Exp	AM 0.243	5.13	684	2250	0.001	8.77	463	418	0.799	7.38	221	737
2 NN-1/4c	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827
		AM 0.996	2.63	657	1200	0.997	3.62	468	678	0.997	4.34	161	285
	BM	< 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204
	Exp	AM 0.993	2.49	673	1099	0.709	6.25	455	309	0.992	5.85	209	338
5NN-1/4c	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827
		AM 1.000	2.29	657	2677	0.993	3.10	468	1231	0.993	4.73	162	634
	BM	< 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204
	Exp	AM 0.425	4.68	673	2245	0.004	8.44	455	418	0.982	5.55	209	727

Notes: Non-exp = non exposed, Exp exposed, BM = Before matching, AM = After matching, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, Mean % [bias] = mean standardized % absolute bias, N treat = N of observations in the treated group, N ctrl = N of observations in the control group

Mean standardized % absolute bias is the mean absolute bias of the % difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [34]

p-values are the p-values from a likelihood-ratio test of the joint significance of all the regressors (before and after matching)

Table 6 Number of observations Dropped and Retained per cohort and matching estimator

			2004 cohort		2005 cohort		2006 cohort	
			Dropped	Retained	Dropped	Retained	Dropped	Retained
Movers & Stayers	2NN-nc	Non-exp	5114	423	5031	963	5543	477
		Exp	1675	620	1853	752	2045	415
	5NN-nc	Non-exp	4728	809	4347	1647	5134	886
		Exp	1318	977	1372	1233	1736	724
	2NN-1/4c	Non-exp	5114	423	5033	961	5547	473
		Exp	1677	618	1859	746	2052	408
	5NN-1/4c	Non-exp	4729	808	4349	1645	5139	881
		Exp	1320	975	1378	1227	1744	716
	2NN-nc	Non-exp	442	337	485	483	457	333
		Exp	51	259	72	290	40	223
Movers	5NN-nc	Non-exp	281	498	262	706	289	501
		Exp	11	299	24	338	19	244
	2NN-1/4c	Non-exp	444	335	488	480	459	331
		Exp	51	259	74	288	46	217
	5NN-1/4c	Non-exp	283	496	264	704	291	499
		Exp	11	299	26	336	25	238
Stayers	2NN-nc	Non-exp	4737	21	4643	383	5155	75
		Exp	1772	213	1935	308	2152	45
	5NN-nc	Non-exp	4726	32	4367	659	5083	147
		Exp	1638	347	1707	536	2122	75
	2NN-1/4c	Non-exp	4750	8	4657	369	5160	70
		Exp	1176	209	1937	306	2165	32
	5NN-1/4c	Non-exp	4744	14	4381	645	5093	137
		Exp	1642	343	1709	534	2138	59

Notes: Non-exp = non exposed, Exp = exposed, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score

Table 7 Balancing tests for the unmatched data

		Fixed effects		Random effects		N	
		p-value	Mean % [bias]	p-value	Mean % [bias]	Treated	Control
Movers & Stayers	Non-exp	< 0.001	12.31	< 0.001	10.85	2640	67564
	Exp	< 0.001	12.90	< 0.001	11.68	2736	26704
Movers	Non-exp	< 0.001	17.33	< 0.001	13.65	1892	8256
	Exp	< 0.001	16.03	< 0.001	13.85	1852	1888
Stayers	Non-exp	< 0.001	6.46	< 0.001	7.97	748	59308
	Exp	< 0.001	9.15	< 0.001	10.21	884	24816

Notes: Non-exp = non exposed, Exp = exposed, Mean % [bias] mean standardized % absolute bias, Treated = N in the treated group, Control = N in the control group
Mean standardized bias is the % difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [34]
p-values are the p-values from a likelihood-ratio test of the joint significance of all the regressors

Table 8 Descriptive statistics for the Exposed and Non-exposed treatments

	Exposed			Non exposed		
	Mean treated	Mean control	p-value	Mean treated	Mean control	p-value
Low income	0.370	0.271	< 0.001	0.367	0.372	0.74
Female	0.528	0.481	< 0.001	0.542	0.491	< 0.001
Age (in months)	91.522	91.604	0.89	91.503	91.469	0.95
Urban	0.787	0.832	< 0.001	0.723	0.503	< 0.001
Black/African-American	0.252	0.190	< 0.001	0.264	0.218	< 0.001
Hispanic/Latino	0.059	0.056	0.68	0.077	0.089	0.18
Native	0.003	0.004	0.43	0.003	0.004	0.56
Spanish language	0.048	0.045	0.59	0.063	0.074	0.19
Free lunch	0.454	0.299	< 0.001	0.495	0.433	< 0.001
Reduced lunch	0.106	0.091	0.09	0.089	0.103	0.14
% no vehicle	0.071	0.054	< 0.001	0.067	0.070	0.25
% public transport	0.006	0.004	0.01	0.007	0.005	< 0.001
% high-school	0.338	0.320	< 0.001	0.354	0.370	< 0.001
% some college	0.274	0.276	0.46	0.271	0.270	0.65
% more than college	0.201	0.248	< 0.001	0.178	0.157	< 0.001
% Hispanic/Latino	0.059	0.047	< 0.001	0.068	0.064	0.27
% Black/African-American	0.202	0.160	< 0.001	0.180	0.175	0.53
% single-parent families	0.288	0.234	< 0.001	0.276	0.270	0.40
% income below poverty	0.182	0.151	< 0.001	0.183	0.186	0.50
Median income (in thousands of \$)	40.839	48.642	< 0.001	40.920	40.133	0.09
% working mother	0.272	0.225	< 0.001	0.268	0.256	0.08
Median home value (in thousands of \$)	104.57	127.67	< 0.001	100.56	97.03	0.01
Median age of residential housing stock	1979.20	1981.10	< 0.001	1978.80	1978.80	0.98
% vacant residential units	0.116	0.114	0.56	0.132	0.122	< 0.001

Notes: p-value is the p-value from a t-test of equality of means between treated and control

Competing interests

The authors declare that they have no competing interests.

Authors' contributions

ACD, RMN, HLR, MRT conceived of the study, and participated in its design. ACD, RMN, MRT carried out the econometric analysis. ACD, RMN, HLR, MRT drafted the manuscript. All authors read and approved the final manuscript.

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Exhibit 4



4 Reasons Shopping at Dollar Stores Costs More

TOBIAS SAMUEL ([HTTP://MONEYNATION.COM/AUTHOR/TOBIAS/](http://moneynation.com/author/tobias/)) x MAY 8, 2015

[SAVING \(HTTP://MONEYNATION.COM/SAVING/\)](http://moneynation.com/saving/)

Dollar stores are everywhere, which makes them an easy place to shop. They promise cheap. And they often do have lots of cheap stuff. But that doesn't mean that they won't cost people struggling to make ends meet more in the long run. Here are four reasons shopping at a dollar store actually costs struggling consumers more.

1. Dollar stores might not actually have the cheapest price

(http://i2.wp.com/moneynation.com/wp-content/uploads/2015/05/shutterstock_247587535.jpg) Quite often struggling shoppers don't realize the prices at a dollar store aren't the lowest around. Dollar stores count on the proliferation of cheaper items filling the store to create an impression that everything is cheap. But those same items at other stores may be the same price or even cheaper, it's just that a regular store might have a wider set of items for sale.

That \$1 bottle of off-brand soda might actually be 80 cents at a regular grocery store. Dollar stores are known for higher prices on items like soda, canned goods and pasta. All things that are fairly common staples among people trying to make every calorie count. It takes time to comparison shop and shoppers with little money and long hours might not have time to do that. That puts them at an information disadvantage that dollar stores count on.



2. Cheap build quality



http://i2.wp.com/moneynation.com/wp-content/uploads/2015/05/shutterstock_1130096.jpg A set of chairs or a book shelf at a dollar store will be an inexpensive purchase compared to something

snagged at a furniture store. But the cheap nature of the materials inside mean the item will need to be replaced sooner. The constant need to replace cheap items in the long run costs more. Items often come without warranties or the backing of companies that support the quality of the item built.

3. Limited choices

<http://i0.wp.com/moneynation.com/wp->



[content/uploads/2015/05/shutterstock_169060700.jpg](#)) Unlike a big retail box store, the neighborhood dollar store has a limited selection of items. If a consumer needs something specific to feed or clothe their family there's a chance a dollar store may not have it. That forces disadvantaged consumers to spend time looking around cheaper stores for that item to see if they can still find it, before looking at more expensive locations. That eats up time, something that people who make less often have to 'spend' as they might not have the money.

Dollar stores tend to have processed food that lasts on their shelves. Lots of sugar, lots of refined carbs. Some frozen food. All of this adds up to a limited selection that might not be all that healthy. There aren't bananas for sale at the dollar store, or oranges. That adds to unhealthy diets, which adds to health expenses and issues further on down the roads. A secret tax on those who make the dollar store their main avenue for food, particularly if the dollar store is the only store in their neighborhood.

4. Dollar stores take money out of the community

Almost half of every dollar that is spent at a local business stays in that community, moving along to other local businesses and keeping jobs and investment local. Non-local businesses suck money out of a community and only leave about 14% of the money behind (they do have to hire some local workers, after all). While shopping at a dollar store doesn't lift money directly out of pockets, in the long term, it reduces local investment. That has secondary effects in the long term, as without local business getting local dollars, they eventually die. This reduces the number of jobs in an area, which reduces the amount of money available, and contributes to a decaying spiral.

There are clearly some things that are obviously cheaper at a dollar store. They make sense to buy. Particularly seasonal items on sale that are out of season. But the benefit goes to shoppers who have the time to comparison shop and know for sure that they are saving. Shoppers with time and patience. Things disadvantaged shoppers don't have. Obviously shoppers who desperately need to save money can't be faulted for trying their best to save. But it's easy to see how these factors that dollar stores

depend on to make good money back at corporate headquarters further disadvantage both the communities they're in and the people who need to shop there, all for the benefit of companies that are based elsewhere.

Sources:

The High Price of Cheap Clothes – [Ecopreneurist \(http://ecopreneurist.com/2011/05/23/the-high-price-of-cheap-clothes/\)](http://ecopreneurist.com/2011/05/23/the-high-price-of-cheap-clothes/)

10 Items That Are More Expensive at the Dollar Store – [BargainBabe.com \(http://bargainbabe.com/10-items-expensive-dollar-store/\)](http://bargainbabe.com/10-items-expensive-dollar-store/)

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Exhibit 5



What Dollar Store Locations Reveal About America

Surprising data on who's shopping at the discount chains.

RICHARD FLORIDA | [@Richard_Florida](#) | Feb 7, 2012 | 24 Comments



Reuters

"We are awakening to a dollar-store economy," proclaimed [The New York Times Magazine](#) this past summer.

Long popular among the poor, the Great Recession has been a boon to dollar stores, bringing in a whole new wave of customers. "Same-store sales, a key measure of a retailer's health, spiked at the three large, publicly traded chains

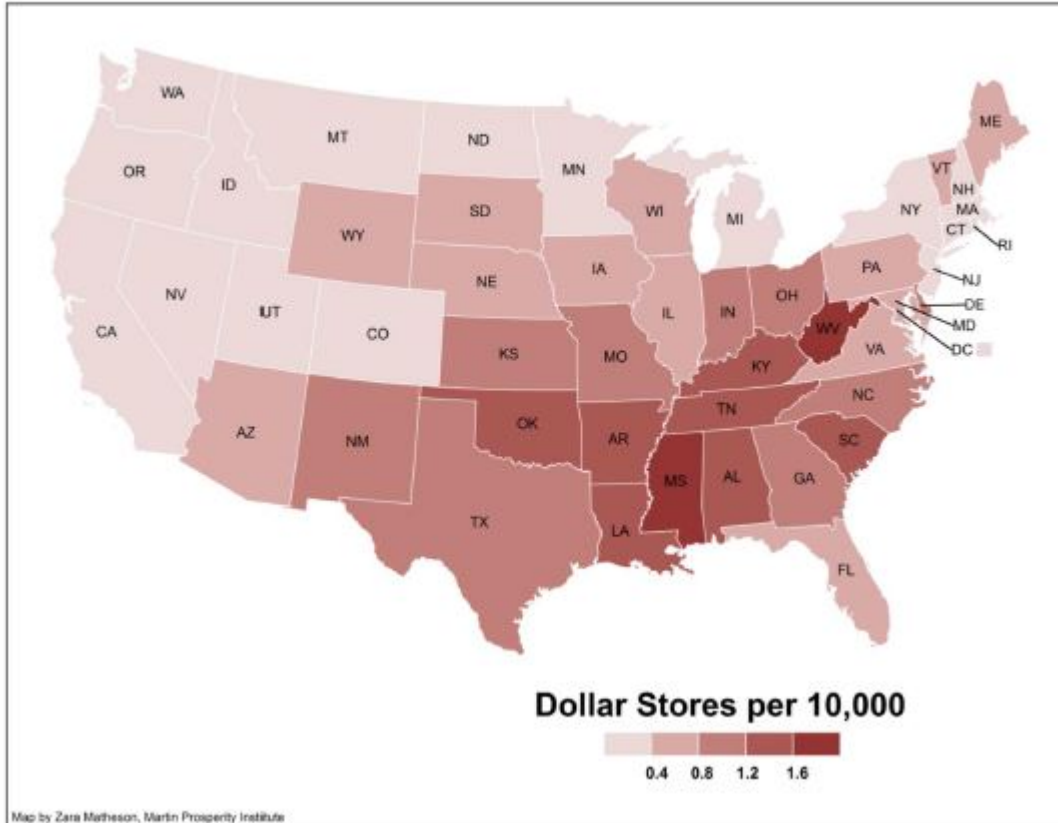
in this year's first quarter - all were up by at least 5 percent," the *Times* article noted.

Dollar stores have been proliferating in cities in recent years. A couple of weeks ago, Dollar General announced plans to [create 6,000 new jobs and build 625 new stores](#); Family Dollar will open 300 new branches.

It's not poverty that's driving the boom, but anxiety. Though 42 percent of the stores' customer base earns less than \$30,000 per year, Dollar General notes that 22 percent earn \$70,000 or more. Much has been written about how post-crash consumers are dialing back their spending, paying down their debts and increasing their savings - a "new normal" in which conspicuous frugality replaces conspicuous consumption.

But what of the geography of dollar stores: What does their location tell us about the evolving economic geography and the geographic disparities at work across America?

[MPI](#) alum and UCLA urban planning graduate student Patrick Adler has been assembling data on the geography of dollar-stores for some time, collecting and collating information on the number of chain dollar-stores across the continental United States and tracking their density on a per population basis. The data below comes originally from a [Colliers report](#) on the dollar-store economy.

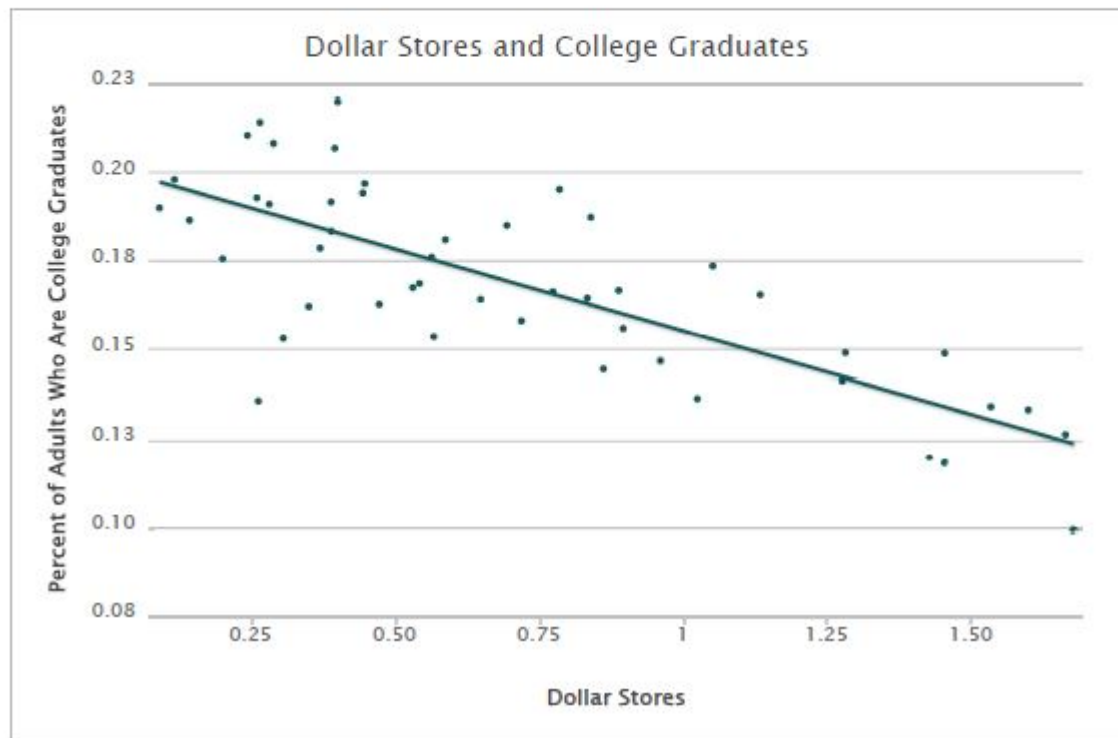


The map above by MPI's Zara Matheson shows the distribution of dollar stores per 10,000 people. West Virginia, Mississippi, Alabama and Louisiana have the largest concentrations of dollar stores.* Indeed, something like a "dollar store belt" can be discerned, stretching from Ohio and Indiana in the north, through Kentucky and Tennessee to the Gulf Coast.

What conditions do their locations reflect? To get a better sense of this, my colleague Charlotta Mellander ran correlations against a variety of economic and demographic factors. Correlation, of course, is not causation. Though the associations she found are highly suggestive, other factors we didn't consider might be equally or more important. That said, the geography of the dollar store economy provides a powerful lens into the fault lines of income, class and race.

Let's start with class. Dollar stores may be increasing their share of [high-income customers](#), but they are overwhelmingly concentrated in low income

states. The correlation between dollar stores and median income is significant and negative (-.57). The correlation between dollar stores and the poverty rate is .41. They are concentrated in blue-collar working class states (.68).



Dollar stores are concentrated in states with lower levels of education or human capital. The correlation is again significant and negative, even greater than for income (-.77).

The geography of dollar stores also tracks to the country's political divide. Dollar stores are positively correlated with the share of voters who backed McCain (.52) and negatively associated with Obama voters (-.47).



Obesity, smoking and crime also come into the picture. They are positively associated with the percentage of adults whose body mass index is greater than 30 (.72) and the percentage that smoke (.6). Dollar stores states are also positively associated with property crime (.34), especially burglary (.54), and violent crime (.3), especially murder and manslaughter (.49).

The geography of dollar stores also reflects overall living standards and levels of happiness or subjective well-being. Not surprisingly, states with more dollar-stores have lower levels of each (with a correlation of -.32 for living standards and -.56 to happiness).



Religion too plays a role. Dollar stores are positively and significantly associated with the percent of people who say religion plays an important role in their daily life (.71).

The geography of dollar stores follows the same cleavages of income, class and race that are increasingly dividing Americans. Though some affluent shoppers might enjoy searching for bargains in their cluttered aisles, dollar stores are overwhelmingly the retail choice of the economically left behind.

** An earlier version of this article listed Virginia, not West Virginia.*

About the Author



Richard Florida is the co-founder and editor at large of *CityLab* and a senior editor at *The Atlantic*. He is the director of the Martin Prosperity Institute at the University of Toronto and a professor of global research at New York University. [MORE](#)

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Exhibit 6



UG to look at limiting number of dollar stores in community

Posted on May 22, 2015 by Info Wyandotte in Business, Kansas City Kansas, News, Wyandotte County // 0 Comments



A Dollar General Store is near 53rd and State Avenue in Kansas City, Kan.

Will it be the beginning of the end for the ubiquitous dollar stores in Wyandotte County?

The stores have popped up all over the county in the past decade or two. In some cases, they were almost the only new buildings built in some areas during the recent recession.

Some dollar stores are replacing other stores that have exited neighborhoods. A recent quick informal count turned up at least 20 of the dollar stores in Wyandotte County.

In a Unified Government Administration and Human Services Standing Committee discussion Monday night, UG Planning Director Rob Richardson noted the significant increase in dollar stores in the community. In some respects it is nice, while some people think the stores present other issues to the community, he said.

The planning department wants to study the issue and potentially limit the number of new dollar stores in the community, he said. According to UG documents, the issue was brought forward by Mayor Mark Holland. The issue also had been raised at an earlier meeting by commissioners.

"They need to clean their act up, from one end of town to another," said Commissioner Mike Kane, referring to dollar stores. He cited one store on the east side of the community that could be cleaner. Another commissioner had mentioned a dollar store in the Argentine area as needing a cleaner parking lot area during another UG public meeting.

Commissioner Jane Philbrook said some of the dollar stores have a tendency to be in areas where people don't have a chance to get healthy foods, and can only get prepackaged food at the dollar stores. "That's not really doing our community justice," she said.

Sometimes the dollar stores are popping up in areas where grocery stores are moving out. Richardson noted that there is one dollar store going in at a former grocery store near 46th and Parallel Parkway.

He cited a recent national news article that discussed a merger between two of the dollar store chains. Commissioners previously had wondered what might happen if there was a merger of

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the two chains, and two of the former competitors' stores were close to each other. Would there be closings of many dollar stores around town if there is a merger?

A merger between Family Dollar and Dollar Tree was discussed last January, and according to news articles this week, Dollar Tree is proposing to buy Family Dollar for \$8.5 billion. However, news reports also stated Dollar Tree is expected to sell 330 Family Dollar stores it owns in preparation for the merger to comply with a directive. Dollar General earlier tried to buy Family Dollar, but that transaction did not go through, according to news reports. If the Dollar Tree-Family Dollar merger is approved, the new company would have the largest dollar store operation in the nation, according to news reports.

In Wyandotte County, the informal count found more Dollar General stores, about 11, compared with around nine Family Dollar and two Dollar Tree stores.

Commissioners Harold Johnson and Melissa Bynum agreed that although there might be a need for some limitations on the dollar stores, the stores also might be serving a need that is not served by anyone else in some neighborhoods. Commissioner Bynum said she had not been in favor of losing a hamburger restaurant that was torn down to make way for a dollar store at 81st and Leavenworth Road, but since it has been built, she has been one of its customers.

Richardson said a new policy would not be an outright ban on the stores. However, it might mean certain portions of the community might not get any more dollar stores, he added.

The planning department will be studying how to regulate the stores, perhaps using special use permits, and possibly limiting the total number of dollar stores within the community or separation by distance.

Dollar stores, however, are nothing new to Wyandotte County and the nation. Sixty or so years ago, they used to be called five and dime or five and-10-cent stores. Woolworth's and TG&Y were long-time former retail presences in the community as the forerunners of today's dollar stores, and were often found in strip malls or with other retail stores in business districts.

As they do today, the stores offered a variety of items, some at a discount, and are sometimes called variety stores. Many items are offered at a discount, while other items might be at the same price or slightly above other retail prices.

The UG committee on Monday authorized the planning staff to go ahead with its study of amending the zoning code for dollar stores. This would not affect existing dollar stores, according to the UG agenda information, but might affect future dollar stores and thrift stores in the community.



A Family Dollar store is located near 81st and Leavenworth Road in Kansas City, Kan., near a former hamburger restaurant.

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One Dollar General store is located near 81st and Parallel Parkway.



A Dollar Tree store is located in Wyandotte Plaza, a strip mall at 78th and State Avenue. It is in a newly renovated space.



This Family Dollar store is located near 63rd Drive and Parallel Parkway.



A Family Dollar store is near 12th and Central in Kansas City, Kan.



A Dollar General store is located within a strip mall at 2801 S. 47th, Kansas City, Kan.

Leave a comment

Your email address will not be published.

Comment

Name *

Email *

Website

Post Comment



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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Phone: (913) 573-5750
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To: Unified Government Board of Commissioners

From: City Staff

Date: February 25, 2016

Re: **Proposed Ordinance Amendments to Sec. 27-340 and 27-612(6), Planning and Development of Kansas City, Kansas Code of Ordinances, adding definitions for vending machines and exterior sales and modifying the regulations thereof.**

GENERAL INFORMATION

This is a request of staff from the Board of Commissioners to prepare and process the following:

- Ordinance amendment to tighten regulations on outdoor vending
- Ordinance amendment to further regulate outdoor sales

Purpose: To better regulate exterior sales and vending in the C-1, C-D, C-2, and C-3 Districts as accessory uses.

Advertisement: Wyandotte Echo – December 17, 2015

Public Hearings: February 8, 2016 and February 25, 2016

Public Opposition: None expressed to date.

PROPOSAL

This ordinance recognizes that exterior sales and vending may be integral to certain commercial uses. However, the proliferation of multiple vending machines and exterior sales displays threatens to impact the character of the neighborhood. The following guidelines are meant to preserve the character of each neighborhood while still allowing vending machines and exterior sales to continue as accessory uses under certain conditions.

The Board of Commissioners placed a moratorium on vending enforcement in 2015.

In the proposed ordinance, the existing regulations for vending machines and exterior sales have been revised to further encourage and require the responsible siting, arrangement, and screening where appropriate. These requirements were determined after considering current vending machine and exterior sales patterns and regulations and ordinances from other communities across the Kansas City area and beyond.

While the current ordinance that regulates vending machines and exterior sales as an accessory use has significant provisions that already limit the placement and number of such allowable uses, additional provisions are necessary to better define and encourage the smart use and placement of vending machines and exterior sales.

Staff proposes the following ordinance modifications to achieve the goals of the community:

(Existing, ~~Stricken~~, New Language)

Sec. 27-340. – Definitions

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Sec. 27-612(6). – Exterior sales and vending on private property provided that:

- A. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 1. The exterior sales or vending area machines does not block an interior sidewalk.
 2. The exterior sales or vending machines do not block any exterior windows.

3. The exterior sales or vending machines must be at least five feet away from all public doors.
4. Exterior sales area and vending machines are is only permitted on private property unless it complies with the street vending ordinance.
5. The exterior sales or vending area machines must leave adequate space for vending customers and those using the sidewalk.
6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - a. The site does not have a drive-thru window or drive-up service.
 - b. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - c. The machine is located so as to not interfere with vehicular traffic; and
 - d. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - e. The area where the device is placed is monitored by a security camera.
7. Any ~~outdoor~~ exterior sales area must remain neatly organized and free of litter.
8. Any ~~outdoor~~ exterior sales or vending area must be flush with the facade of the building.
9. No more than ~~two~~ one ~~outdoor~~ exterior sales display or vending ~~areas~~ machine is permitted per property except as follows:
 - a. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - b. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Urban Planning Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
 - c. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right of way then the number of allowable exterior sales displays or vending machines shall be increased by one.
10. No additional signage that would require a permit is allowed.
11. The area allowed for ~~outdoor~~ exterior sales or vending may not exceed ~~64~~ 24 square feet.
12. No more than one propane exchange locker may be allowed per property, unless:
 - a. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - b. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - c. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
13. No signage is allowed beyond the surface of the device vending machine.

- B. ~~These facilities~~ Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
1. Products that cannot be sold indoors for safety and regulatory reasons (ex. propane exchange lockers).
 2. If the facility is a grocery store over 15,000 square feet.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **approval** of the vending machine ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2016	February 25, 2016
	Approval	

STAFF CONTACT:	Zach Tusinger	ztusinger@wycokck.org
	Kyle Kobe	kkobe@wycokck.org

MOTIONS

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

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

OR

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

FEBRUARY 8, 2016 CITY PLANNING COMMISSION MINUTES:

ORDINANCE AMENDMENT - SYNOPSIS: Revisions to Section 27-611-614, concerning vending machines as accessory uses in non-residential zoning districts in the Kansas City, Kansas Code of Ordinances.

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 17, 2015.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Planning Director Rob Richardson, 701 North 7th Street, Suite 423, Kansas City, Kansas, appeared in support of this ordinance amendment. He stated that there are two (2) significant sections in this ordinance amendment. Section A deals with commercial uses with the business license/occupation tax receipt before December 31, 2008. That is when the master plan expanded the Overlay Zone community wide. Section B is for new facilities after that date that have to comply with the Overlay Zone. He stated that he would like to talk about Section B first. The city does not permit exterior sales in vending in the Overlay District with the exception if it cannot be kept inside safely and if the facility is a grocery store over 15,000 square feet. Section A has criteria of how the vending machines can be installed and how many there can be and how those would move forward. On the exceptions there needs to be a note added that those exceptions are allowed to be placed per Section A. Depending on where they are determines how many you can have. The further away from the road they are you can have more of them. There has to be space for people to traverse the sidewalks, they can only be on private property and under #9 there are ways to expand the number of vending machines they can have depending on how far away they are. The propane lockers are difficult for him because they claim that their insurance companies will not let them have them. You can go inside Lowe's and buy small propane canisters for your torch or stove. He stated that he is not sure that he wants to take that on. He stated that he thinks that this is an adequate compromise for places that want exterior vending.

Planning Commissioner Gonzalez asked for an example of a 15,000 square foot business. Planning Director Richardson stated that the Wal-Mart Neighborhood Mart is 25,000 square feet. A dollar store is only about 8,000 square feet so it is about double that.

Planning Commissioner Serda stated that there are examples "such as" in the ordinance. Are there any restrictions on the type of merchandise that can be sold

outdoors? Planning Director Richardson stated that you cannot sell alcohol outside. He does not know if there are really any limitations. The “red boxes” are regulated separately. Dr. Serda stated that tires, general merchandise on tables, etc. are not being excluded. Director Richardson stated that vending is machines. For the people that had their occupational license before 2008 if that is changed a lot of what they do would become nonconforming. That is why he separated those timeframes. The old gas stations you would see firewood, Pepsi, etc. outside. The newer models do not use that anymore; it is all inside. Dr. Serda stated that he thinks that these types of restrictions are tricky because it is often not until someone complains about the nuisance effect of something that was unanticipated that we have to go back to the code and see if that is permitted. He can anticipate that there any number of sale of material items that could be very problematic and create nuisance issues by these definitions that would be permitted. Director Richardson stated that the ordinance would need to be more restrictive and his direction from the Board of Commissioners was not to be more restrictive. The Commission could make that recommendation or send it back to the staff to do more work on this but that is not the direction he was given. He would have to go back and tell some of the older stores that they could not sell things outside and they do not have room for those things inside. When the newer stores are built they are built for those types of things. It affects the urban core more.

No one appeared in opposition to this application.

On motion by Mr. Gonzalez, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of this ordinance amendment:**

Carson	Aye
Connelly	Aye
DeWitt	Not Present
Ernst	Not Present
Gonzalez	Aye
Huey	Chairman
Pauley	Aye
Schwartzman	Aye
Serda	No
Wing	Not Present

Motion to recommend APPROVAL Passed: 5 to 1



Staff Request for Commission Action

Tracking No. 16363

Full Commission Meeting Date: 2/25/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 2/1/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/12/2016	<u>Contact Name:</u> Jason Banks, Asst to the Mayor/Manager	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> jbanks@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

A resolution authorizing the Unified Government to enter into a contract with the Health Care Foundation of Greater Kansas City to accept a \$150,000 grant in support of the Healthy Campus Project. No Unified Government match is required. The resolution authorizes the Mayor and County Administrator to execute a contract setting out the requirements of the grant.

Action Requested:

Adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Grant resolution final, Attachments, HCF grant agreement

RESOLUTION NO. _____

WHEREAS, the Unified Government of Wyandotte County/ Kansas City, Kansas ("Unified Government") submitted a proposal to the Health Care Foundation of Greater Kansas City ("Foundation") to fund the Healthy Campus Project;

WHEREAS, the Foundation has awarded the Unified Government a grant in the amount of \$150,000.00 in support of the Healthy Campus Project; and

WHEREAS, the Unified Government is required to enter into a Grant Award Agreement with the Foundation in order to receive the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Board of Commission of Wyandotte County/ Kansas City, Kansas authorizes the County Administrator's Office and Mayor's Office to execute the Grant Award Agreement 1060-FY14-3969.
2. That the County Administrator's Office and Mayor's Office are authorized and directed to manage and comply with the requirements of the Grant Award Agreement.
3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE COMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Assistant Counsel

Attachment A

Scope of Project

CBC Real Estate Group will act as the UG's Owner's Representative / Development Project Manager in the implementation of the Downtown Central Parkway Strategic Plan as prepared by Gould Evans Architecture.

CBC will develop a strategic property acquisition plan to acquire properties for the development of a Grocery Store, Community Center and other to be determined development projects.



Attachment B

Project Budget

The proposed fee structure recognizes the various contributions provided by the Owner's Representative / Development Project Manager throughout the various stages of development. Compensation structure for each service line is defined below.

1) Pre-Development Services:

- a) General planning and consulting services as outlined in the Downtown Parkway District master plan.
- b) Compensation for this phase of services is a monthly retainer equal to:
 - i) \$9,475 per month from July 1, 2015 through June 30, 2016
 - ii) \$16,187.50 per month from July 1, 2016 through June 30, 2017 or an amount to be mutually agreed to in the event activity is less than anticipated

Attachment C

Goals and Objectives

1) Pre-Development Services

- a) Represent solely and exclusively the UG's interests in connection with the Healthy Campus, including, (i) the marketing and (ii) the pre-development as further defined below.
- b) Representing the UG, the Owner's Representative / Development Project Manager Advisor will lead efforts to secure At-Risk Developers including;
 - i) Act as exclusive Owner's Representative / Development Project Manager to the UG for the purposes of sale or contribution of property within the Healthy Campus Project Area to a Project End-User and/or At-Risk Developer(s).
 - ii) Prepare marketing and sales collateral material with the assistance of the Master Planner.
 - iii) Attend national conferences as deemed necessary by the UG.
 - iv) Using collateral material, lead the UG's team in development of requests for qualifications/proposals, prepare proposal analyses, and make recommendations to the UG for the At-Risk Developer selections. Anticipated Developers include, but are not limited to:
 - (1) Retail Developer(s)
 - (2) Office Building(s) Developer
 - (3) Entertainment Developer
 - (4) Hotel Developer(s)
 - (5) Other as required.
 - v) Represent UG in negotiation of a non-binding Preliminary Agreement (Letter of Intent) between the At-Risk Developer and the UG outlining the general plan, phasing and development program.
- c) Lead periodic project coordination meetings to coordinate the efforts of the UG, Advisor, Master Planner and other contractors and consultants of the UG, as necessary.

2) Real Estate Advisory Services

- a) Upon approval by the UG and execution of a Letter of Intent with the At-Risk Developer, the Owner's Representative / Development Project Manager will assist the At-Risk Developer with development of their project including;
 - i) Assist with their leasing activity as required including attending conferences, making sales calls on primary/anchor tenants,
 - ii) Confirmation of the proposed phasing plan,
- b) Negotiation of a binding Development Agreement between the UG and At-Risk Developer including primary obligations of both Parties. Primary terms of the agreement will include;
 - i) Total project development plan
 - ii) Timing for phasing of development plan
 - iii) At-Risk Developer contributions
 - iv) Financial Modeling – Sensitivity Modeling – Financial Incentive proceeds between the At-Risk Developer, Off Site Improvements and UG.

- (1) Participate in development of analytical tools to assess the range of financial incentives
 - (2) Assist in development of sensitivity analyses using the projected costs and projected revenues to determine generally the bonding capacity of each Developer Project.
 - (3) Recommend proposed levels of concessions for each Specific Venture.
- v) Incentives - Working with the UG economic development staff, summarize and model value of other economic incentives offered.
- vi) Documentation – Including (a) Request documentation to support retail sales projections from the At-Risk Developer, coordinate the transmission and use of this information with the independent feasibility consultant, Legal Counsel, bond underwriter and others as may be necessary. (b) Secure from At-Risk Developers projected development costs segregated by those costs to be publicly funded vs. privately funded. (c) Assess and assist the UG in negotiating relative amount of public investment vs. private investment for each At-Risk Development Project.
- vii) Remedies in the event of failure to perform.
- viii) Insurance and Indemnity.
- ix) Assist the UG's legal counsel and other contractors and consultants in development of Easements, Covenants, Conditions and Restrictions Agreement for the Sites.
- c) Support Legal Counsel, Feasibility Analyst, UG Financial Advisor in completion of underwriting necessary for the issuance of Incentives.
- d) The Owner's Representative / Development Project Manager will lead the team for dealings with outside Legal Counsel, any UG legal counsel and other contractors or consultants of the UG in the verification and preparation of development agreements.
- e) Leads regularly scheduled progress meetings with the UG, record action items and monitor the project of all marketing, pre-development and development management activity.
- f) Establishment of Incentive Districts:
 - i) Working directly with UG, Master Planner, Consulting Engineer and Legal Counsel, the Owner's Representative / Development Project Manager will lead the preparation of the Financial Incentives including;
 - (1) Review UG Healthy Campus Plan to determine conformance with the proposed Incentive District Area(s).
 - (2) Assist with preparation of supporting documentation required for UG Commission and County Commission public hearings necessary to approve Incentive Package.
 - (3) Identify Feasibility Consultant and assist with preparation of Incentive District(s) Feasibility Report.
 - ii) Establishment of Incentive District Project Plan:
 - (1) Working directly with the UG, Feasibility Consultant, Master Planner, Consulting Engineer and Legal Counsel, the Owner's Representative / Development Project Manager lead the preparation of the Incentive Package including;
 - (a) Preparation of master plan.
 - (b) Preparation of total investment budget for the master plan.

- (c) Preparation of development Proforma including rents, sales/sf and incremental sales tax projections.

3) Transaction Services:

- a) CBC represents the UG in an acquisition of existing real estate or leasing of existing real estate.

4) Owner's Representative Services

- a) For projects that the UG would finance and own, CBC would act as third party agent to the UG as Owner's Representative providing project management services including negotiation on all primary agreements, master budget, master schedule, project management oversight and accounting.
- b) Request for Qualifications / Proposals
 - i) Develop Requests for Qualifications/Proposals for all design, engineering, construction and other services as they relate to any Project(s). Assist in preparation and negotiation of scope and compensation for all consultant and construction contracts.
- c) Budget Management
 - i) Assist the UG in developing budgets for any Project(s). Such budgets will be in a form that is acceptable to the UG.
 - ii) Record modifications to the budget and will seek the UG's approval and/or recognition of the same.
- d) Schedule Management
 - i) Prepare a master schedule for the purposes of monitoring the interaction and dependency of certain critical activities.
- e) Construction Oversight/Project Management
 - i) Owner's Representative / Development Project Manager will;
 - (1) Review the status of design and construction work as it relates to both the public funded and privately funded work.
 - (2) Report to the UG on the relative completion of the Developer as compared to the proposed development schedule including design, construction, fit-up and occupancy.
 - (3) Represent the interests of the UG and assist in negotiating change orders to be funded by the public proceeds as appropriate, if any.
 - (4) Review the At-Risk Developer's use of funds, whether public proceeds, other debt financing or private funds, and observe as to conformance with the Development Agreements and any budgets or schedules.
 - (5) Review and make recommendations to the UG, or such other parties as are designated by the UG, to approve or deny payment applications and itemized schedule of payments funded by public proceeds.
 - (6) Make reasonable efforts to manage construction manager and architect/engineer to cause required documents to be provided to the UG
 - (7) Manage final close-out of any UG Project contracts.
 - ii) Coordination Meetings

- (1) Initiate and monitor regularly scheduled meetings to coordinate the efforts.
 - (2) Document action items for each member of this team and report periodically.
- iii) The UG Project Payment Application Meetings
 - (1) Establish protocol for all vendors to submit their payment requests and review each invoice for compliance with contract terms and make recommendations.
 - (2) Lead monthly payment application and record activities necessary prior to approval of requests.
- iv) Employ project management accounting software to record the financial status of any UG Project. Periodically, report on the status of any UG Project using the following format.
 - (1) Budget
 - (2) Contracts
 - (3) Anticipated costs
 - (4) Payment applications

GRANT AWARD AGREEMENT 1060-FY14-3969

THIS AGREEMENT is made and entered into this _____ day of January 2016, by and between the Health Care Foundation of Greater Kansas City ("Foundation") and Unified Government of Wyandotte County/Kansas City, KS -- Mayor's Office ("Grantee").

WHEREAS, Grantee has submitted a proposal to the Foundation received on November 21, 2014 (the "Proposal") to fund the project described therein (the "Project"); and

WHEREAS, Foundation agrees to make a grant to Grantee, for \$150,000.00 to fund the Project, subject to the terms and conditions set forth herein (the "Grant").

NOW, THEREFORE, the parties agree as follows:

1. Scope of Project. Grantee shall perform the Project as set forth in the Proposal, a copy of which is provided as Attachment A and which is incorporated by this reference as if fully recited herein. The Project is exclusively for public purposes. Any variations in the Project or the use of Grant funds from that described in the Proposal requires the advance express written approval of the Foundation.
2. Grant Period. The Grant has been approved for a period of 24 months beginning October 1, 2015 through October 2, 2017 (the "Grant Period"). [Note – In the event the Project is completed sooner than the anticipated end date of October 2, 2017 and all reports are submitted to and accepted by Foundation then, at the discretion of the Foundation, the Grant will be paid out earlier than scheduled.]
3. Extension of Grant Period. Should the Grantee desire to extend the duration of the Grant Period, Grantee shall submit a written request for extension to the Foundation Grants Manager no later than 30 days prior to the Grant Period end date. If the Foundation approves the extension in its sole discretion, the parties shall execute a written acknowledgement acceptable to Foundation which shall provide for the new terms of the Grant Period and any other terms and conditions acceptable to the Foundation. Extension of the Grant Period will not result in an increase in funding.
4. Disbursement Schedule. The Foundation will disburse the Grant funds pursuant to the following schedule; contingent on receipt and approval of Interim and Final Reports:

Amount	To Be Paid On or About
\$ 67,500.00	Within 30 days of receipt of fully executed Grant Agreement
\$ 67,500.00	Upon receipt and acceptance of Interim Progress & Financial Report
\$15,000	Upon receipt and acceptance of Final Progress and Financial Report

The Foundation, in its sole discretion, reserves the right to alter the above disbursement schedule at any time and to impose such conditions upon disbursements as it may, in its discretion, deem necessary.

5. Expenditures. All expenditures of Grant funds by the Grantee must be consistent with the project budget as set forth in the Proposal (the “Project Budget”) and as approved by the Foundation, a copy of which is attached hereto as Attachment B. Any deviation from the approved budget requires the advance written approval of the Foundation.
6. Reporting Requirements. Regular and timely reporting by grantees to the Foundation is essential in carrying out the values and priorities defined in these Guidelines. Report contents are intended to be brief and succinct, so as to minimize this burden upon grantees, allowing them to focus their efforts on the funded projects and activities. At the same time, reporting should be sufficiently detailed that it provides accurate communication to the Foundation about grantee’s progress in achieving its goals and objectives through the expenditure of grant funds. Reporting requirements are specified in the Foundation’s contract with grantees. Unless an alternative is specifically approved by the Foundation, the following reports are required from all recipients of Foundation funding: Interim Project Status and Financial Reports, and an Annual Status and Financial Report.

Interim Project Status Reports. Progress reports are to be provided to the Foundation on the following schedule:

Interim Progress and Financial Report	April 1, 2016
Final Progress and Financial Report	November 2, 2017

The report should include a brief review of the project’s goals and objectives, as indicated in Attachment C with an update on the their accomplishment, based on the performance measures discussed in the approved proposal. Any changes from the proposed schedule of implementation, delivery of activities, staffing, client/patient participation or other deviations must be specifically noted, along with any steps planned or undertaken to address barriers experienced in implementation of grant-funded activities.

Interim Financial Status Reports. Financial reports are also to be provided on the same schedule. The report consists of the project’s approved budget with additional columns indicating financial activity within the reporting period and year-to-date total expenditures for each line item and the total budget. The percentage of the total funds expended (year-to-date) should also be provided. The grantee should report any changes from the proposed expenditures within line items.

Final Project Report. In addition to the above programmatic and technical information, the final report will provide specific, quantitative information about the achievement of outcomes within the grant project, with a comparison to those proposed. Interpretive, qualitative information such as barriers, lessons learned, and changes in strategies over the course of the project should be provided. Whenever appropriate, recommendations regarding future initiatives, policy

implications, or limitations should also be provided. Include a Final Project Abstract/Summary.

Final Expenditure Report. The final financial report, like interim financial reports, shall compare actual expenses to the approved budget on a line item basis. All line item expenditures must be supported by a narrative explaining the expenditure and any variances plus or minus 10%. In the absence of an approved grant period extension, funds unspent after the close of the grant period shall be considered as being payable to the Foundation. The amount of unspent funds or deferred accounts must be reported, and arrangements made for repayment or other disposition.

7. Records. Although the Grant funds need not be segregated, Grant funds and records of receipts and expenditures must be shown separately on Grantee's books for ease of reference and verification. Such records as well as copies of reports submitted to the Foundation shall be retained by Grantee for at least four years following completion of the Grant Period.
8. Foundation Right to Review and Evaluate. The Foundation may review and conduct an evaluation of the Project funded by this Grant, which may include one or more visits from Foundation personnel to observe the Project, discuss the Project with Grantee's personnel and review financial and other records and materials connected with the activities financed by this Grant. All financial and other records relating to the Project shall be made available at the Grantee's regular place of business for inspection by Foundation personnel, or its designated representative, at reasonable times. Grantee will receive notice of Foundation's review findings and shall, in the sole discretion of Foundation, be given an opportunity to correct any non-compliance issues. If Grantee fails to correct any non-compliance issues within the time period specified by Foundation, Foundation may exercise its rights as set forth in paragraph 11 of this Grant Agreement.
9. Maintaining Tax Status. Grantee shall maintain the Internal Revenue Code status it represented to the Foundation that it had when submitting the Proposal throughout the duration of the Grant Period unless otherwise approved by the Foundation.
10. Title to Property Acquired with Grant Funds. Title to all tangible personal property, fixtures or equipment purchased with Grant funds ("Grant Funded Property"), except real property which will be handled separately, shall be vested in the Grantee. However, Foundation shall have a purchase money security interest in the Grant Funded Property until the Final Project Status Report has been accepted by Foundation. Grant Funded Property must be used for carrying out the Project as set forth in the Proposal.
11. Foundation's Right to Return of Funds or Property. Any Grant funds not used by Grantee for the purposes of the Project as approved in the Project Budget remain the property of the Foundation and shall be promptly returned to the Foundation at the conclusion of the Grant Period. Nothing contained in this paragraph shall

limit or prevent the Foundation from taking legal action to seek repayment of unexpended Grant funds or Grant funds which were not applied in accordance with the terms of this Agreement.

12. Publicity/Use of Project Results. HCF encourages the Grantee to publicize the receipt of your grant. All publicity associated with the grant must clearly identify The Foundation as a funding source using the following statement:

“Funding for this project was provided {in whole or in part} by the Health Care Foundation of Greater Kansas City.”

Use of Project Results

If Grantee desires to publish the results of its grant for academic research and/or publication in a journal or trade publication, the Foundation shall have a minimum of 30 days to review and comment before submission for publication. The Foundation must be notified should the Grantee use information derived from the Project for purposes other than those set forth in the Proposal, including but not limited to academic research and/or publication in a journal or trade publication, and the Grantee acknowledges or credits the Foundation for its involvement in the Project.

Use of HCF Name/Logo

Should the Grantee desire to use HCF's name or logo in its publicity of a grant or an associated event, the Grantee must contact its Program Officer to obtain permission and proper logo.

13. Termination of Grant by Foundation. The Foundation, in its sole discretion, may terminate this Grant and permanently withhold the payment of all or a portion of the Grant funds if: (a) the Foundation is not satisfied with the quality of the Grantee's work or the progress toward achieving the goals of the Project; (b) the Foundation determines that the Grantee is incapable of satisfactorily completing the Project; (c) the Grantee fails to meet the conditions set forth in this Agreement and the Proposal; (d) the Grantee's federal income tax status changes; or (e) the Grantee dissolves.

If the Grant is terminated prior to the end of the Grant Period, Grantee shall: (a) provide the Foundation with a full accounting of the receipt and disbursement of Grant funds for the Project through the effective date of termination, (b) repay, within 30 days of the effective date of termination, all Grant funds which were not expended on or prior to the effective date of termination and all Grant funds which were expended prior to the date of termination of the Grant but which expenditures relate to a phase of the Project allocable to a time period after the effective date of termination, and (c) repay to Foundation an amount equal to the value of any Grant Funded Property less the value of that portion of the Grant Funded Property's useful life during which it was used for the purposes of the Grant.

Nothing contained in this paragraph shall limit or prevent the Foundation from taking legal action to seek repayment of Grant funds already expended by the Grantee which were not applied in accordance with the conditions in this Agreement.

14. Indemnification. Foundation is a funding source only and does not participate in or direct any of the activities or services of Grantee. Accordingly, Grantee understands and agrees that Foundation, its directors, officers, employees and agents will not be liable for any of Grantee's contracts, torts, or other acts or omissions, or those by Grantee's directors, officers, members, employees or funded-activity participants. Grantee understands and agrees that Foundation's insurance policies or self-insurance plans do not extend to or protect Grantee nor Grantee's directors, officers, members, staff or funded-activity participants. Grantee understands and agrees that Foundation will not provide any legal defense for Grantee or any such person in the event of any claim against any or all of them.
15. Relationship of Parties. Foundation and Grantee agree that this Grant does not create a principal-agent relationship of any type between the parties and that Grantee will not, by act of omission or commission, foster any belief on the part of third parties that such relationship exists.
16. Authority. Each individual executing this Agreement on behalf of Grantee warrants that he has full power and authority to execute this Agreement on behalf of such organization and that this Agreement constitutes the valid and binding obligation of such organization enforceable in accordance with its terms. Prior to or concurrently with the delivery to Foundation of an executed copy of this Agreement, Grantee shall deliver to Foundation evidence in the form of a resolution of Grantee's governing board or members that those signing have authority to execute this Agreement on Grantee's behalf and that Grantee has authorized performance by Grantee of all of its obligations hereunder.
17. Nondiscrimination. Grantee agrees that in providing services under the Project, persons will be provided service without regard to race, color, sex, national origin, religion, age, disability, sexual orientation, or veteran status, except in instances when the criteria is a stated condition of admission to the Project and is so disclosed in the Proposal. Grantee will be required to have their Board chair or designee agree to the following statement: I certify that our organization does not discriminate in its leadership, staffing or service on the basis of age, gender, race, ethnicity, sexual orientation, disability, national origin, political affiliation or religious belief (see attached Attestation).
18. No Guarantee of Future Funding. Provision of this Grant does not imply any future funding commitment by the Foundation.
19. Compliance with Code Section 501(c)(3). By accepting this grant, the grantee agrees that these funds will be used exclusively for exempt purposes described in Internal Revenue Code Section 501(c)(3).

20. Entire Agreement. This Agreement and all Attachments constitute the entire Agreement between the parties regarding the Project and supersede all previous understandings or written or oral agreements between the parties.
21. Amendment. Unless otherwise permitted herein, any alteration in the terms of this Agreement must be in written form and must be signed by both the Foundation and the Grantee.
22. Applicable Laws. The provisions of this Agreement shall be construed and enforced according to the laws of the State of Kansas.
23. Gender and Number. Masculine pronouns include the feminine as well as the neuter genders, and the singular shall include the plural, unless indicated otherwise by the context.
24. Headings. The paragraph headings contained herein are for convenience of reference only, and shall not be construed as defining or limiting the matter contained thereunder.
25. Grants Manager. Currently the Grants Manager is Karen Guile, 2700 East 18th Street, Suite 220, Kansas City, MO 64127.

IN WITNESS WHEREOF, we have executed this Agreement as of the date first above written.

HEALTH CARE FOUNDATION OF
GREATER KANSAS CITY

By: _____
Bridget McCandless, M.D.
President/CEO

Date: _____

“Grantee”

Unified Government of Wyandotte County/Kansas City, KS -- Mayor's Office

By: _____
Name

Title

(Print Name)

Attachments to Agreement:

- A. Scope of Project
- B. Project Budget
- C. Project Goals and Objectives

ATTESTATION

I certify that our organization does not discriminate in its leadership, staffing or service on the basis of age, gender, race, ethnicity, sexual orientation, disability, national origin, political affiliation or religious belief.

DATED this _____ day of _____, 2016.

Chairman of the Board

ATTACHMENT A PROJECT PROPOSAL

To fund a Project Manager and related expenses for the Healthy Campus, a public/private venture that will address health disparities in the eastern end of urban Kansas City, Kansas. The Healthy Campus includes a grocery store and a YMCA community center. The Project Manager will provide leadership, build and maintain community engagement and champion the vision of the project.

**ATTACHMENT B
PROJECT BUDGET**

**[Include the Full budget for the two year
project to when you submit this signed
Agreement]**

ATTACHMENT B (cont'd)
PROJECT BUDGET NARRATIVE

**[Full budget narrative for the two year
project to be submitted with this
Agreement]**

**ATTACHMENT C
PROJECT GOALS AND OBJECTIVES**

**[Outcomes and scope of work to be
submitted with this Agreement]**

**ATTACHMENT C
PROJECT GOALS AND OBJECTIVES (cont'd)**

**[Evaluation design to be submitted with
this Agreement]**



Staff Request for Commission Action

Tracking No. 16354

Full Commission Meeting Date: 2/25/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 2/1/16

(If none, please explain):

Publication Required: Yes

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
02/12/2016	Lew Levin, Chief Financial Officer	x5186	llevin@wycokck.org	Finance

Item Description:

Ordinance authorizing the issuance of special obligation tax increment revenue refunding bonds (39Rainbow South) Series 2016 in the maximum principal amount of \$4,300,000 of the Unified Government of Wyandotte County/Kansas City, Kansas for the purpose of refunding certain outstanding special obligation tax increment revenue bonds, 39Rainbow South series 2013 and paying costs of issuance and making certain covenants thereto.

Specific parameters:

- (a) principal not to exceed \$4,300,000 and minimum denominations of \$100,000;
- (b) fixed interest rate not to exceed 4.25% (currently at 5%); and variable rate not to exceed 3.75%;
- (c) final maturity no later than 2033;
- (d) weighted average maturity of not less than 7 years nor more than 10 years;
- (e) purchase price not less than 100%; and
- (f) privately placed by UMB with a maximum placement agent fee of 1.5%.

Action Requested:

Approve ordinance subject to the parameters indicated above.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

39th and Rainbow Refunding Ordinance

[Published in *The Wyandotte Echo* on March __, 2016]

ORDINANCE NO. O-__-16

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REVENUE REFUNDING BONDS (39RAINBOW SOUTH TIF PROJECT), SERIES 2016 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,300,000 OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TAXABLE SPECIAL OBLIGATION TAX INCREMENT REVENUE BONDS (39RAINBOW SOUTH PROJECT) SERIES 2013 AND PAYING COSTS OF ISSUANCE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Unified Government has the authority to adopt tax increment financing pursuant to the Kansas Tax Increment Redevelopment Act, constituting sections K.S.A. 12-1770 *et seq.*, as amended (the “Act”); and

WHEREAS, the Unified Government created the 39th and Rainbow Tax Increment Redevelopment District by the adoption of Ordinance No. 0-79-09 on October 29, 2009, which consists of the four redevelopment project areas; and

WHEREAS, the Unified Government adopted the redevelopment project plan for Project Areas 1 and 2 (the “Redevelopment Plan”) by the adoption of Ordinance No. 0-10-11, adopting the Redevelopment Plan, dated December 17, 2010; and

WHEREAS, the Unified Government issued its Taxable Special Obligation Tax Increment Revenue Bonds (39Rainbow South Project), Series 2013 in the original principal amount of \$4,365,000 (the “Refunded Bonds”) to pay or refinance a portion of the Redevelopment Project Costs, fund capitalized interest and pay the costs of issuing the Refunded Bonds; and

WHEREAS, the Unified Government has determined that it is necessary and desirable to issue its Special Obligation Tax Increment Revenue Refunding Bonds (39Rainblow South TIF Project), Series 2016 in one or more series (the “Bonds”), in the maximum aggregate principal amount of \$4,300,000 to refund the Refunded Bonds, fund a debt service reserve fund, and pay the costs of issuing the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, the following capitalized words and terms as used in this Ordinance shall have the following meanings:

“**Tax Increment Fund**” means the Tax Increment Fund of the Unified Government created for the Incremental Tax Revenues (as defined in the Indenture) of the 39th & Rainbow Project Area 2.

Section 2. Authorization of the Bonds. The Unified Government is hereby authorized to issue and sell the Bonds in the original aggregate principal amount of not to exceed \$4,300,000, the proceeds of which will be used to refund the Refunded Bonds, fund a debt service reserve fund, and pay certain issuance costs related to the Bonds. The Bonds shall be (i) issued and secured pursuant to the herein authorized Indenture (ii) shall be issued in a principal amount of not to exceed \$4,300,000 and in minimum denominations of not less than \$100,000, (iii) issued with a portion bearing interest at fixed interest rate not to exceed 4.25% and a portion bearing interest at a variable rate with an initial interest rate of not to exceed 3.75%, (iv) shall have a final maturity no later than 2033, (v) shall have a scheduled weighted average maturity of not less than 7 nor more than 10 years, (v) purchase price not less than 100% and (vi) shall be privately placed by UMB Bank, N.A., Kansas City, Missouri (the “Placement Agent”) with a maximum placement agent fee of 1.50%.

The final terms of the Bonds shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the Indenture upon the execution thereof. The signatures of the Mayor when executing such Indenture shall constitute conclusive evidence of the Mayor’s approval and the Unified Government’s approval thereof.

The Bonds, together with interest and premium, if any, thereon are not general obligations of the Unified Government but are limited obligations payable solely from the trust estate pledged to the payment thereof under the Indenture and shall be a valid claim of the respective holders thereof only against the trust estate and other moneys held by the Trustee and the revenues so pledged as aforesaid. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the State of Kansas, the Unified Government or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Bonds, the Indenture, the proceedings of the Unified Government authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the Unified Government, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

Section 3. Security for the Bonds. The Unified Government shall deposit the Incremental Tax Revenues into the Tax Increment Fund. The moneys and securities now or hereafter held in, and moneys and securities to be deposited in the Tax Increment Fund and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Bonds. The moneys in the Tax Increment Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance. The Incremental Tax Revenues shall be determined and collected in the manner provided by law and as provided in the Indenture.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Unified Government at this

meeting (copies of which documents shall be filed in the records of the Unified Government), and the Unified Government is hereby authorized to execute and deliver each of such documents to which the Unified Government is a party (the “Unified Government Documents”) with such changes therein as shall be approved by the officer or officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Unified Government's approval thereof:

(a) Bond Trust Indenture dated as of the date stated therein (the “Indenture”), between the Unified Government and UMB Bank, N.A., Kansas City, Missouri, as trustee (the “Trustee”); and

(b) Tax Compliance Agreement dated as of the date stated therein (the “Tax Compliance Agreement”) between the Unified Government and the Trustee.

Section 5. Execution of Bonds and Documents. The Mayor of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Indenture. The Mayor of the Unified Government is hereby authorized and directed to execute the Unified Government Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Unified Government Documents and such other documents, certificates and instruments as may be necessary.

Section 6. Tax Covenants. The Unified Government covenants and agrees that (a) it will comply with all applicable provisions of the Code, including *Sections 103 and 141 through 150*, necessary to maintain the exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the Unified Government, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The Unified Government will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Unified Government.

Section 7. Further Authority. The Issuer shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds and the Unified Government Documents, including, but not limited to, agreements with respect to the investment of funds held under the Indenture.

Section 8. Governing Law. This Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State.

Section 9. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government and publication in the official Unified Government newspaper.

PASSED by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas on February 25, 2016.

APPROVED by the Mayor/CEO.

(SEAL)

ATTEST:

Mayor/CEO

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 16360

Full Commission Meeting Date: 2/25/16

Committee: Economic Development & Finance

Date of Standing Committee Action: 2/1/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/12/2016	<u>Contact Name:</u> George Brajkovic, Director	<u>Contact Phone:</u> x5749	<u>Contact Email:</u> gbrajkovic@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

As part of the Amended Vacation Village STAR Bond District, Project Area 2 included the development of an auto mall. The Development Agreement between the UG and SVV 1, LLC acknowledged that 2 of the dealerships would be relocating from other areas of Wyandotte County, and that the base sales tax value of those two would not be captured by the STAR District.

Additionally, one of the two dealerships was relocating from Bonner Springs, KS. Staff had negotiated to continue to offer Bonner Springs their city share of sales tax generated from the base sales of the Bonner Springs Ford. Based on the Bonner Springs city sales tax rate of 1.625%, and a base sales figure of \$5M, FY 2016 and an additional 5 year term, Bonner Springs will receive an annual amount of \$81,250.00.

Action Requested:

Adopt Resolution authorizing annual payment to Bonner Springs, KS.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution

RESOLUTION NO. _____

WHEREAS, on October 20, 2005, in accordance with and pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.*, as amended, the predecessor of the Kansas STAR Bond Financing Act, K.S.A. 12-17,160 *et seq.* (the “Act”), the Unified Government duly adopted Ordinance No. O-76-05, which created the Vacation Village Redevelopment District (the “Original District”), within Kansas City, Kansas, the boundaries of which were defined in said Ordinance, and contained a general development plan for the Original District (the “Original District Plan”). On November 29, 2007, the Unified Government adopted a project plan for the sole redevelopment project area within the Original District (the “Original Project Plan”).

WHEREAS, on August 28, 2014, the Unified Government duly adopted Ordinance O-47-14, which amended and restated the Original District and Original District Plan (the “Amended District Plan”), to expand the boundaries of the Original District and to include five (5) distinct Project Areas, one of which was to consist of between four (4) and seven (7) automobile dealerships (the “Auto Plaza Project Area”).

WHEREAS, on August 13, 2015, the Unified Government and SVV entered into that certain Amended and Restated Vacation Village Development Agreement (the “Amended Agreement”) which acknowledged that two (2) of the Auto Dealerships which currently plan to locate in the Auto Plaza Project Area have, under prior ownership, previously operated within Wyandotte County at other locations.

WHEREAS, it is anticipated that Victory Ford, currently located at 715 S. 130th Street in Bonner Springs, Kansas, will be relocating within the Auto Plaza Project Area in 2016.

WHEREAS, due to certain provisions in the Act governing the relocation of certain businesses into STAR Bond districts, the Amended Agreement acknowledged that all Incremental Taxes created by dealerships relocating from within Wyandotte County shall be based only upon Incremental Taxes generated therein. The Amended Agreement also acknowledged that the Wyandotte County portion of the Relocation Base Year Sales Taxes from the relocating dealerships shall be distributed in accordance with the normal County process, but that the city portion of the Relocation Base Year Sales Taxes shall be distributed proportionately among the cities which are affected by the relocating dealerships. Of the total Relocation Base Year Sales Taxes, the City of Bonner Springs shall receive Eighty One Thousand Two Hundred Fifty Dollars and zero cents (\$81,250.00).

WHEREAS, the Unified Government wishes to make payments to the City of Bonner Springs in the amount and manner set forth below.

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

Section 1. Annual Payments. Except as provided for in Section 2, the Unified Government hereby resolves to make payments to the City of Bonner Springs, Kansas in the amount of Eighty One Thousand Two Hundred Fifty Dollars and zero cents (\$81,250.00) (the “Annual Payment”) for a period of five (5) years (the “Term”). Such payments shall be divided into four equal quarterly payments of Twenty Thousand Three Hundred Twelve Dollars and fifty cents (\$20,312.50), payable quarterly by March 31st, June 30th, September 30th and December 31st (the “Quarterly Payment Dates”). The final Quarterly Payment Date and the end of the Term shall be on or prior to December 31, 2021.

Section 2. Payments during 2016. For the year 2016, any such payments shall be conditioned upon the actual date that Victory Ford relocates into the Auto Plaza Project Area and opens for business to the general public (the “Opening Date”). The amount payable to Bonner Springs for the year 2016 shall be the difference between the Annual Payment amount and the amount of sales taxes received by the City of Bonner Springs from Victory Ford in 2016 prior to the Opening Date (the “Partial Annual Payment”). The Unified Government shall make the Partial Annual Payment for 2016, if necessary, on the first Quarterly Payment Date following the Opening Date, or within thirty (30) days after the Opening Date if the Opening Date is less than thirty (30) days prior to the next scheduled Quarterly Payment Date.

Section 3. Cash Basis Law. This Resolution is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. This Resolution shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Resolution, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Resolution at any time if, in the opinion of its legal counsel, the Resolution is deemed to violate the terms of such law. The Unified Government shall only make payments under the Resolution as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year; or (b) funds made available from any lawfully operated revenue producing source.

Section 4. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 5. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2016.**

Unified Government Clerk



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 18, 2016

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of "PIPER COMMONS" located at Donahoo Road & 107th St./ Hutton Road being owned by Mike Rhodes.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, R.L.S.
County Surveyor

William J. Heatherman, P.E.
County Engineer

Attachments

[illegible]

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/5/16

BOARD POSITION: SSMID

INCUMBENT REPLACED: Steve Hale

TERM EXPIRATION DATE: 7/1/2015

APPOINTING COMMISSIONER: Commissioner Bynum

REVIEW DATE (7 business days): 2/5/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Roderick Bettis

ADDRESS: 823 Minnesota Ave

CELL NUMBER AND EMAIL ADDRESS: 913-28-3106
rod_minavenue@sbcglobal.net

TERM OF OFFICE: 2/25/16 TO 5/31/2020

Melissa Bynum (DS)

SIGNATURE OF APPOINTING COMMISSION MEMBER



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/18/16

BOARD POSITION: SSMID

INCUMBENT REPLACED: Tim Ryan

TERM EXPIRATION DATE: Resigned

APPOINTING COMMISSIONER: Mike Kane

REVIEW DATE (7 business days): 2/18/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Cindy Cash

ADDRESS: 3633 N. 87th St.

CELL NUMBER AND EMAIL ADDRESS: 913-634-6019_wcash@kc.rr.com

TERM OF OFFICE: 2/25/16 TO 5/31/2018

Mike Kane (AT)

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/18/16

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: Murrel Bland

TERM EXPIRATION DATE: 10/1/2015

APPOINTING COMMISSIONER: Melissa Bynum

REVIEW DATE (7 business days): 2/18/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Murrel Bland

ADDRESS: PO Box 12832 KC, KS 66112

CELL NUMBER AND EMAIL ADDRESS: 913-788-7642

TERM OF OFFICE: 2/25/16 TO 5/31/2020

Melissa Bynum (DS)

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/11/16

BOARD POSITION: SSMID

INCUMBENT REPLACED: Barbara Jolley

TERM EXPIRATION DATE: 7/31/2015

APPOINTING COMMISSIONER: Commissioner Markley

REVIEW DATE (7 business days): 2/11/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Barbara Jolley

ADDRESS: 625 Minnesota Ave KC, KS 66102

CELL NUMBER AND EMAIL ADDRESS: 913-279-2341 bjolley@kckpl.lil.ks.us

TERM OF OFFICE: 2/25/16 TO 5/31/2020

Angela Markley (DJ.)

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED



Staff Request for Commission Action

Tracking No. Minutes

Full Commission Meeting Date: 2/25/16

Committee:

Date of Standing Committee Action: (If none, please explain): NA

Publication Required: No

<u>Date:</u> 02/12/2016	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Clerk
<u>Item Description:</u>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> pz and rs 12/10/15 Minutes, pz and rs 1/7/16 Minutes, ss 1/28/16 Minutes, ss 2/4/16 Minutes				

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, DECEMBER 10, 2015**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 10, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. McKiernan, Commissioner Second District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Rob Richardson, Urban Planning and Land Use Director; Bryon Toy, Planner; Lew Levin, Chief Financial Officer; Debbie Jonscher, Asst. Financial Director; Maureen Mahoney, Asst. to Mayor/Chief of Staff; George Brajkovic, Economic Development Director; Anna Krstulic, Legal Counsel; Janet Parker, Administrative Assistant; and Captain Randall Balliett, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend George Kemper, Ebenezer Ministries.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, said yes, Mr. Mayor. Under Section 10, Non-Planning Consent Agenda, we have a correction. It's Item No. 5-a resolution amending the 2017 Commission meeting dates. Under Section 12, Administrator's Agenda, we have additional information. Under Item No. 6, we have a resolution for the MOU for FOP 4.

Mayor Holland said tonight we have two distinct parts of our meeting. The Planning and Zoning will be handled first and then followed by our regular Commission meeting.

Ms. Cobbins, UG Clerk, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. No disclosures were made.

Ms. Cobbins, UG Clerk, read all items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland asked would any Commissioner or anyone in attendance tonight like to remove any item currently on the consent agenda. Any item not removed will be voted on with one vote as recommended by the Planning and Zoning Commission. Would anyone like to remove an item at this time?

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 15216...CHANGE OF ZONE APPLICATION #3095 – JOE HERRING FOR HERRING SURVEY, INC.

Synopsis: Change of zone from A-G Agriculture District to R-1 Single Family District to subdivide the property at 11011 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a rezoning of 1.5 of the 19.41 total acres in order to subdivide the property and sell the 1.8 acre portion. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3095, subject to:

Urban Planning and Land Use Comments:

As lots are only permitted to be less than 3 times as long as they are wide, please confirm the dimensions of both the new lot being created (to be zoned R-1) and the dimensions for the remaining portion of the existing lot. (Note that the R-1 lot must have 50 feet of right-of-way frontage).

Applicant Response:

*The remaining portion will have 425 of frontage left.
1 to 3 would need 1275 maximum depth.*

It would meet this if the distance is taken from the 50' right of way line having 1273 or a 1 to 2.995 ratio taken from the section line $425 \times 1323 = 1$ to 3.11 ratio (16' short in width). Since this is just the rezone portion of the process, the end goal would be to combine the remainder of the 20 acres with her residence on the west then the ratio would not be in question at all.

Upon the splitting of the property or adjusting the boundary lines, if additional right-of-way is required to get to 50 feet, then that instrument will be created at that time.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application #3095, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 2 – 15218...CHANGE OF ZONE APPLICATION #3099 – HAROLD PHELPS WITH PHELPS ENGINEERING

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for an agricultural use at 7251 Locust Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant, Harold Phelps on behalf of the John J. Rieke Revocable Trust, wants to rezone the property to create four tracts of land for agricultural use. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3099, subject to:

Urban Planning and Land Use Comments:

1. Sec. 27-452(d)(3) Lot width shall not be less than 250 feet measured at the building line.

Subject to the rezoning approval, the widths of the proposed lot split do not meet the A-G Agriculture District regulations. Each tract is measuring 160.84 feet, a violation of 89.16 feet. A lot width variance from the Board of Zoning Appeals is required if the four tracts want to remain as depicted on the proposed lot split.

Applicant Response: After approval of zone change application, the applicant will submit to the Board of Zoning Appeals for all variances which apply to the submitted lot split.

2. Sec. 27-280(b)(3) The depth of a lot, measured as the average horizontal distance from the front street to the rear lot line, shall not exceed three times the width. The lot width for this purpose is the maximum horizontal distance between side lot lines within 60 feet of the front street line.

The depth of proposed lot is 2,673.62 feet. In order to be compliant with the aforementioned ordinance, the lot width cannot be less than 891.20 feet. The lot width is 663.36 feet, so any proposed subdivision of land, whether by plat or lot split, requires a variance from the Board of Zoning Appeals.

Applicant Response: After approval of zone change application, the applicant will submit to the Board of Zoning Appeals for all variances which apply to the submitted lot split.

3. Correspondence from Code Enforcement Department:

- a. Inspector Haworth has noticed in the past few months a few dump trucks and construction equipment entering in and out of the property. He stated that he was unable to see from the street what work was occurring, but that there was a gate at the entrance. In looking at the Maui database, there are no permits for any work.

Please provide an explanation to the aforementioned statement. Depending on the work being done, a special use permit, land disturbance permit and/or a building permit will be required.

Applicant Response: The owner of the property was asked to provide access to the property in order to complete a boundary survey on the property. Direction from city staff was that an access easement would be required to all the lots along 74th Street as shown on the proposed lot split drawing. Minimized tree clearing was necessary to accomplish both the boundary survey and access easement survey as requested. Owner of property had resources to asphalt millings from a construction site and was able to utilize the millings for a more stable entrance to the property.

Staff Response: If there is earth work being done (i.e. earthen material being brought onto, removed from or relocated on the property) in which there is greater than 50 cubic yards of fill or not an active building permit on the property, a special use permit is required.

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. Not sure if the total acreage includes the right-of-way or not, but I believe there should be something in the description that states: Less that part taken for road right-of-way.
 - b. Label each parcel as Tract 1, Tract 2, Tract 3, and Tract 4.
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 Murguia, to approve Change of Zone Application #3099, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 3 – 15219...CHANGE OF ZONE APPLICATION #3100 – DAVID AND PATRICIA JOHNSON WITH PSB INVESTMENTS

December 10, 2015

Synopsis: Change of zone from R-1 Single Family District to CP-O Planned Nonretail Business District for a new doctor's office with parking and expansion for existing doctor's office at 1205 North 90th Street,
and

MASTER PLAN APPLICATION #MP-2015-4 – DAVID AND PATRICIA JOHNSON WITH PSB INVESEMENTS

Synopsis: Master plan amendment from Low Density Residential to Neighborhood Commercial at 1205 North 90th Street, submitted by Robin H. Richardson, Director of Planning. The applicants want to expand their medical office building by constructing a second office building and additional parking for both buildings at 1205 North 90th Street. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment #MP-2015-4. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3100, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
Applicant Response: Okay.
2. Only decorative lighting may be used on the façade of the office building.
 - a. Any site or building lighting shall have 90 cutoff fixtures.
Applicant Response: Okay.
3. The site plan does not indicate the location of the trash enclosure.
Applicant Response: Existing trash enclosure is in existing parking lot near the existing building. It will be used by the new building.
4. Sec. 27-463(d)(3)e. For parking and other paved areas: Not less than six feet from any property line or less than 25 feet from any street line. The parking lot along the north property line is setback five feet. Please revise.
Applicant Response: The parking lot moved six feet from the property line.
5. The ends of parking stalls shall be curbed and landscaped islands.
Applicant Response: The entire parking lot is curbed and all islands shall be landscaped.
6. The CP-0 Planned Nonretail Business District landscaping requirement is one tree for every 7,000 square feet of site area. The Commercial Design Guidelines requires that landscape exceed the district requirement by at least 75 percent.

Based on the site area, .89 acre (38,768.4 square feet), 10 (9.69) trees are required based on the guidelines. Please submit a landscape plan to meet this requirement. Please show required screening as well. (See #9 below)

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Applicant Response: Added 12 evergreen trees to the site plan. Evergreens along the north property line will work with the privacy fence to screen the property.

7. Landscaping shall be irrigated.

Applicant Response: Okay.

8. All shade trees shall be at least 2" caliper when planted. All evergreen trees shall be at least 6' in height when planted.

Applicant Response: Okay.

9. Sec. 27-577(c)(4) Landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.

- a. A 6' privacy fence with masonry columns every 32 running feet shall be constructed along the north property line screening the single family residence from the office building and parking lot.

Applicant Response: A six foot privacy fence has been added to screen the parking lot along the north property line.

10. Per the City-Wide Master Plan Neighborhood Commercial designation

- a. Required Infrastructure:

- i. Minimum 8-foot sidewalk/trail along a Class A or B Thoroughfare.

- ii. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings

An 8-foot sidewalk from the northeast corner of State Avenue shall extend north on the east side of North 90th Street to the north property line.

Applicant Response: As previously noted, there are existing five foot wide sidewalks along both sides of 90th Street that were constructed by the City when the street was improved. At that time, utility lines and poles were relocated to clear construction. Widening the existing sidewalk from five feet to eight feet will require relocation of several could make the project uneconomical. We do not understand that four foot pathway requested from the parking lot to the building.

Staff Response: A development must comply with the designated land use category. Because the property is being amended to Neighborhood Commercial, an eight foot sidewalk is required to be installed, in this case on the east side of 90th Street. Staff revised the stipulation to allow flexibility to avoid the existing light poles and utilities. The applicant will present a sidewalk plan as part of Final Plan Review. Staff and/or Planning Commission may revise the recommendation during the Final Plan Review process.

11. Please provide building elevations for the proposed office building.

Applicant Response: The building is to match the architecture of the existing medical building. Photos of the existing building are to be provided to the UG by the owner.

Staff Response: Details will be reviewed at final plan. The new building must meet Overlay Zone Criteria.

12. What are the proposed hours of operation?

Applicant Response: Maximum 8:00 AM to 5:00 PM, Monday through Saturday.

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13. Will there be any truck deliveries, and if so, which entrance will they use?

Applicant Response: There are no trucks other than trash accessing the dumpster.

14. Staff will review the security plan at the time of final plan review. This will determine the sufficiency of lighting and cameras or if there may be the need to gate the parking lot.

Public Works Comments:

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

a. What is height of proposed retaining wall? What type of retaining wall is proposed? Site Plan shows limited space for footing, etc. based on Property Line location.

Applicant Response: The wall is a maximum of two feet high and will be constructed of masonry modular stack stones. No footing will be necessary.

b. Note that proposed site layout may require revision if proposed detention basin and/or storm water quality BMP's are not sized correctly for UG approval.

Applicant Response: The basin and BMP have been calculated. There is room as indicated on the site.

c. Cross access agreement is required between the owners of the existing business with parking lot, and new building with parking lot for roadway maintenance, snow removal, etc. as required.

Applicant Response: Both facilities are owned by the developer. Cross access etc. will be provided if there is a separation of ownership in the future.

2. Items that are conditions of approval (stipulations): none.

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application #3100 and Master Plan Amendment #MP-2015-4, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 15209...SPECIAL USE PERMIT #SP-2015-63 – RICHARD AND MARY LESLIE

Synopsis: Renewal of a special use permit (#SP-2013-47) for a kennel for four dogs at 334 North Thorpe Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-63, subject to:

Urban Planning and Land Use Comments:

1. The applicants stated in their letter that they clean the yard twice daily and apply a natural odor control cleaner to the yard regularly. Please describe how the animals' waste is disposed of.

Applicant Response: We do not wash the solid waste into the ground; they are picked up at least twice a day or more. The solid waste is bagged and sealed, and disposed with the garbage pick-up every week. The yard is rinsed and deodorized with apple cider vinegar, or a cleanser with cinnamon, cedar wood and clove oil mixture; which are done about every month or when there is an exceptional dry spell with no rainfall. We also apply about 6 to 7 bales of hay to the yard every 3 to 5 months, to help with the erosion. We also have railroad tiles on the bottom of our 6 foot fencing to stop the erosion.

2. The applicants have stated in their letter that the dogs are supervised at all times when they are outside. The dogs are mainly house dogs and eat and sleep inside.

Applicant Response: Our dogs have all their necessary shots and check up from the veterinarian. They are healthy and never run wild. We turned our basement into a (12 x 15 foot) kennel. Our dogs stay in the kennel during our working hours or when we are not home.

3. The applicants stated in their letter that they have not received any complaints.
4. The applicants have submitted information showing the yearly cost for the care of their dogs.
5. The applicants understand that the legal limit is three dogs and none of the existing dogs can be replaced once they get to that limit.
6. Approval would be for five years.

Public Works Comments:

No comments

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-63 for five years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 2 – 15220...SPECIAL USE PERMIT #SP-2015-64 – RONALD E. ISOM

Synopsis: Special use permit for a storage container at 3002 Delavan Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-64, for 18 months.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-63 for five years. Roll call

was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 3 – 15210...SPECIAL USE PERMIT #SP-2015-65 – REID ROBERTS

Synopsis: Renewal of a special use permit (#SP-2013-34) for live entertainment in conjunction with event center at 3150 North 91st Street, submitted by Robin H. Richardson. The applicants, Reid and Marisa Roberts want to continue to have live entertainment in their event center known as Venue at Willow Creek located at 3150 North 91st Street. For most of the initial period, the venue was under construction. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-65, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five years.
2. All live entertainment, bands, DJs, etc. shall be within the enclosed building. Doors shall remain closed when music is being played.
3. Staff has been made aware by the KCKPD that there has been one service call to the property since August 15, 2015, which was medically related.
4. Based on the site plan, if a monument sign is proposed, a sign permit from a licensed and bonded sign company must file for the permit on behalf of the applicant.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): none.
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-65 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 4 – 15221...SPECIAL USE PERMIT #SP-2015-66 – JESUS M. RODRIGUEZ

Synopsis: Special use permit for the temporary use of land to keep lawn care equipment for their business at 1701 South 40th Street, submitted by Robin H. Richardson. The Planning

Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-66, subject to:

Urban Planning and Land Use Comments:

1. How long are you intending to keep the trailer and equipment on the property?

Applicant Response: Taking into consideration the fact that it's a small business and net profit is not enough to afford commercial storage, we would like to keep it on the property until business grows. The equipment is not visual to neighbors and we do not advertise at all at home. Trucks are not marked with business name.

2. How many accessory buildings (garages, sheds, etc.) do you have on the property?

Applicant Response: We have a carport where we park our vehicles (in the front of the house). There is a shed towards the back part of the yard where all the machinery is kept inside. It's not visual to the neighbors. We like to keep everything away from public view to avoid theft.

3. Could the trailer and equipment be parked in the garage?

Applicant Response: There is no garage in the house. There is a carport on the front of the house and equipment is kept in the shed in the back of the house. Staff recognizes the need for small businesses to have time to grow their businesses in Wyandotte County before it is possible to move into more costly commercial space. So long as the trailer with the equipment is not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view for adjacent property owners and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues and recommends approval for two years. Staff suggests that, when possible, the applicant move the business and its associated equipment to a commercial property.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-66 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 5 – 15222...SPECIAL USE PERMIT #SP-2015-67 – DIEGO TOTO WITH XM AUTOMOTIVE

Synopsis: Special use permit for a mechanic/heavy repair shop at 4439 Shawnee Drive, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit #SP-2015-67, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two years.
2. How large is the tenant space that you are leasing? Please provide the square footage of the building.

Applicant Response: It is 2,700 square feet.

Staff Response: Based on the 2,700 building square footage, 10.8 parking spaces, or 11 parking spaces are required for this building. Even though the property is zoned MP-1 Planned Light Industrial and Industrial Park District, automotive uses or commercial uses require four spaces for every 1,000 square feet of building area.

3. Looking at the photographs, the south and west sides of the parking lot do not have any striping. Staff cannot determine how many parking spaces are required if we do not know the building square footage. Also, per your landlord, how many parking spaces have been allocated to you in the parking lot?

Applicant Response: Stated by the landlord, the parking availability is on a first come first serve basis. With that being said, all but one of the other tenants in the building uses this facility as a storage unit only. They do not have customers or cars parked outside except for the times they come to get items from their space and those are only their own personal car.

Staff Response: Since there is adequate space on the south side of the building, five 90 degree head-in parking stalls shall be striped to accommodate additional parking. The industrial businesses have a parking ratio of 1 space for every 500 square feet up to 20,000 square feet. The parking lot located on the east side of the building is needed for all of the various businesses/tenants on the property, not just the proposed mechanic shop.

4. Per Sec. 27-593(b)(20)d.1-3.
 - a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470.
 - b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - c. Each automobile shall be in a striped, designated parking space.

The ends of the row of parking stalls shall be curbed and landscaped that complies with the Commercial Design Guidelines. The asphalt inside the islands shall be removed prior to the landscaping being planted. Please provide a more detailed drawing that shows the parking allocated for 4439 Shawnee Drive. Additionally, please show on the drawing that at either end of each row of parking a curbed, landscaped island. There shall be at least one shade tree (minimum 2" caliper when planted) shown in each parking lot island. Lastly, where the curb is poured around the perimeter of the island, the asphalt shall be removed inside the island and replaced with topsoil, so the plantings will adequately grow.

Applicant Response: I believe my landlord stated he was getting in contact with someone at the office to speak about the parking and about the whole permit itself, since they stated that this building already has a permit for auto repair since it was built back in the 1990's. I am unsure of what the process is with this. My landlord said he was looking into it.

Staff Response: The code requires these improvements to be made to the property. The special use permit will not become valid until all stipulations are met. Curbed islands shall be installed at the end of the parking row and landscaped as previously stated.

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

Applicant Response: We will follow getting a sign once and if the application is approved. Thank you.

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

Applicant Response: Understood.

7. Will any vehicles or materials be stored outside?

Applicant Response: Yes, some vehicles will be parked outside while awaiting service. Cars will be in running condition, with current tags and all appropriate paperwork. The heavy repair will not be parked outside or towed in, vehicles will be inside.

Staff Response: Cars that are awaiting service shall be parked in a code compliant parking stall. Salvaged or wrecked vehicles are not permitted to be on the property, as this is not a salvage operation.

Public Works Comments:

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

- a. Verify/clarify that no new exterior construction, parking lot improvements, etc. is being proposed with this special use permit.

Applicant Response: As the tenant at this location, I am not submitting new plans for any exterior construction, etc. I am aware that the landlord is also getting in touch with the office regarding this permit. So I am unaware if he, as the owner of the building is making any improvements.

2. Items that are conditions of approval (stipulations): none.

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-67 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 6 – 15211...SPECIAL USE PERMIT #SP-2015-68 – JEFF PIERCE/L.G. EVERIST, INC.

Synopsis: Renewal of a special use permit (#SP-2013-55) for a dirt fill at 8600 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The applicant wants to continue to operate a dirt fill site on 12.94 acres at 8600 Gibbs Road for potential leasing opportunities. The applicant's representative has indicated that they have not moved any dirt the last two years. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-68, subject to:

Urban Planning and Land Use Comments:

1. Special use permit for dirt fill shall be valid for two years.

Applicant Response: This is understood, we request that the current SUP be extended for a period of five years.

Staff Response: Five years is acceptable.

2. In addition to the special use permit, plans must be submitted for grading permits to the Development Review Committee prior to beginning site work.

Applicant Response: This is understood and was completed at the time of the original SUP. Plans have been resubmitted for the current SUP application.

3. Any future development for industrial purposes of this property will require a change of zone and final development plan.

Applicant Response: This is understood.

4. How much fill do you intend on excavating from and/or bringing onto the site?

Applicant Response: We plan on bringing in 20,000 cubic yards of fill.

Updated Applicant Response: The 20,000 cubic yards figure was recorded or reported in error with the original SUP, the actual figure is 80,000 cubic yards. This is consistent with the grading permit and plans as they have always been.

5. How many trucks do you anticipate for the project, daily, monthly, and annually?

Applicant Response: We plan on using three pieces of equipment, a CAT 966K wheel loader, a CAT 980L wheel loader, and a CAT D8T dump truck all of which have been approved by Southern Star for work over the gas line.

Updated Applicant Response: This response remains effective for the current SUP application.

6. How long do you intend on having an open fill site?

Applicant Response: We intend on completing fill operations within 7 years.

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Updated Applicant Response: As no fill operations ever commenced on the site, the original timeframe of 7 years remains in effect.

7. What are the proposed hours of operation for this site?

Applicant Response: The work is planned on being done from 7:00 AM to 6:00 PM.

Updated Applicant Response: These hours will remain the same throughout this permit.

8. Compliance with Appendix J of the 2009 International Building Code. This would include that no material with a dimension greater than one foot would be placed unless rock disposal areas are delineated on the plans and approved.

Applicant Response: This is understood.

9. A letter from the petitioner shall be provided agreeing to remedy, repair, or cleanup any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties.

Applicant Response: The requested letter was supplied with the original application, a copy can be provided to the City upon request.

10. Per the Building Inspection Department:

- a. Building Inspection does not support approval of this application. The parties never obtained grading/excavation permits for #PR-2007-6. A "Stop Work" was posted on the property. They made revisions to the plan review application to include the fill, but never obtained the permits.

Staff Response: L.G. Everist has made contact with the Building Inspection Department, and is in the process of applying for a grading permit.

Applicant Response: To our knowledge, this comment is in relation to a separate property and drainage ditch that was filled on that property and unrelated to this special use permit application. To our knowledge, that was resolved to the satisfaction of the city.

11. Per Melissa Mitchell, CFM:

- a. Parcel is located within a zone AE floodplain. Floodplain designation shall be shown on the site plan and the FIRM panel number and effective date noted. Project shall comply with Floodplain

Management Ordinance. Applicant is responsible for obtaining any required local, State, and/or Federal permits.

Applicant Response: Information as requested has been placed on the site plans. As of this date, all required State and Federal permits have been obtained and provided to the City. The local Floodplain Development Permit is being applied for with the Grading Permit

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concurrently with this special use permit application. The application, and supporting materials, complies with the Floodplain Management Ordinance and nothing further is anticipated for compliance.

12. This is the current timeline of events pertaining to 8400 to 8440 Gibbs Road:

- a. 2007 plans were submitted to DRC for new office/maintenance building and a Final Plan Review #PR-2007-6 was approved per engineering stipulations.
- b. Complaint received by George Sooter and sent to Building Inspections. Case initiated June 9, 2011.
- c. Stop Work Order issued June 20, 2011, for commercial excavation and hauling of earth material, to location, or away from the location, in excess of 5,000 cubic yards. Fill dirt is being brought in at south side of property without proper permits.
- d. June 30, 2011, request for extension by Jeff Pierce, L.G. Everist Area Manager received.
- e. February 20, 2012, engineering comments issued by Dave Clark for storm drainage, general engineering, and erosion control. BHC submitted plans in conjunction with the 2007 final plan review stipulation; transmittal January 24, 2012.
- f. Comments are outstanding and we do not have applications on file for a special use permit or DRC.

Applicant Response: Per comment 10a, this comment is not related to the current special use permit. The current special use permit application subject property is located at 8600 Gibbs; this comment references 8400 and 8440 Gibbs. As stated in our response to 10a, similar events described in this comment, as recalled by the applicant, occurred for a drainage ditch located between 8400 and 8440 (a separate property) and we believe that to have been resolved.

Public Works Comments

No additional comments on the renewal.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-68 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

VACATION APPLICATION

ITEM NO. 1 – 15225...VACATION APPLICATION #A-2015-11 – WILL ANDERSON WITH BHC RHODES

Synopsis: Vacation of an alley at 1122 Southwest Boulevard, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to vacate a 16 foot wide alley between Lots 10 & 11, Block 1 of Rolling Mill Resurvey. The Planning Commission voted 6 to 0 to recommend approval of Alley Vacation Application #A-2015-11, subject to:

Urban Planning and Land Use Comments:

None

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): Existing utilities shall be protected and maintained.
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 Murguia, to approve Vacation Application #A-2015-11, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 15227...PLAN REVIEW APPLICATION - #PR-2015-20 - KHALID BANDAY/KAM DESIGN & CONSTRUCTION, INC.

Synopsis: Preliminary plan review for a C-store at 7552 State Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to build a 1,500 square foot retail store and a 3,500 square foot convenience store in conjunction with five gas pumps at 7552 State Avenue. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2015-20, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. It shall be noted that there are not enough parking spaces to accommodate a future restaurant on this property. The 23 parking spaces can only be used for general retail uses with a parking ratio of 4:1,000.

2. Please provide template of queueing vehicles in front of the five pumps. The truck turning template poses a question. How will customers access the drive-through lane of the restaurant if the fueling truck is serving the fuel pumps? The truck blocks all access to the rear of the building.

Applicant Response: Please see sheet C5 that shows fuel truck maneuvering with the property. We also took out the restaurant as well as the revised building size.

3. Based on the 1,250 square footage seating area and the remaining 920 square feet of floor area in the restaurant, 28 parking spaces are required. This does not include the 3,000 square foot convenience store, which requires 12 spaces. The total parking count on site is 25 spaces. Based on the proposed uses and square footages, the parking requirement is 40 spaces. Either you will need to apply for a variance to have a reduction in parking or revise your proposal.

Applicant Response: The building will have only the retail space and the required number of spaces is 20 and we are providing 23 spaces including 2 accessible spaces.

4. Sec. 27-576(i) Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities, including drive lanes, shall not be located within 150 feet of an existing residential structure. All means available should be taken to minimize the impact on adjacent residential structures.

Applicant Response: The drive-thru is not within the project.

Building Architecture:

1. Sec. 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

The bar has been raised with commercial buildings. The pictures of the Family Dollar in the attachments are the level of detail we expect to see with smaller commercial buildings.

2. Sec. 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projects, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

Please specify the exterior materials and color used in the building's construction.

The bar has been raised with commercial buildings. The pictures of the Family Dollar in the attachments are the level of detail we expect to see with smaller commercial buildings.

3. Sec. 27-576(e)

(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

(2) Exterior building materials shall not include the following:

- a. Split shakes, rough sawn, or board and batten wood;
- b. Vinyl siding;
- c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
- d. Field painted or prefinished corrugated metal siding;
- e. Standard single-tee or double-tee concrete systems; or
- f. EIFS at the ground level or comprising more than 15 percent of any facade.

4. Downspouts shall be internalized.

5. Masonry columns shall wrap the entire metal column underneath the gas canopy. Please provide gas canopy elevations.

Applicant Response: Please see the revised elevations that incorporate these requirements.

Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.

- a. The district requirement is one tree per 7,000 square feet of site area. The property is .789 acres, so 9 trees are required per code.
- b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
- c. Landscaping shall be irrigated.

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

- a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

8 trees are required to be planted along the perimeter of the property to meet the street tree requirement. Please revise the landscape plan to space out the trees.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. Please revise the landscape plan.
5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Please revise the screening details to revise the building elevation to show that a parapet will screen the mechanical units from public view. It is poor practice to show a false representation of the building elevations when it is clear that the proposed HVAC unit screening will be taller than the parapet.

6. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
7. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one foot candle as measured from said property line. Wall pack lighting is not permitted.
Applicant Response: Please see the revised landscape plan that has taken care of all requirements of landscaping and screening needs.

Signage:

1. Sec. 27-727 states that in C-2, three wall signs are permitted at seven percent signable wall area or in lieu of one wall sign, a detached sign can be constructed. In the case of the monument sign, the sign face may be 40 square feet, 8 feet in overall height and 5 feet setback from the property line.

It appears that the pylon sign (called monument sign on the site plan) located in the southeast corner of the property is less than 5 feet from the south property line. Please revise. If you are proposing a pylon sign, the regulations are 15 feet in overall height and must be at least 15 feet setback from the property line.

Applicant Response: The pylon sign has been relocated to adhere to the city requirements.

Staff Response: While the proposed sign is setback 15 feet from the property line along State Avenue, the sign is only setback 7 feet from the west property line, therefore, the pylon sign needs to be removed. A monument sign can be erected in the same place as the pylon sign because a monument sign requires a 5 foot setback from all property lines.

2. The monument sign that is along State Avenue is in the right-of-way. Secondly, that is the second monument sign on the property. The zoning district permits one detached sign.

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Applicant Response: The sign has been taken out of the project.

3. Staff stipulates that if this petition is approved, a monument sign is the only permitted detached sign on the property.

Applicant Response: Please see the note 2 reply

Staff Response: Again, staff stipulates that the only detached sign permitted on the property is a monument sign.

4. Banners are not allowed to be hung from the building or on the structure of the gas canopy. Attention attracting devices such as streamers, pennants, inflatables, and wind catchers are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner permit through the Urban Planning and Land Use Department.

Applicant Response: We will comply with the city requirements.

5. Window graphics must be scenic pictures only and cannot take up more than 25% of the window area. No painted messages are allowed. All graphics must be at least 6 inches back from the glass of window.

Applicant Response: We will comply with the city requirements.

6. T-Mobile will comply with the sign ordinance requirements.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Plan Review Application #PR-2015-20, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

MASTER PLAN APPLICATION

ITEM NO. 1 – 15219...MASTER PLAN APPLICATION #MP-2015-4 – DAVID AND PATRICIA JOHNSON WITH PSB INVESTMENTS

Synopsis: Master plan amendment from Low Density Residential to Neighborhood Commercial at 1205 North 90th Street, submitted by Robin H. Richardson, Director of Planning.

Action: This item was heard with Change of Zone #3100.

MISCELLANEOUS – ORDINANCE AMENDMENTS

ITEM NO. 1 – 15228...ORDINANCE AMENDMENTS

Synopsis: Certain amendments to Section 27-340, Section 27-593(a), Section 27-608(4), Section 27-612(8), Section 27-613(9), Section 27-614, Section 27-615, and Section 27-616, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning the definition of farmers' markets and special use permit requirements for zoning districts AG, C-1, C-D, C-2, C-3, M-1, M-2, M-3, and TND, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of this ordinance amendment.

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

ITEM NO. 2 – 15229...ORDINANCE AMENDMENT

Synopsis: A new provision to Section 27-612 Planning and Development of Kansas City, Kansas Code of Ordinances, to amend where food trucks and mobile food vendors may operate without a special use permit, submitted by Robin H. Richardson, Director of Planning.

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

MISCELLANEOUS – PLANNING AND ZONING ORDINANCES (items previously approved)

ITEM NO. 1 – 15228...ORDINANCE

Synopsis: An ordinance amending the permitting process for farmers’ markets; amending Sections 27-340, 27-593, 27-608, and 27-611 through 27-616 to Chapter 27, Article VIII, of the

2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Action: **ORDINANCE NO. O-66-15**, “An ordinance amending the permitting process for farmer’ markets; amending Sections 27-340, 27-593, 27-608, and 27-611 through 27-616 to Chapter 27, Article VIII, of the 2008 Code of Ordinance and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 2 – 15229...ORDINANCE

Synopsis: An ordinance amending the permitting process for food trucks and mobile food vending; amending Sections 27-340 and 27-612 through 27-614 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Action: **ORDINANCE NO. O-67-15**, “An ordinance amending the permitting process for food trucks and mobile food vending; amending Sections 27-340 and 27-612 through 27-614 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 15223...THE HEALTHCARE RESORT OF KANSAS CITY #SP-2015-69

Synopsis: Special use permit for a liquor license in conjunction with assisted living and skilled nursing facility at 8900 Parallel Parkway, submitted by Robin H. Richardson, Director of Planning. The applicant and operator, Health Resort of Kansas City, wants a special use permit
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for a liquor license in order to sell alcohol in their par/pub for the residents at 8900 Parallel Parkway. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2015-69, subject to:

Urban Planning and Land Use Comments:

1. Will the bar/pub be open to resident's guests?

Applicant Response: Yes, they will pay for their own drinks with a two drink limit.

2. What are the proposed hours of operation of the pub?

Applicant Response: Hours are from 5:00 PM to 9:00 PM, seven days a week. We do not have set eating times which allows the later pub operation.

3. Will the bartenders be employed by Healthcare Resort of Kansas City or an outside vendor?

Applicant Response: The bartenders will be employed by The Healthcare Resort of Kansas City.

4. Will residents be charged at the point of sale or will there be a tab charged to their account, similar to a clubhouse at a golf course or health club membership?

Applicant Response: The guest of the resort will have their card scanned for medical purposes. We will not be allowing guests to consume alcohol if it is not allowed by the physician. They will never be charged for drinks, but the State requires we track the drinks purchased by the guest's visitor(s) for taxation.

Public Works Comments:

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

Lisa Kolman, The HealthCare Resort of Kansas City, 8900 Parallel Parkway, said we are a 70 bed skilled nursing facility and a 35 bed assisted living facility located at 8900 Parallel Parkway. We offer short-term skilled rehab on our bottom floor and assisted living on our top floor. We have several amenities throughout our resort and one of those being, we have a pub on our skilled nursing unit and our assisted living and our apartments up there.

Our plan is to serve our guest at a two drink maximum free of charge during their stay with us. We call our patients or our residents on our assisted living our guests. If families were to come in and choose to have a beer with dad while he's watching football, they're allowed to do that. Again, it's a two drink maximum for our guests and for their visitors that are coming in to visit.

I know that some of the concerns were maybe somebody came in intoxicated already and we were to offer additional alcohol. I think we do have a right to post a sign that says we have a right to refuse service at any time for those types of folks, as liquor stores and some of your bars also have that right to refuse.

Another concern that was brought up was the close proximity to the church. I would hope that we would never have anybody intoxicated enough to cause any disturbances at the church property.

That is our intent and the reason for the special use permit. I don't know if I mentioned, it'll be point of sales for the visitors, but it'll be free of charge for our guests that are with us and of course with the physician's order. Somebody that might be on medications that alcohol might affect their wellbeing then the physician would not be prompted to issue a physician order for that.

Mayor Holland opened the public hearing. No one appeared in favor or opposition.

Mayor Holland closed the public hearing.

Action: Commissioner Kane made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application #SP-2015-69 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

MISCELLANEOUS – PLANNING AND ZONING

ITEM NO. 1 – 15290...UPDATE

Synopsis: Update on K-32 Corridor Plan, Rosedale Master Plan and Rewrite of Sign Code by Robin H. Richardson, AICP, Director of Planning.

Major Planning Project Update
Rosedale Master Plan
K32 Plan and Quiet Zone
Sign Code rewrite

12/10/2015

Robin Richardson, Director of Planning, said we're currently working on three major planning projects: the Rosedale Master Plan, the K-32 Transit and Land Use Development Plan and Quiet Zone Study and then the rewrite of the Sign Code.

Master Plan and Sign Code Update
Contact Resources

Rosedale Master Plan Web Site and My Sidewalk pages

<http://www.rosedalemasterplan.com/about>

<https://mysidewalk.com/organizations/290124/rosedale-master-plan-traffic-study>

K-32 Plan Web Site

<https://www.k32.digicate.com>

Sign Code Update Contact

rrichardson@wycokck.org

The two master plan amendment processes have websites that go along with them. Those websites are up on the screen and we'll put those up later and they'll also be up on UGTV. For Sign Code information, folks can just email me.

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Update Commitment

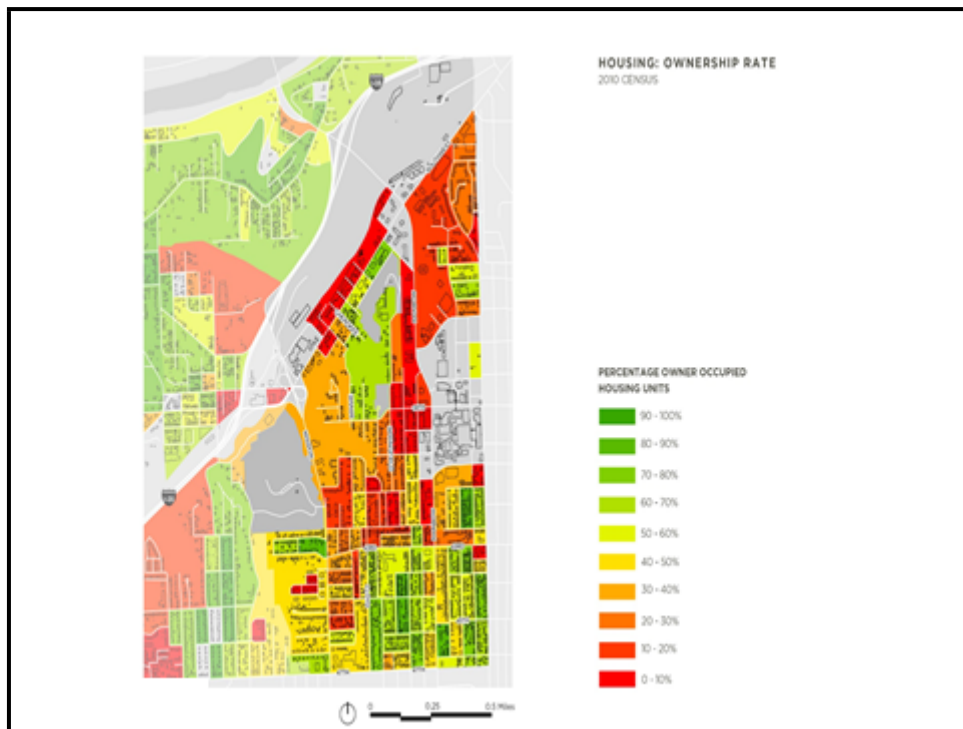
- Update Commissioners on all 3 projects monthly
- Tonights Update
 - Major update on Rosedale Master Plan
 - Minor update on K-32 and Quiet Zone
 - Minor update on Sign Code rewrite

We committed to updating the Board of Commissioners monthly during this Planning and Zoning meeting and these three projects.



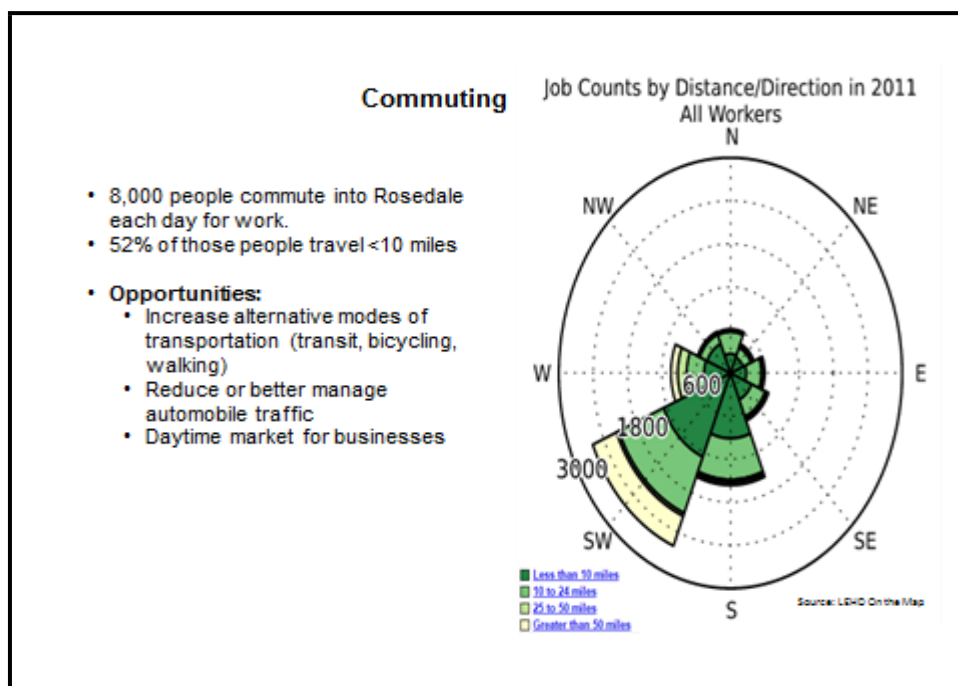
For tonight, I'm going to do more of an indepth update on the Rosedale Master Plan and a less significant minor update on the K-32 Quiet Zone and the Sign Code rewrite.

people, sidewalks, neighborhoods, traffic and streets are all big issues there. The public is really excited about this process. They have a very optimistic view of their neighborhood, but they also recognize what some of their challenges will be. I think this does a good job of showing where their thoughts are as we go forward in this process.

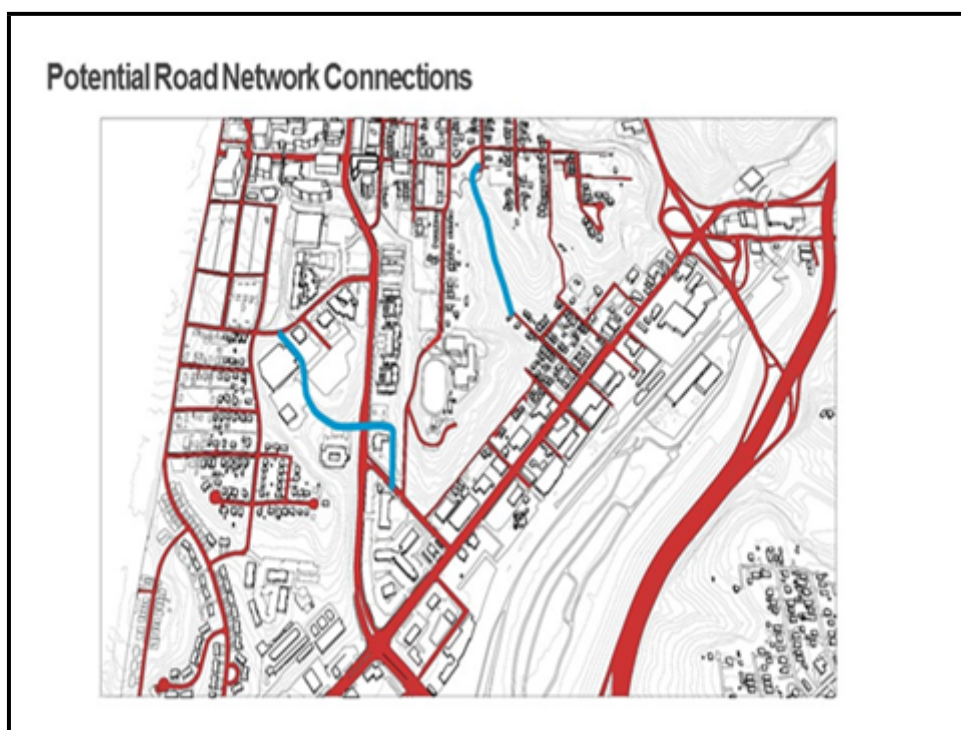


One of the interesting things that affects the Rosedale Neighborhood is the housing and ownership rate. On this map, you can see I-35 towards the north where it kind of divides between the bright colors and the faded colors. The bright colors are within our study area which goes from I-35 to 47th Street and from State Line basically to Mission Road.

The dark red colors show where you have a very low percentage of homeownership or property ownership in this particular corridor. Having driven all of these streets in preparation for this process, I tell you that it correlates fairly directly to housing conditions and other issues within the neighborhoods that we've heard in the planning process.



There's also a traffic study involved in this. This is one of the most interesting things that the consultant team has provided to us so far. This shows you the direction of the 8,000 people; the direction that the people come into Rosedale every day. Eight thousand people commute to work in Rosedale everyday. Fifty-two percent of those people live more than 10 miles away, but you can see that about half of them, or 4,000 people a day, come up I-35.

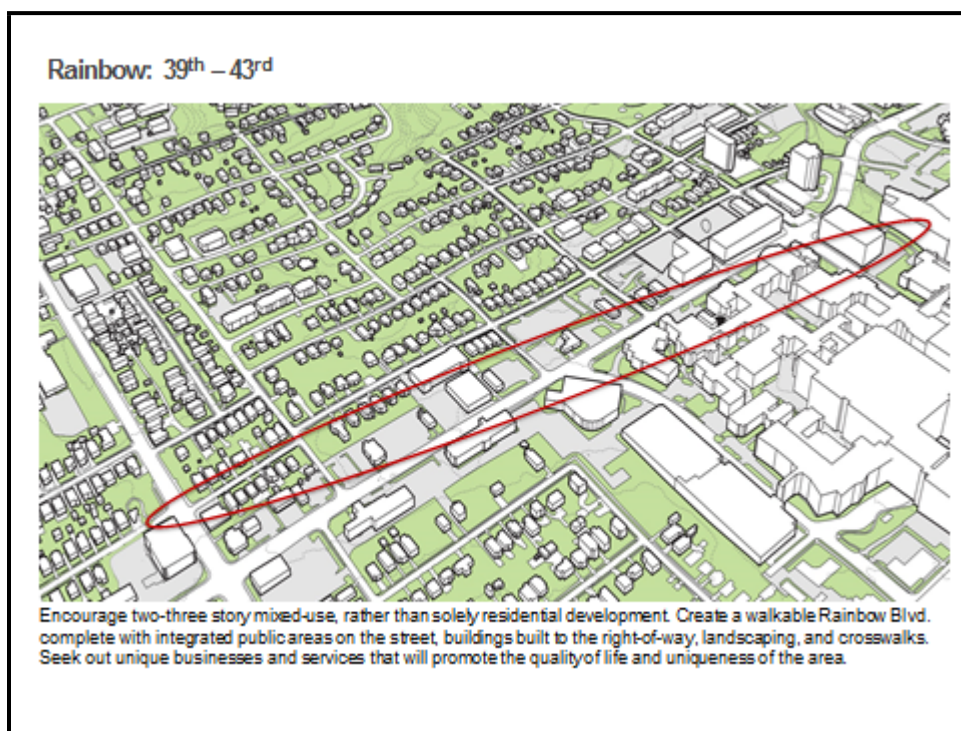


When they come into Rosedale, most of them are turning south on Rainbow and then making left-hand turns into the Medical Center Campus. Those left turns are primarily responsible for the traffic issues that we have on Rainbow Blvd. Trying to find a way to address those left turns and the rest of the traffic issues in the Rosedale area is the primary focus of the traffic study.

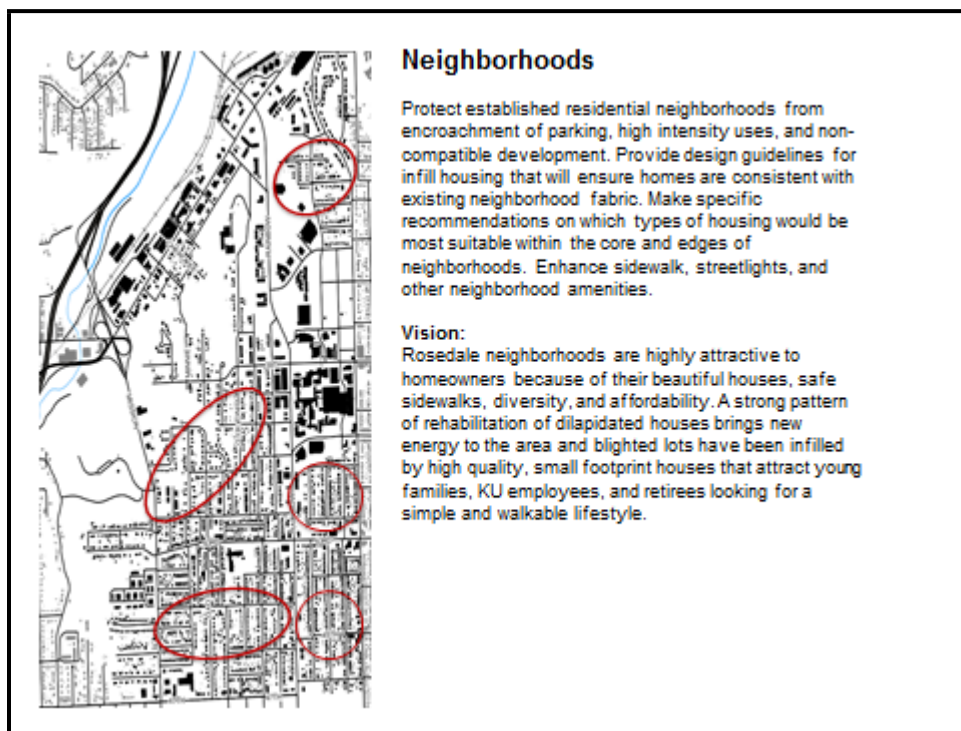
As you'll notice, the University is currently building a new hospital building at 39th and State Line. That is just step one in a process that will add nearly a million square feet of additional development to the area just north of 39th Street between State Line and Rainbow. I think that we're probably going to have more traffic than this in the future and the traffic engineers are working on that.

A couple of the items we're looking at to help relieve those left turns—you'll see here we have Cherokee, a potential extension up on the utility lines that would get you up to 39th Street which is right here. This is Rainbow and Southwest Blvd. The Southwest Blvd. and I-35 interchange is down here. This is Rainbow Extension. If you have 4,000 cars a day coming from this direction and going up Rainbow, if you could take some of them up Rainbow Extension and then create a new intersection that had no left turns but just allowed people to go straight across Rainbow and circulate over to Eaton Street and be in the heart of the campus where the new garage and up to the Cambridge will be, if you could eliminate left turns using that that would free-up Rainbow up here and some of the backups you see when you're trying to turn left onto 36th or 39th Street might be alleviated by this maneuver.

They're looking at these two options to look at the cost benefit of those as well as some other options for traffic in the area, but this is just some of the earlier results of things that we've seen from the consultant team on the road network and what we might do about Rainbow to make Rainbow function better. I don't think that adding four more lanes to Rainbow all the way north or south is really going to solve our problem. It'll be a different kind of problem at that point. We don't really have room for that so we're looking for some creative alternatives that would be cost effective and alleviating some of those traffic issues. They're also studying various corridors in the area. This is just a representative of five or six or seven of these that they're looking at.



This is Rainbow from 39th to 43rd and they want to encourage mixed use development in this area similar to 39th and Rainbow, create a walkable Rainbow Blvd. integrating public areas. That's kind of what they're focusing on based on what we've heard in the public testimony in this area. They're also looking at places like 43rd Street, 47th Street, State Line and some other places, 39th Street from Rainbow to the west to see what really we can do as far as the street network and the development along that street network to help make the community work a little bit better within itself.



They're also looking at specific neighborhoods. This is a draft of a map that we saw this morning in our Advisory Board Committee meeting. It's not by any means the last map on neighborhoods we'll see because they've looked at these areas and they were talking about different things that they might do because this part of Hilltop Neighborhood is a little bit different than the stuff down closer to 43rd Street. Then we might want to look at the Mission Cliffs area as a neighborhood of its own as well.

Obviously, the circles here don't encompass like all of Spring Valley or all of Hanover Heights or all of Frank Rushton. We're going to look at the different neighborhoods. You can see there on the slide division that we want neighborhoods that are attractive to homeowners because of beautiful homes, safe sidewalks and other aspects of having a quality neighborhood.

Upcoming meetings

- 12/10/2015 Advisory Committee #2 **TODAY**
- 1/13/2016 Second Public Meeting 2a
Noon - Our Savior Lutheran Church
- 1/14/2016 Second Public Meeting 2b
6:30 PM – Rosedale Middle School
- 2/6/2016 Planning Commissions Update #2
9-11 AM – NRC (update on all 3 projects)

We have some upcoming meetings. I mentioned we had an Advisory Committee meeting today. On January 13th and 14th we'll hold our second set of public meetings. The first on the 13th will be at noon at Our Savior Lutheran Church in their Fellowship Hall in the basement. On the 14th at 6:30 p.m. will be at Rosedale Middle School and that'll be the same meeting twice, but we try to do different days and different times to allow people who might have work conflicts or other personal conflicts to attend the meetings.

We had about 60 different residents at the first two meetings and we're well over 100 different people that have been involved in the process when you look at the My Sidewalk page that they have and the other outreach that they've done. They've been to nearly all of the neighborhood group meetings for the smaller neighborhood groups in the area. They've done a walking tour with community members. They plan to do a bike tour, but that morning it was about 34 degrees and so there weren't many people wanting to ride their bikes that morning. We might do that again in the spring to talk about bicycles and how bicycles circulate in that area.

Then on February 6th, they'll be doing a Planning Commission update. For those meetings, we go from 9 to 11:00 and each consultant has an hour to talk to the Planning Commission to update them on that process. We're not doing that with them every month. They wanted to do that off-line, not during the regular monthly evening meetings. They wanted to be able to spend more time on it. They thought doing that on a Saturday morning would work better, so that's what we're doing with them on all three projects.

Commissioner Murguia said just a quick clarification, Rob. I think it was just a slip of the tongue, but for the public's knowledge, the \$250M hospital is not being built by the University. **Mr. Richardson** said correct. **Commissioner Murguia** said important clarification. **Mr. Richardson** said there are three entities that are important on what we think of as the KU Campus. There is the University of Kansas Hospital Authority, and they are building the hospital. There's the University of Kansas Medical Center which is the medical school, and there's the KU Endowment Association which works with a lot of property in the area. Those three groups are distinct.

Commissioner Murguia said right. There are two major developments going on. There's a \$250M hospital tower and there's a \$75M medical education building which is being built by the University. Just for those people that don't get involved in development projects, I believe Administrator Bach told me that when we built Nascar that was a \$200M project. That should put in perspective the level of economic development investment that's going on in Rosedale.

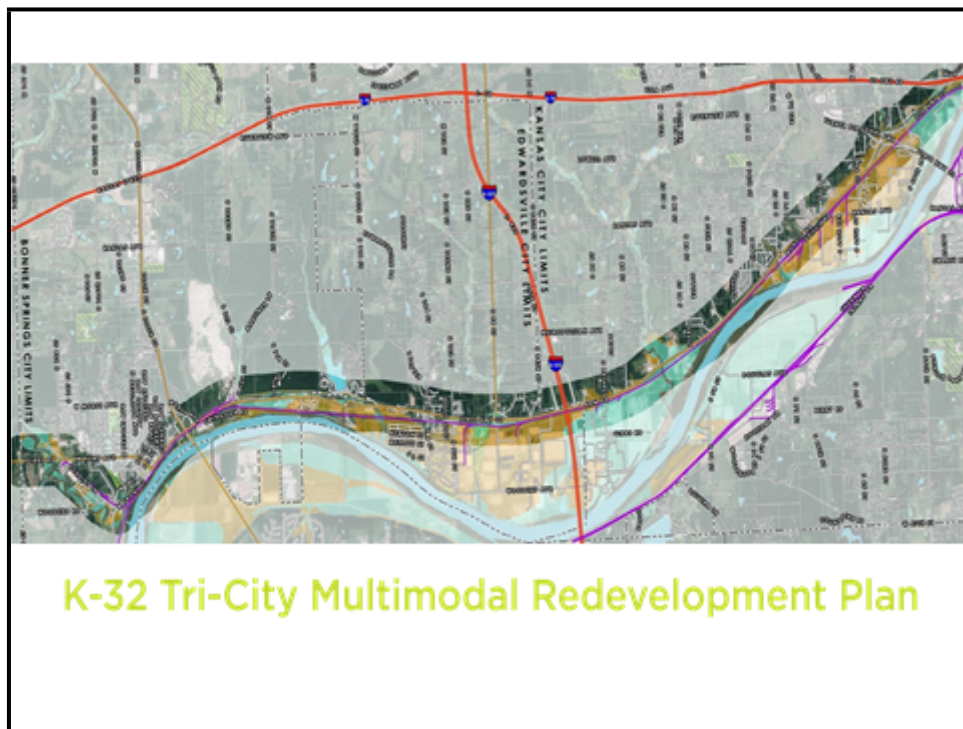
Mr. Richardson said if you drive 39th Street from State Line to Rainbow, there are two very significant projects underway and they're getting to be very obvious and they've done individual traffic plans for each of those. They can work with the machinery equipment and supplies that they're bringing in there to do as little disruption in the regular flow of traffic in the neighborhood as they can.

Mayor Holland said I would say too, this effort is remarkable. The hospital's had a master plan for a long time; the city's has a master plan for a long time. This is the first time that we're doing it together. The hospital and the university are supporting it with funding and are at the table in the discussions.

It's very important that we have—there's been a tension historically between KU and the city really for no reason other than we have a ton of parking and a ton of people and it's a conflict with the residents and it's a conflict with the businesses. KU as a whole, all of it together, is our largest employer in Wyandotte County. There are over 10,000 employees there every single day. Unfortunately the majority of that benefit for those employees and that economic engine that is KU is benefiting Johnson and Jackson counties. Not that we don't love Johnson and Jackson counties yes, but we'd like to see a lot of that benefit here in Wyandotte County.

This master plan offers us an opportunity to see how we can capture the office space that KU needs, how we can capture better housing opportunities for the students, but not just for the students, but for other people who work there, who want to live, work and play in the same area; how we can have greenspace, how we can make Rosedale a university town. It's a great asset and do that while not further encroaching on some of our historic neighborhoods. The growth out there and the lack of a good plan have put a lot of pressure on some of the local neighborhoods there. I think this plan offers the best opportunity for us to address the traffic and do it in a planful way that's mutually beneficial to the homeowners as well as the folks who work there.

I commend you on working on this. It's been an effort that has needed to be done for a long time. We have a lot of great partners who are working on this.



Mr. Richardson said the next project is the K-32 Tri-City Multimodal Redevelopment Plan and Quiet Zone Study. This project starts at 57th and I-70 and extends all the way along K-32 out to the western city limits of Bonner Springs. We're looking at about a quarter mile either side of that as part of the study, but obviously there are areas where that quarter mile will grow a little bit because of the nature of the land uses there.

K-32 Tri City Master Plan Advisory Committee

UG Appointments by District Commissioners

Jim Walters – UG appointment
 Zach Owen – UG appointment
 David Staker – UG appointment
 Chris Herre – UG appointment
 Greg Kindle – Appointed by all 3 cities
 Lindsey Douglas – Bonner/Edwardsville
 Tom Stephens – Bonner/Edwardsville
 Craig Stephan – Bonner/Edwardsville
 Mike Holloway – Bonner/Edwardsville
 Ralph Easton – Bonner/Edwardsville
 David Streit – Bonner/Edwardsville
 Garrett Mellott – Bonner/Edwardsville
 Chuck Stites – Bonner/Edwardsville

This project too has an Advisory Committee. The Unified Government has four appointments to this. Those were done by District Commissioners, they're listed there. All three communities asked for Greg Kindle to participate as an economic development person that works with all of us on projects that move forward.

Vision – Advisory Committee

- In 2025, the one word or phrase to be used:
 - Walkability
 - Economic sustainability
 - Attractive
 - Cohesive but unique
 - Gateways



We've done a little bit of public work with this one as well. We've had our first round of meetings and from that, the consultant asked for one word or phrase to be used in 2025. What would the Advisory Committee think we should talk about for K-32: walkability, economic

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sustainability, attractive, cohesive but unique and gateways were the prominent words that we heard in those meetings.

Challenges –Advisory Committee

- Steep slopes
- Flooding and/or soils
- The railroad
- Transportation options
- Missing infrastructure (utilities) for development
- Type, sizes, and/or appearance of future development and redevelopment



We also talked about challenges. From the development side, the two or three biggest challenges are: the steep slopes on the north, the floodplain north of K-32, the floodplain south of K-32 and the railroad. We need transportation options. We have some infrastructure that's missing for a new development in different places. We need to talk about the type, size and appearance of the future development of this corridor. There are large sections of industrial ground in that area that's going to remain industrial. There are also areas that are adjacent to residences as you move to the north. Bonner Springs and Edwardsville have a little bit different character than K-32 in the corridor so we have to address all those challenges within the three cities independently.

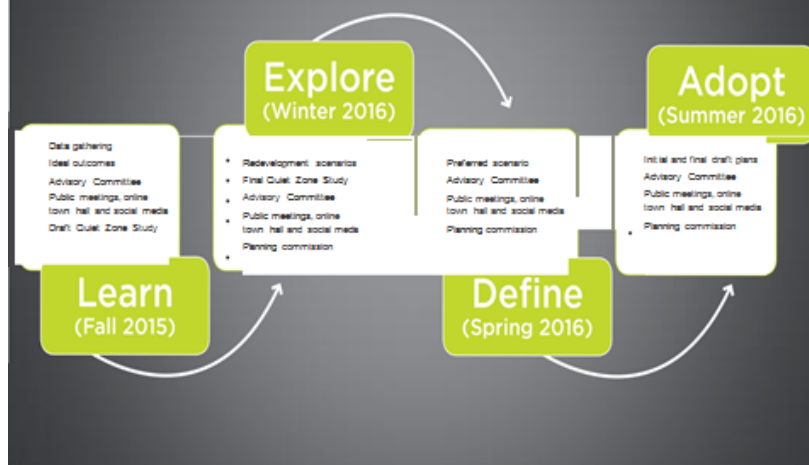
Opportunities – Advisory Committee

- Vacant land
- Existing areas that could be redeveloped
- Gateways or entry points to into the corridor
- Park and recreational amenities
- Bike, transit, and pedestrian connections



We looked at opportunities and some of these correlates to our challenges. We have vacant land, we have existing areas that could be redeveloped, we have the opportunity to develop unique gateways in this area. There are parks and recreational amenities and opportunities and also opportunities with the way we get around. K-32 on Saturday mornings is a great bicycle ride because there's not much traffic on it. It's a nice long, flat road and it's a great ride, but that's about Saturday and Sunday mornings probably the only time that you'd want to do that because of the traffic flow most of the rest of the time. There are opportunities along there that we're going to look at as we move forward with the three communities in KDOT.

Next Steps



This graphic was put together by the consultant. I will tell you that right now we're kind of in the explore mode. They're getting ready to look at redevelopment scenarios. The draft of the Quiet Zone Study is completed and they're going to work on finalizing that working with the Advisory Committee and another set of public meetings and talking with you all and the various planning commissions. We should be done with this in August of 2016 is when all three communities are set to adopt the plan in August of 2016 if everything goes well.



Engagement

- Jan. 19 PublicWorks Standing Comm. (QZ only)
- Jan. 21 Stakeholder Adv. Comm. Mtg.
- Jan. 26 Public Mtg. in KCK (TBD)
- Jan. 27 Public Mtg. in Edwardsville
(Edwardsville Community Center)
- Jan. 28 Board of Commission (QZ only)
- Feb. 6 Planning Commission Update

The graphic also includes four small images: a group of people in a meeting, a screenshot of a website, the Twitter and Facebook social media logos, and a hand using a computer mouse.

As far as the next set of meetings coming up goes, on January 19th, Mr. Heatherman and the consultant will be before the Public Works Standing Committee to talk about the Quiet Zone Study. We'll have another stakeholder advisory meeting on the 21st. On the 26th and 27th of January, we'll have public meetings in Kansas City, Kansas, and then in Edwardsville. On January 28th, Mr. Heatherman, again, will be before the Board of Commissioners with the Quiet Zone Study. Then on February 6th, this will be a part of the additional Planning Commission updates that we do.

Unified Government of Wyandotte County-Kansas City

Sign Code Update

Sign Code Rewrite Advisory Committee

Appointed by Commissioners and Mayor

Paul Mose
Theresa Van Goethem
Jim Schraeder
Delaney Moore
Marty Thoennes
Chuck Stites
Joe Vaught
Norman Scott
Tony Privitera
Melissa Clark
Ty Collins
Matt Watkins
Marissa Gray
Edgar Galicia

I'll move on to the Sign Code update. There's an advisory committee for this as well and you all have appointed these members. If you have not appointed someone to represent the residential folks in your area or the business folks in your area, there is still some time to do that. Our next advisory committee meeting is coming up next week, I believe, so if you haven't done that and want to, please contact me quickly.

Typical Sign Issues

- Traffic Safety
- Aesthetics
- Visibility
- Economic Development
- Property Values

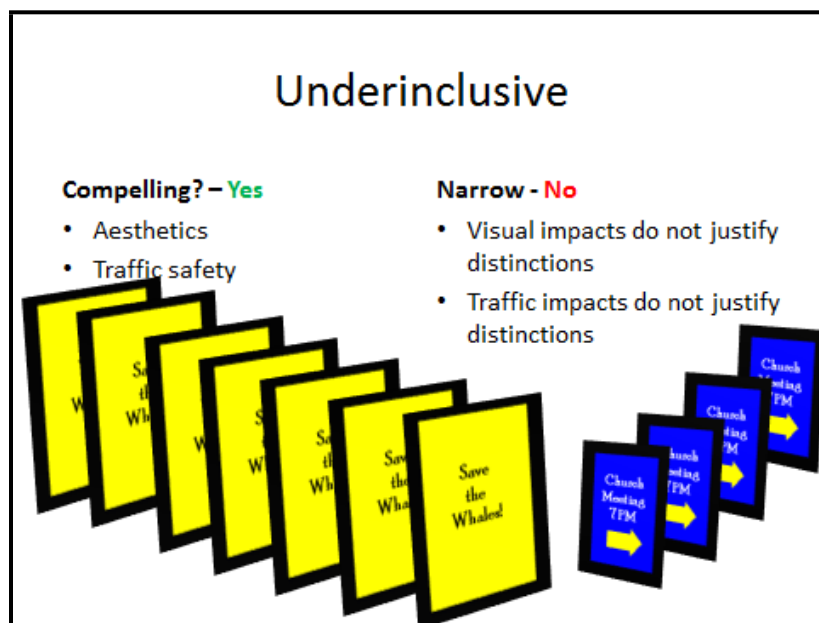
We're not quite as far along on this study as we have been on the others so this is some background. The typical sign issues that communities face deal with: traffic, aesthetics, visibility; the affects signs have on economic development for the community and for individual businesses and then how they might impact property values.

Reed v. Town of Gilbert (US 2015)



You all know we got into this because of a US Supreme Court case, Reed v. the Town of Gilbert, Arizona. This is the sign that resulted in a Supreme Court case that changed how every community in the country does sign codes. **Mayor Holland** asked it was the Presbyterian's. **Mr. Richardson** said it was the city and how they treated the Presbyterians more precisely. In their code, this was called a Temporary Directional Sign Relating to a Qualifying Event. When you had a qualifying event, you had to have the signs up a couple of hours before and down a couple of hours after.

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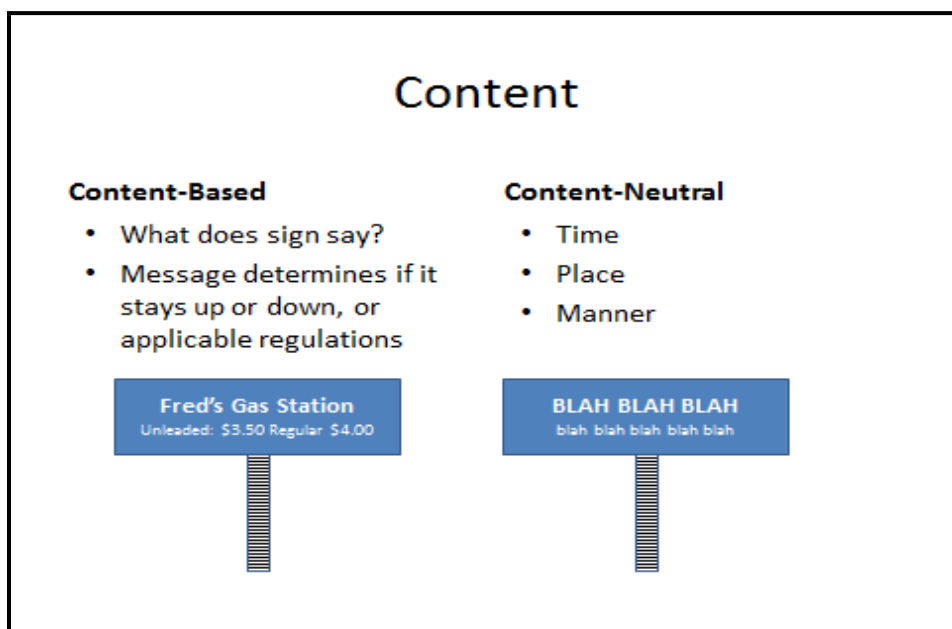


However, if you were putting up a “save the whale sign” or whatever message you wanted to put up, you could have more of them, they could stay up longer and they could be bigger than the special Qualifying Event Sign. To tell the difference, you had to read the signs. This is where the Supreme Court made their distinction, I believe, in saying that if you’re looking at aesthetics and traffic safety then that’s okay, but visual impacts from one to the other when they’re basically the same, don’t really qualify. There’s not really any difference in traffic impacts. When you have to read the sign, you’re really regulating the content of the sign and not the sign itself.

What can we regulate?	
Majority • Size • Materials • Lighting • Moving parts • Portability • Public property (ban)	Concurring • Locations • Freestanding v. Attached • Lighting • Fixed v. changeable electronic signs • Public property (distinction) • Commercial v. residential • On-premises v. Off-premises • Total number of signs allowed per frontage or area • Time restrictions on advertising a one-time event • Governmental signs
Unanswered questions • Commercial speech • On- v Off-Premises	

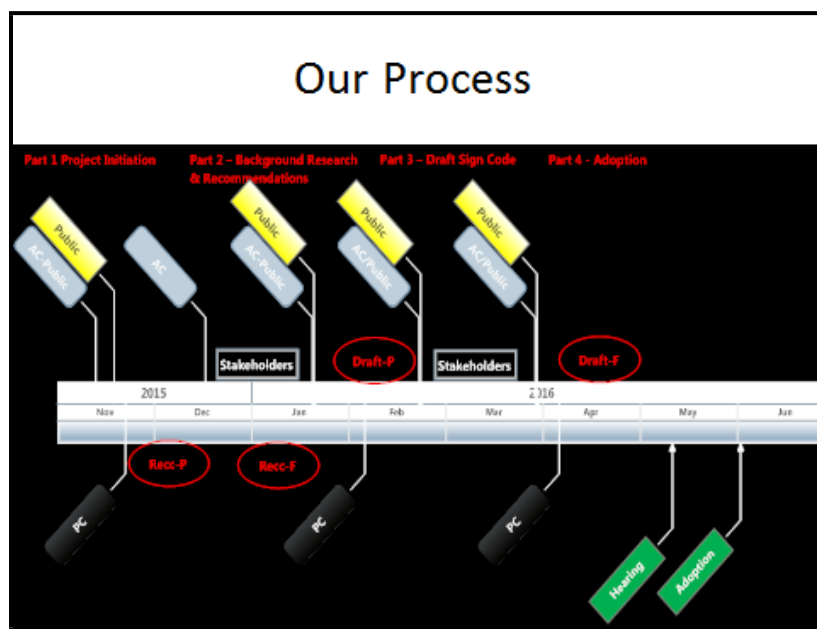
After the case, there was a majority and concurring opinion and they talked about what we can regulate and there's still some unanswered questions. Mark White, the attorney that's helping us with this, provided this slide so I'm just really retelling his story here. But the majority of the courts said we can regulate size, materials, lighting, moving parts, portability and signs on public property. So if the words in green, it means that both majority and the concurring opinions included that.

The concurring opinion also said that we could regulate location, free standing vs. attached signs, lighting, again, fixed vs. electronic message signs, public property, commercial vs. residential, on and off premises, the total number of signs allowed per some other criteria like frontage, time restrictions on advertising an event and governmental signs. But there's still some unanswered questions that the case left related to commercial speech and on vs. off from the signs. We have a lot of direction from them in this case.



When we're looking at a sign now and how we're developing our regulations, we have to be content-neutral. We can't base our regulations on what a sign says. If the message determines if it stays up or down or if it has regulations to what it says, then it's content-based. We're talking about how long a sign can be out, where it can be placed or how it can be placed then the regulation is content-neutral.

Where this rubber really hits the road is real estate signs, political signs, grand opening signs, we have to come up with a way to regulate those where it's content-neutral and not based on what it says. That's where the challenge will be in updating our regulations. In addition to looking at the regulations, we want to make them more easily understood, easily used, we'll do a better job with definitions and graphics in the code and we will also talk about the particular technical parts of the code as far as how big are the signs, how many signs and things like that.



Our process, we're in the part 2 here. You'll see in red at the top of this graphic: Background Research and Recommendations. Next week we'll be having an advisory committee meeting where the consultant will present their early recommendations on this process and discuss that with the advisory committee then go back and work on those recommendations again. Then in January, we will have another advisory committee meeting and a series of public meetings to talk about the final draft and amendments to the final draft of the recommendations and then he'll begin the drafting process. This process should be concluded in the May Planning Commission, but I think the May Planning Commission with you all might fall to the first week of June. That's what we're looking at for this as we move forward.

Upcoming Meetings

- December 17 – Sign Code Advisory Committee # 2
4 PM- Mid town Metro Center 849 B North 47th Street
- January 20 – Sign Code Advisory Committee # 2
4 PM Neighborhood Resource Center 50th and State
- January 20 – Sign Code Advisory Committee # 2
6 PM - Location TBD
- January 21 – Sign Code Advisory Committee # 2
4 PM – Location TBD

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Coming up, as I said, next week we have our second advisory committee meeting December 17th. Then on January 20th and 21st, we'll have another advisory committee meeting and then it's actually January 25th should be meeting number three with the advisory committee and then two public meetings that we'll have, one at 6:00 p.m. one day and one at 4:00 p.m. the next day. We don't have those locations locked down yet.

Thank You

Rosedale Master Plan Web Site and My Sidewalk pages

<http://www.rosedalemasterplan.com/about>

<https://mysidewalk.com/organizations/290124/rosedale-master-plan-traffic-study>

K-32 Plan Web Site

<https://www.k32.digicate.com>

Sign Code Update Contact

richardson@wycokck.org

I'll go head and put up the links again for the different planning processes if someone wants to learn more about those processes.

Mayor Holland said thank you for your work. You're carrying a lot of freight down the highway here. Each of these plans is big for our community and they're going to take a lot of work so I appreciate you and your staff spearheading this.

Action: For information only.

REGULAR SESSION

MAYOR'S AGENDA

No item of business

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if there were any set-asides on the Non-Planning Consent Agenda. There were no set-asides.

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

ITEM NO. 1 – 15278...ORDINANCES: ADDITIONAL IRBs FOR PQ CORPORATION

Synopsis: Two ordinances authorizing the issuance of taxable industrial revenue bonds for the PQ Corporation project located at 1700 Kansas Avenue, submitted by George Brajkovic, Economic Development Director. On December 5, 2013, the Commission voted unanimously to adopt a master resolution of intent (R-127-13) to issue \$219M in IRBs and a 75% tax abatement for PQ Corporation’s multiphase expansion.

- Industrial Revenue Bonds, Series 2015A - \$14M
- Industrial Revenue Bonds, Series 2015B - \$13.5M

Action: **ORDINANCE NO. O-68-15**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2015A, in a principal amount not to exceed \$14,000,000, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of an industrial facility, including land, buildings, structures, improvements and fixtures; authorizing the Unified Government to enter into certain documents and the taking of other actions in connection with the issuance of said bonds.”

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

ORDINANCE NO. O-69-15, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2015B, in a principal amount not to exceed \$13,500,000, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of an industrial facility, including land, buildings, structures, improvements and fixtures; authorizing the Unified Government to enter into certain documents and the taking of other actions in connection with the issuance of said bonds.”

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

ITEM NO. 2 – 15276...RESOLUTION: DONATION AGREEMENT FOR SOUTH PATROL SITE

Synopsis: A resolution approving a donation agreement between the Unified Government and Argentine Retail Developers, Inc. for a site to be used for the South Patrol facility, submitted by Mike Tobin, Interim Public Works Director. The 8.99 acres is in the vicinity of the northeast corner of Metropolitan Avenue and S. 24th St. On October 26, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve this site and forward to full commission.

Action: **RESOLUTION NO. R-102-15**, “A resolution approving a Donation Agreement with Argentine Retail Developers, Inc. (Donor) under which Donor agrees to donate to the Unified Government approximately 8.99 acres of real property located in the vicinity of the northeast corner of Metropolitan Avenue and South 24th Street in Kansas City, Kansas.” **Commissioner Walker made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 3 – 15265...POLICY CHANGES: TRANSIT AND FEES

Synopsis: Recommending various changes to the transit policy and fee schedule, submitted by Justus Welker, Director of Transportation. On November 30, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – 15172...RESOLUTION: GRANT APPLICATION AND ACCEPTANCE POLICY

Synopsis: A resolution adopting a new Grant Application and Acceptance Policy, submitted by Ken Moore, Chief Legal Counsel. On November 30, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-103-15, “A resolution adopting the Grant Application and Acceptance Policy dated December 10, 2015.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 5 – 15295...RESOLUTION: AMEND COMMISSION MEETING SCHEDULE

Synopsis: A resolution changing full commission meeting dates to hear Planning & Zoning items, submitted by Ken Moore, Chief Counsel.

Action: **RESOLUTION NO. R-104-15, “A resolution amending Resolution No. R-27-15 by cancelling the previously set Planning and Zoning agenda portion of the full commission meeting scheduled on February 23, 2017; and adding two additional Planning and Zoning Commission meetings on January 5, 2017 and March 2, 2017.” Commissioner Kane made a motion, seconded by December 10, 2015**

Commissioner Murguia, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 6 – 15277...REAPPOINTMENTS/APPOINTMENT: BOARDS AND COMMISSIONS

Synopsis: Reappointments/Appointments to Boards and Commissions:

Reappointment of George Gates to the Self-Supported Municipal Improvement District Advisory Board, 12/10/15 – 5/30/19, submitted by Commissioner Johnson

Reappointment of Anne McDonald to the Housing Authority Board, 12/10/15 – 5/30/19, submitted by Commissioner McKiernan

Reappointment of Dennis McWilliams to the Golf Advisory Board, 12/10/15 – 5/30/19, submitted by Commissioner Johnson

Appointment of Jeffery Sachen to the Wyandotte County Park Board, 12/10/15 – 5/30/17, submitted by Commissioner Walker

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

ITEM NO. 7 – MINUTES

Synopsis: Minutes from regular sessions of October 29 and November 12, 2015; and special sessions of November 12 and 19, 2015.

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

ITEM NO. 8 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 19 and 25, and December 3, 2015.

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

PUBLIC HEARING AGENDA

No business items

Mayor Holland recognized Mary Gonzalez, Jeff Bryant and Norm Scott, Board of Public Utilities elected officials, who were present in the audience.

ADMINISTRATOR'S AGENDA**ITEM NO. 1 – 15281...ORDINANCE: BOARD OF PUBLIC UTILITY REVENUE BONDS**

Synopsis: An ordinance authorizing the issuance of Utility System Improvement Revenue Bonds, Series 2016-A, subject to six parameters, submitted by Lew Levin, Chief Financial Officer. On December 19, 2013, the Commission unanimously adopted Resolution No. R-128-13, authorizing the utility system improvement bonds.

Doug Bach, County Administrator, said tonight we have the issuance of utility system improvement bonds. As the Commission will recall, this is a project that we've been involved with the Board of Public Utilities for a couple of years. When they came in some time ago, went through the evaluation of the type of system they wanted to put in place, our Commission went through, vetted this process with them and ultimately made the recommendation to move forward with the new plant that they are building today.

They've done this in two bond issues. This is the second of two different bond issues.

Lew Levin, Chief Financial Officer, said as Doug said, we're ready to move forward with the second phase of the financing. I do want to say with me this evening is Don Gray, General Manager of the Board of Public Utilities; Lori Austin, Chief Financial Officer; Dave MacGillivray, our financial advisor with Springsted, is here to answer any questions as well as our legal representatives from Gilmore & Bell, Gina Riekhof and Kevin Wempe. Angela Lawson, our attorney with the Board of Public Utilities, is also here.

What you have before you is really the second phase of the BPU financing. Two years ago you approved or authorized up to \$250M for the financing primarily related to air quality control systems with existing utility plans. The action before you what we have is what's referred to as a perimeters resolution. We're ready to move forward with the financing in January subject to the perimeters in the ordinance. I'll just read those and then when I'm done,

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Mr. Gray's going to go through a brief presentation just to provide a little additional detail on the project.

The second phase of the financing, the principle is not to exceed \$133M. The project fund cost not to exceed \$125M with capitalized interest through March 2017. The true interest cost shall not exceed 4.6% so we believe the interest cost will be at 4.6% or less. Final maturity shall not occur after 2045 so we're looking at a 30 year financing. The underwriters discount is 0.35%. That means the fees paid to underwriters is less than 1% and we should have the ability to do our first call no later than 9/1/27 that means when the bonds would be eligible for refinancing.

Don Gray, General Manager, Board of Public Utilities, said what I'd like to do is just kind of give a little background of the project and then talk a little bit about the financing to conclude.



Background

- December 2013, the UG Commissioners approved our recommendation to invest \$250M in environmental upgrades for our 235 MW Nearman Power Station
- We provided a presentation which explained in detail our options and reasons for making the upgrades at Nearman
- As a strategy to reduce costs to the customers, we essentially split the \$250M bond issue. Thus, we sold \$110M in 2014.

As Lew said, in December of 2013, the Unified Government Commissioners approved our recommendation to invest \$250M in environmental upgrades for our 235 megawatt Nearman Power Station. During that evening, we made a formal presentation outlining and explaining in detail our options and reasons for making the upgrades at Nearman. Also, as part of our strategy to reduce the cost to our customers, we essentially split the \$250M bond issue and thus we sold \$110M in the first issue in 2014.



Issue

- EPA issues a Federal mandate ordering all utilities to comply with a new Air Quality Control (AQC) standard.
- MATS - Mercury and Air Toxics Standards
 - Goal: Reduce sulfur dioxide compounds, mercury, and particulates - finalized in April 2012
 - Nearman environmental upgrades should be completed by February, 2017

The reason for spending this money was to—EPA has come out with a federal mandate ordering all utilities to comply with a new air quality control standard and it's called MATS, mercury and air toxic standards. What that is, the goal of the MATS rule was to reduce sulfur dioxide compounds, mercury and particulates. That was finalized in April of 2012. That was kind of our marching orders to start putting more environmental controls on our plant. Now the work should be completed February of 2017.



In Summary

- Nearman has more than 30 years useful life
- Coal is price stable vs natural gas
- You can store coal on site
- Maintains generation diversity of our fuel mix (natural gas, coal, hydro, wind and landfill gas)
- Maintain better control of our generating costs
- Favorable bond market
- Supports energy reliability for our community

The main drivers and the main reasons for making this big investment in our power station was, the Nearman Plant has more than 30 years of useful life, coal is price stable verses natural gas, you can store coal on site which is practically impossible to do that with natural gas, and also having coal along with all of our other renewables and other natural gas systems, it keeps our generation fleet diversified. It helps us maintain better control of our generating cost and also, as we know, this is a very favorable time to be in the bond market in these recent years. It also supports energy reliability for our community.



Surrounding Utilities Are Installing Air Quality Control

Plant	ST	Units	Year In Service	Cost
Westar - Lawrence*	KS	2,4,5	54,60,71	\$300 M
Westar - Jeffrey*	KS	1,2,3	79,80,83	\$500 M
KCP&L - La Cigna*	KS	1,2	72,77	\$1.2 B
KCP&L - Iatan*	MO	1	90	\$300 M
Empire - Albany*	MO	1	70	\$108 M
PSCOK - Northeastern**	OK	4	90	\$400 M
SINERO - Flint Creek**	AR		79	\$408 M
IP&L - Ottumwa**	IA	1	91	\$245 M
IP&L - George Hess*	IA	2,4	75,79	\$280 M
IP&L - Lansing**	IA	4	77	\$180 M
Alliant - Columbia**	WI	1,2	75,79	\$627 M
Alliant - Edgewater	WI	5	95	\$350 M
LG&S - Trimble Co.	KY	1	90	\$150 M
LG&S - Mill Creek**	KY	1,2,3,4	72,74,76,82	\$1.0 B
IRL - Petersburg/Landing**	IN	1,2,3,4	87,89,77,96	\$400 M
Average		28 Units		\$245 M
BPU - Nearman	KS	1	1991	\$150 M

- Nearman is newer than 80% of units that have been retrofitted to meet AQC
- Average compliance costs are in line with surrounding utility projects

* - Completed
** - In progress

I also pointed out during the presentation in December of 2013 that we're not alone. A lot of utilities around us are having to make sizable and have made sizable investments in their plants as well. Westar, for example, as well as Kansas City Power & Light which are two of our neighboring utilities, made substantial investments in their facilities too.



Nearman Construction Progress

- Nov 2014 - Developing site for construction activities
- April 2015 - Mobilize contractors to site
- May 2015 - Begin installing piles and foundations
- May-Sept 2015 - Delivery of majority of AQC equipment
- Oct 2015 - Begin erecting structural steel
- Dec 2015 - Project is ahead of schedule and will finish under budget
- July 2016 - Begin checkout and commissioning of equipment
- Nov 2016 - First fire of unit/commercial operation date
- Nov 2016-Feb 2017 - Startup, tuning and testing of AQC equipment
- Six month compliance demonstration period

The Nearman construction progress is going well. In our specifications we made sure that any contractor that bid on our projects had to have certified workforce and I am personally proud to say that all of our contractors are union contractors. We begin installing piles and foundations roughly May of this year. We began erecting steel recently. I will also say proudly that the project is ahead of schedule and will finish under budget. We should start commissioning equipment in 2016 and then hopefully our startup will be—and I don't know why it wouldn't since it's on schedule—would be roughly between November and February, 16 and 17.



September 2015 - Laydown with Crane



December 2015 SCR & Scrubber Support Steel



I put a few photographs in here so you could kind of see the level of work activity that's going on. One photograph to the left, my left, is laid down there where a lot of equipment when it arrived we had to make room to place everything kind of like an erector set. Then to the right, you can see the tall crane and a lot of the steel starting to go up. Also, you can see on the left again more steel, part of our scrubber and our SCR, so there's a lot of work going on.



BPU is Spreading Costs to Reduce Rate Payer Impacts

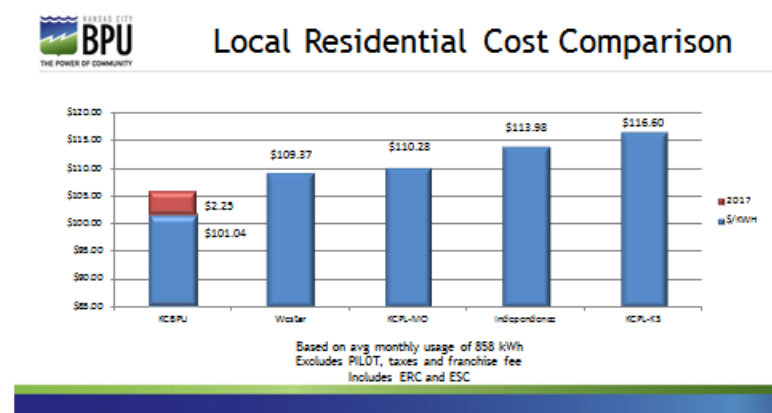
- We received authorization from our Board and this body to sell \$250M in revenue bonds
- As a strategy to reduce cost impacts to our customers, we split the bond issue to spread the costs & to most accurately establish cost of the project
 - 2014 - sold \$110M
 - 2016 - selling 125M
 - Total = \$235M vs \$250M
 - A savings of \$15M
- December 2nd, 2015, the BPU Board passed a resolution for Phase 2 of the bond sale
- 2016 - The Environmental Surcharge (ESC) will increase \$1.18 per month for residential customers
- 2017 - The ESC is estimated to increase \$2.25 per month for residential customers

December 10, 2015

We are spreading the cost to reduce ratepayer impacts. We received authorization to sell the \$250M, but as a strategy to reduce the cost, like I said earlier, we split the bond issue. The two reasons for that naturally is to not only spread the cost, but to also, we would get more accurate information as to the actual cost of the project the closer we got towards, especially getting towards the middle of the project; we would have a good idea of what actual costs were because all of the major bids for construction would have come in by then and so forth.

Instead of now the project costing the full \$250M as originally projected by our engineering staff, I'm happy to say now that the project has been reduced to the second issue, which instead of being roughly \$140M, is set at \$125M to complete the project. We hope to do that early in 2016. This is a savings to our community of \$15M.

On December 2nd, our Board passed a resolution for phase two of the bond sale and the 2016, just so you know basically the cost impact so far to our customers, the environmental surcharge, and this goes into our environmental surcharge it's a rider, it's a pass-through. In 2010 we had that established, the environmental surcharge rider, because when regulations come out whether they're for the energy sector, whether they're for water, we have no control over what EPA directs or what the state directs over us. We decided to put that up as a pass-through because some of the investments that we need to make in order to meet some of these changes in the regulations are pretty substantial like the Nearman project. We thought it would be good to setup the debt schedule as a pass-through. I will say that's being well received by our rating agencies.



In 2017 the environmental surcharge rider, after we sell the second issue, is estimated to increase \$2.25 per month for residential customers. I know we get asked a lot about how our rates are doing for our community so I thought we would put up a bar chart to show for a residential

customer with an average of 858 kilowatt hours, which is roughly average for our community, what would be the monthly change to the customer bill. Currently, going into 2016, our current costs are \$101 approximately a month on the average. With the second issue, rates will go up roughly \$2.25. Again, that's an approximation because we haven't actually sold the bonds to see what type of interest rates we will receive. I will say the last time we were in the market we had a lot of interest in our bonds and we don't anticipate nothing less this time. I might also add that in 2018, they'll be another slight bump similar to '16 and '17 and, again, as a way to continue to spread the cost out as far as we can to lessen the impact on our community.

Commissioner Walker asked, Mr. Gray, was your Board—I see that you said they passed, was your Board unanimous. **Mr. Gray** said yes, sir.

Action: **ORDINANCE NO. O-70-15**, “An ordinance authorizing the issuance of Utility System Improvement Revenue Bonds, Series 2016-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, for the purpose of financing the cost of certain improvements and paying the cost of issuing said bonds; authorizing the execution and approval of certain documents in connection with the issuance of said bonds, and authorizing certain other actions in connection with the issuance of said bonds.” **Commissioner Walker made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

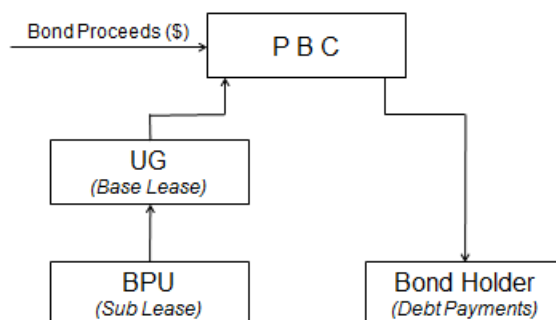
Mayor Holland said thank you, Mr. Gray. We want to thank our friends at the BPU for your hard work, the elected officials as well as the staff. You all face a tough regulatory environment and we appreciate the work that you're doing on behalf of our community.

ITEM NO. 2 – 15283... RESOLUTION: PUBLIC BUILDING COMMISSION BONDS

Synopsis: A resolution requesting the Public Building Commission to issue revenue bonds to acquire the office building located at 540 Minnesota Avenue for continued use as an office building for the Board of Public Utilities, submitted by Lew Levin, Chief Financial Officer.

Mr. Levin, Chief Financial Officer, said we sort of have a companion piece of financing associated with the larger financing that we just authorized. The BPU office building was financed under an IRB structure in 2001. We have the opportunity to refinance it and we're really looking at just a savings over a five-year period. Since it was done under an IRB structure, one of the alternatives that bond counsel has identified for us or actually recommends to us is that we do the refinancing under the Public Building Commission structure.

PBC Bond Structure – BPU Office Building Refinancing



1. 5 Year Refinancing, \$7 Million Bond Issue
2. Est. Net Present Value Savings of \$641,000 or 7.8%

The chart that appears on the wall there shows basically the structure of that financing. We would issue the debt through the Public Building Commission. The Unified Government would enter into a lease with the PBC and there would be a sublease by the BPU. The BPU would make payments through the UG to the PBC and then the debt payments go to the bondholder.

There's a significant savings associated with it over the five years; almost 8% over. Approximately we're projecting \$641,000. The resolution before you authorizes the Public Building Commission to proceed with that financing. We would do the actual financing in January with our annual bond and note sale.

Commissioner Walters said a couple of questions. I believe you told me that essentially this would be switching the debt from the BPU to the Unified Government. Is the IRB process not available?

Gina Riekhof, Attorney, Gilmore & Bell, PC, said I'll try and make my explanation as simple as possible. Currently under the IRB structure, there is a developer that was involved in the financing transaction for the office building when it was completed in 2001. We'd be taking the

developer out of the middle of that. When we do that, then the IRB structure is not available to us. The structure that we would be using here, though with the PBC would in terms of the ultimate repayment stream that is expected to be used to repay the bonds, is the same here under the PBC structure as compared to the IRB structure.

I think the one point that you raise that it's appropriate to point out is that under any lease between the PBC and the Unified Government, those leases, under Kansas law, are not subject to annual appropriation. They are payable if the Commission decided not to appropriate funds or in this particular case, the BPU did not make funds available to repay bondholders then the UG, at that point, would be obligated to make those lease payments from any available source of funds in your General Fund that were not already committed.

We are interjecting the UG into the repayment stream with bondholders. That's one of the things that helps bring down the interest rate and helps us achieve some of these savings, but frankly, it's one of the few legal structures that's available under Kansas law to be able to refinance this transaction to be able to achieve that interest cost savings.

Commissioner Walters said another question I think for Lew. I don't have any concern that BPU won't actually pay this, but our overall debt structure that we are concerned about, do you think that this will inhibit us in the near future in any of the projects that we anticipate financing?

Mr. Levin asked because of our overall debt. **Commissioner Walters** said because of this \$5M, in particular, \$7M. What impact do you think accepting this \$7M more in debt will have on our immediate future of trying to finance other projects? **Mr. Levin** said Public Building Commission debt is not subject to our debt limitation under Kansas Statute so it really won't affect us from that sense. We'll still show that debt as an obligation of the Unified Government, but if we had any credit calls with credit agencies, we would clearly indicate that the debt was an obligation of the Board of Public Utilities through that sublease structure. It might actually be viewed positively because credit agencies also look at the overall debt of the community and what we're doing. With this transaction, it's creating a savings as it relates to the community.

Action: **RESOLUTION NO. R-105-15**, "A resolution requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue revenue bonds for the purpose of acquiring the office building located at 540 Minnesota Avenue for continued use as an office building for the

Board of Public Utilities.” **Commissioner Walters made a motion, seconded by Commissioner Kane, to adopt the resolution.**

Mayor Holland said I do want to thank our Legal team and our Finance team. You are very aggressive in refinancing. Almost with every bond issue, we do a refinancing that saves us significant money and I appreciate your being aggressive in that.

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

ITEM NO. 3 – 15280...RESOLUTION: CRICKET WIRELESS AMPHITHEATER FINANCING

Synopsis: A resolution authorizing a base lease with the Public Building Commission (PBC) whereby the UG will lease from the PBC certain public facilities and buildings for use by the UG, submitted by Debbie Jonscher, Deputy Finance Director. On August 27, 2015, the Commission unanimously adopted Resolution No. R-55-15, authorizing certain improvements to the amphitheater and requesting the PBC to issue bonds to pay a portion of the costs.

Debbie Jonscher, Deputy Finance Director, said this resolution is related to financing of the Cricket Wireless improvements. Back in August, the Commission approved the improvements and requested the PBC to issue revenue bonds. We did take bids and we have selected a bid from UMB Bank. It is a taxable series with a total amount of \$780,000 and the true interest cost is 3.29%.

This resolution authorizes the lease agreements between the Unified Government and the PBC, a similar structure as they just talked about with the BPU bonds. There is a base lease and a sublease between the PBC and the UG.

The copies that are in your packet were draft documents so we do intend to update the resolution and the lease documents to reflect the terms of the bid that was accepted.

Action: **RESOLUTION NO. R-106-15**, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to enter into a base lease with the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, whereby the Unified Government will lease certain
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property to the Public Building Commission and enter into a lease whereby the Unified Government will lease from the Public Building Commission certain public facilities and buildings for use by the Unified Government.” **Commissioner Walters made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 4 – 15282...RESOLUTION: ACQUISITION OF REAL ESTATE FOR THE UG MEDICAL CLINIC

Synopsis: A resolution authorizing the acquisition of 810 Ann Avenue, an adjacent parking lot, in conjunction with the acquisition of property at 800 Ann Avenue for the construction and furnishing of a building located at such sites for the purpose of establishing a medical clinic to serve employees of the UG, submitted by Debbie Jonscher, Deputy Finance Director.

Debbie Jonscher, Deputy Finance Director, said this is a resolution for acquisition of property at 800 and 810 Ann Avenue for the UG Medical Clinic. There was a previous resolution approved in September that only listed the 800 Ann Avenue address. Tthe property that we’re purchasing actually includes 810 Ann Avenue so this resolution adds 810 Ann Avenue to the property which is an adjacent parking lot.

Mayor Holland said the parking lot was left out and we’re going to need it. That’s all it is.

Action: **RESOLUTION NO. R-107-15,** “ A resolution authorizing the acquisition of real estate located at 800 Ann Avenue and 810 Ann Avenue, and the constructing, reconstructing, equipping and furnishing of a building located at such sites, all for the purpose of establishing a medical clinic to serve employees of the Unified Government of Wyandotte County/Kansas City, Kansas; and requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue revenue bonds for the purpose of paying a portion of the costs thereof.” **Commissioner Walters made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

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ITEM NO. 5 – 15292...RESOLUTION: APPOINTMENT OF INTERIM COUNTY APPRAISER

Synopsis: A resolution, as mandated by K.S.A. 19-430, appointing Katherine Briney as Interim County Appraiser, effective December 17, 2015, submitted by Joe Connor, Assistant County Administrator.

Doug Bach, County Administrator, said with the announced retirement of Gene Bryan, our County Appraiser, which will be effective on December 16th, it puts us in a position where we need to have a County Appraiser on staff. At this point, I am moving forward with our Deputy County Appraiser, Kathy Briney, who I am recommending for ratification tonight that we put a resolution appointing her, guess it's not ratification, but a resolution appointing her for the appraiser role for a six-month time period.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve.

Mayor Holland asked Mr. Bach if he'd like to introduce Ms. Briney. **Mr. Bach** said if I could have her come forward. Kathy, if you'd come to the microphone and maybe say a couple of words about yourself. She's been in Kansas for over 20 years. I will let you just give a brief introduction and then I'll let you proceed with your vote.

Katherine Briney, Deputy County Appraiser, said I did get the opportunity to meet a few of you this afternoon, but I would like to go ahead and introduce myself just a little. I'll keep it brief. As Doug mentioned, my name is Kathy Briney. I am working towards my 23rd year in public service having served in the capacity of either the County Appraiser or the Deputy Appraiser in several other Kansas counties over this time period.

In mid-April, I did relocate to Wyandotte County and started with the UG as the Deputy County Appraiser. This move also gave me the opportunity to be closer to both my children which is very important to me. My goal for this transition is to be as seamlessness of a move as possible. I will continue to evaluate processes currently in place and plan to work closely with one of my most valuable assets and that's my staff. We do have a really great staff in place. And to successfully execute the duties of the Appraiser's Office in a manner that is in

December 10, 2015

compliance with both the Kansas Department of Revenue/Property Evaluation Division and Kansas State laws.

I take this role very seriously and have every intention of performing my duties in a manner that positively reflects the expectations of the citizens of Wyandotte County as well as the Unified Government. Again, thank you for your consideration.

Action: **RESOLUTION NO. R-108-15**, “A resolution appointing Katherine Briney as Interim County Appraiser for the Unified Government of Wyandotte County/Kansas City, Kansas, effective December 17, 2015, subject to the approval of the director of property valuation, for a period not to exceed six months.” Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 6 – 15294...RESOLUTION: MOU WITH FOP 4

Synopsis: A resolution authorizing the execution of a Memorandum of Understanding between the UG and Fraternal Order of Police (FOP) 4, submitted by Joe Connor, Assistant County Administrator. The union has ratified the contract.

Action: **RESOLUTION NO. R-109-15**, “A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) between the Unified Government and the Fraternal Order of Police (FOP) 4.” **Commissioner Kane made a motion, seconded by Commissioner Walker, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

ITEM NO. 7 – 15293...RESOLUTION: MOU WITH PLUMBERS LOCAL UNION NO. 8

Synopsis: A resolution authorizing the execution of a Memorandum of Understanding between the Unified Government and Plumbers Local Union No. 8, submitted by Joe Connor, Assistant County Administrator.

Action: **RESOLUTION NO. R-110-15**, “A resolution approving a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and Plumbers Local Union No. 8, for the period January 1, 2015 – **December 10, 2015**

December 31, 2017.” **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, Murguia.

STANDING COMMITTEES’ AGENDA

No business items

COMMISSIONERS’ AGENDA

No business items

LAND BANK BOARD OF TRUSTEES’ AGENDA

No business items

PUBLIC ANNOUNCEMENTS

Mayor Holland said before we adjourn, I do want to ask Mr. Bach to make two announcements, one about the union contracts we just voted on and about another personnel issue.

Doug Bach, County Administrator, said just noting that on the union contracts with the approval of the Police contract and that of the Plumber’s Union, that brings 40% or a little over 600 of our employees that are in the labor union; so 40% of the labor union employees under contract now which we’ve been working on over the last couple of months to start bringing into compliance or into agreement I should say rather than compliance.

The second thing I’d like to announce since this is the first meeting since I’ve made this movement; I just want to formally introduce our new Chief Counsel, Ken Moore, who I appointed the first of last week to his position. He’s been with our organization a long time. He is now stepping up to a new role and I am very confident in his leadership and his ability. He has some great ideas for the future of the Legal Department and initiatives that he’s going to put into place. Welcome him and I wanted to make a formal announcement here tonight.

Commissioner Walker said he’s got a couple of hard acts to follow.

Mayor Holland said yes he does. Congratulations. For everyone, this is our last meeting until the end of the year so Merry Christmas and Happy New Year. No! I’m sorry. We have to come back on the 17th. I’m so eager.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:15 P.M.
December 10, 2015**

cm/cg

Bridgette D. Cobbins
Unified Government Clerk

December 10, 2015

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

**PLANNING & ZONING and
REGULAR SESSION
THURSDAY, JANUARY 7, 2016**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 7, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Lew Levin, Chief Financial Officer; George Brajkovic, Economic Development Director; Lindsay Behgam, Director of Community Outreach; Rob Richardson, Director of Planning; Byron Toy, Planner; Jamie Ferris, Planner; and Major Solomon Young, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Artrell Harris, Roswell Church of God.

Mayor Holland asked if there were any revisions to the agenda. **Carol Godsil, Deputy UG Clerk**, stated yes. The first order of business for tonight's meeting will be the two presentations under the Mayor's Agenda then followed by the agenda as printed.

MAYOR'S AGENDA

ITEM NO. 1 – 15329... PROCLAMATION: FRIENDS OF THE KAW EPA GRANT AWARD

Synopsis: Proclamation congratulating Friends of the Kaw for receiving a grant from the Environmental Protection Agency (EPA).

Carol Godsil, Deputy UG Clerk, read the following proclamation:



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** the Environmental Protection Agency (EPA) Region 7 has selected four grant projects, totaling \$119,751, that are designed to educate, empower and enable communities to better understand and address local health and environmental issues; and
- WHEREAS,** Friends of the Kaw in Kansas City, Kansas were awarded \$29,935 to work with high school students, training on water quality and water quality monitoring; and
- WHEREAS,** the project will also involve community members participating in monitoring courses taught by the students ultimately resulting in an intergenerational approach towards learning and teaching about water quality in Kansas City, Kansas.

NOW, THEREFORE,

I, Mark R. Holland, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby congratulate the Friends of the Kaw on this grant award and look forward to their results upon the completion of their project.

In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

MARK R. HOLLAND, MAYOR/CEO

Action: No action needed.

January 7, 2016

Mark Hague, Administrator, EPA Region 7, said thanks, Mayor Holland, and Commissioners for having us here this evening and that wonderful proclamation to acknowledge the Friends of the Kaw. I want to thank the community leaders that are here with us and the local citizens attending this evening in support of this event.

This evening, we want to congratulate the Friends of the Kaw and their launch of their Environmental Justice Small Grant Project. EPA's Environmental Justice Small Grant Programs enables communities to develop solutions to local health and environmental issues particularly in low-income and minority communities that are overburdened and often harmed by pollution.

These grants help build community capacity, build awareness and equip communities with the tools to address environmental challenges from climate change, impacts to brownfields and redevelopment, and water pollution as well as mobile sources in air pollution. EPA Administrator Gina McCarthy has challenged all the people who work for EPA every day and all the good people here in Region 7 to protect human health and the environment and to work very diligently with partners to make a visible difference across and in America's communities.

We work hand in hand with local partners like those of you here at the city/county government and other federal agencies, states, tribes and local groups to improve the health of American families and protect the environment one community at a time across the country. We recognize that protecting the environment takes partnerships and those partnerships are key to the work that we do at EPA.

We're really pleased to have the community partners, Friends of the Kaw, Laura Calwell and her team building a sustainable earth community with Richard Mabion, a good friend and someone we've worked with many times before; educational institutions like high schools here, J.C. Harmon, Wyandotte High School, and then neighborhoods like Oak Grove in Argentine, which we've worked with for a number of years on other projects. We know that working through them and with them as partners we can protect the environment in a manner that ensures fair treatment and meaningful involvement by all people including those right here in Kansas City, Kansas. We appreciate everyone's hard work they are doing every day and on this project to make a visible difference in this community. Their grant and the work we do at EPA and we do in partnership with others take on a lot of important issues, and they're tough issues to tackle from protecting water quality to dealing with toxic chemicals and providing for safe handling of chemicals in our communities. A top priority of EPA and of President Obama is taking on

climate change and ensuring that impacts in low-income and minority communities. It's an issue of environmental justice. Make no mistake about it; climate change is one of the most significant public health threats of all time.

Clean water is also very important and very important to this community that's right on the banks of the Kaw. We should not take it for granted. Ensuring clean water requires good stewardship and great partnerships by all of us to work together. I am very excited and very pleased to be here this evening to recognize the Friends of the Kaw and this project because it enlists not only the partners I've talked about but works with students, the young, the future of our country and our communities to help educate them to take a better, more active role in helping build strong communities and a healthy environment for all of us. Thank you very much for your recognition of the Friends of the Kaw and the chance to come here this evening.

Laura Calwell, Educational Director, Friends of the Kaw, said I'd like to thank you for having us here tonight. I thank EPA for putting this together and for our ability to be in front of the council meeting.

I would like to introduce our staff because we're hard working, we're a great team and they do a lot for this grant. The first one is Dawn Buehler, she is the Kansas Riverkeeper. The Kansas Riverkeeper is a non-governmental advocate who holds the community and the agencies accountable for the health of the Kansas River. It's a big job. I did it for 12 years and Dawn is doing a great job and we need to support her so our beloved Kansas River will stay clean and healthy and be a great recreational source.

I'd like to introduce Kate Delahunt. She has been working in the Kansas City area for a long time, particularly in education. She taught in the Kansas City, MO Public Schools. She's our educational specialist. She's kind of our lead teacher when we work with the middle school and high school students.

I'd like to introduce Richard Mabion. We've worked with him on several grants and it's great to have that connection to the community. It really helps us facilitate the grant so thank you.

I would also like to recognize just briefly the partners that we pulled together for this grant: the Kansas City Kansas Public School system, the Unified Government Stormwater

Department, BPU, we have some representation from that, some assistance, Donnelly College, Healthy River Partnerships, the K-State Urban Water Institute and Friends of Kaw Point Park.

I would also like to especially recognize the teachers, the high school teachers that we're working with. Dr. Michael Hotz is not here tonight. He was one of our partners that helped us put this grant together and we have worked with two of his science classes at Wyandotte High School.

I'd also like to introduce Mr. David Bennett. He's a science teacher at Harmon High School and we've been working with him. We worked with two science classes. We've done Kids About Water Program with these four high school classes. We just recently sent out applications and we interviewed 12 high school students for our student intern position. We will be talking to the 10/11 finalist tomorrow and have our first meeting. The first thing they're going to do is be trained for the water quality test that we do in Kids About Water. They will be training the adult community volunteers that will help us with the classes at Argentine Middle School. We're really excited about that. Then they will plan a water festival, water quality event at Kaw Point Park and that will be sometime in May.

We're excited about the grant Friends of the Kaw has had. This is our fifth grant from EPA. We've had three environmental justice grants and two education grants. We are just thrilled to have Pamela Houston. She's attended everything we've done. She's been a great help. It's been really nice. Thank you so much.

Richard Mabion, President of Kansas City, KS NAACP, said I'm really glad to be here. I've probably had a separate meeting with almost all of you. The ones of you who I haven't, I would really appreciate if you'd find time to sit down and talk to me so I can bring you up-to-date on what my vision is in this city. My vision is pretty much outside of the norm of what you all are doing but at least you'll be aware of the fact of what we're doing.

These people sitting here are here because of that vision of being able to educate our kids. My belief is that if we don't as a community, regardless of what everybody else is doing, if we don't as a community come together and teach our future generation to love science, they will be unemployable when they grow up. Of all the kids that applied for these jobs that they're hiring for, none of our black kids in the inner city applied. Now that raises red flags for me. We're

already going to take that into consideration and start figuring out a way to work that into a program that we can do and needs to be done in this city.

I am very pleased. I'll give you this explanation; she told you what they were doing. This is how I like to explain it. We're teaching high school students how to go to Wyandotte County Lake and a creek over in Merriam, KS, and learn how to scientifically test water. Seeing them with their test tubes and their thermometers, if you could see it, it's a sight to behold. I had them out there on a day that was chilly and they had hoodies on; Hispanic and black young men that are running around being criticized for the type of life that they live, standing out there scientifically testing water. Now that program came from these people sitting there and me.

Actually, I should have my back turned to them and I should be talking to the community because I represent the community. Everything I do is about you because those are the kids that live in our community and those are the kids that we need to save. I appreciate you for having us here. I appreciate you for giving us this proclamation. I appreciate all the people that are here working with us. All I'm saying is just keep your head to the sky because this is just a beginning.

Mayor Holland said well, that concludes the program. I do want to conclude by thanking Ms. Houston, friend and neighbor, for coordinating this. Let's give the whole group a hand for their help in this.

ITEM NO. 2 – 15328... RECOGNITION: KANSAS CITY KANSAS CONVENTION AND VISITOR'S BUREAU

Synopsis: Kansas City Kansas Convention and Visitor's Bureau received the Travel Industry Association of Kansas (TIAK) 1st Place award in the category of Print Marketing for newly redesigned Group Tour Planner.

Bridgette Jobe, Executive Director, Kansas City Kansas Convention and Visitor's Bureau, said we won first place for the Group Tour Planner. This is a marketing and planning tool that we use when we meet with group tour operators who are looking at bringing motor coach groups, student groups or senior travel to Kansas City, KS.

This is kind of the first piece when we start meeting with them to tell them a little bit about Kansas City, KS, give them some suggested itineraries and just help them start the conversation with us. We use this at trade shows. In fact, I have a staff person leaving on the plane in the morning going to ABA, Kerry Green. Commissioner Philbrook's smiling because she knows Kerry's going. She'll be meeting with I believe 32 different motorcoach operators and this is one of the tools she'll be using when she meets with them.

This is on our website. It was designed to be an online tool but then we can also print it out as I've done for you tonight when needed. The reason we do it online is that is the way the majority of people are looking for information so if we're talking to someone on the phone, we can say hey, click on this. We can talk it through with them.

This award was presented at the Kansas Tourism Conference in October. I will tell you since 2010 when the Convention & Visitor's Bureau became the organization that it is today, we've have actually won seven first place awards. This is our seventh. We fully intend on being back every year with at least one more of these. Thank you very much for recognizing us.

Mayor Holland said thank you and congratulations on your good work. Let's give them a hand. We appreciate the evidence to substantiate the claim that you won first place.

Action: Recognition was given.

Ms. Godsil, Deputy UG Clerk, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning & Zoning Agenda. **Commissioner McKiernan** said I've had contact with proponents of SP-2015-73, with proponents of A-2015-12, and on the Non-Consent Agenda 3098.

Commissioner Philbrook said on the Non-Consent Agenda Item No. 3098 I've had contact with proponents.

PLANNING AND ZONING CONSENT AGENDA

Ms. Godsil read all the items on the Planning & Zoning Consent Agenda.

Mayor Holland asked if anyone on the Commission or in attendance tonight would like to have any item from the Consent Agenda removed. If any item is not removed, it will be voted on by a single vote. (There were no set-asides)

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 15217...CHANGE OF ZONE APPLICATION #3097 – WIL ANDERSON WITH BHC RHODES

Synopsis: Change of Zone from RP-5 Planned Apartment District to MP-2 Planned General Industrial District for industrial/commercial purposes at 7000 Kansas Avenue. The applicants want to rezone this property for an existing home that is currently used as an office in order to sell the property as a residence.

And

MASTER PLAN APPLICATION ITEM NO. 1 – 15217...MASTER PLAN APPLICATION #MP-2015-5 – WIL ANDERSON WITH BHC RHODES

Synopsis: Master Plan Amendment from Medium Density Residential to Business Park at 7000 Kansas Avenue. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-5. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3097 subject to:

Urban Planning and Land Use Comments:

1. When the dirt project was approved, it was stated that there was no guarantee of future industrial zoning. In fact it required new site plan approvals.
2. Only rezoning and changing the master plan for the area of improvements for parking.
3. A corridor planning process began for K-32/Kansas Avenue in October 2015. This plan, with input from the community as well as Bonner Springs and Edwardsville, will help to shape the

future of this area. It seems imprudent to make significant zoning and master plan changes during this process; any future development should be done with the results of this planning process in mind.

4. Any commercial or industrial development on this parcel, including parking, would necessitate significant screening from the adjacent residential properties. The landscaping buffer to the west needs to be more substantial than currently shown in order to soften the distinction between industrial use and residential.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Vehicle access is from Kansas Avenue only. Provide “Traffic Memorandum” describing volume of traffic expected, hours of operation, size of trucks, etc. as required to define and explain what traffic movements will be required for the proposed business operations.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: Provide Unified Government Public Works Department all data provided to KDOT. Public Works may have additional stipulations at time of Final Plan Review.

Applicant Response:

- The subject site, 7000 Kansas Ave. and the adjoining site to the east 7032 Kaw Drive, are both controlled/owned by the same group.
- They are in the process of amalgamating the two parcels as a single parcel.
- 7000 Kansas Ave., although it has legal access to Kansas Ave., the terrain and slope of the land as it currently stands is impossible for normal vehicle access to or from Kansas Ave.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3097 and MP-2015-5 subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 15299...SPECIAL USE PERMIT APPLICATION #SP-2015-73 – JENNIFER D. DUNN

Synopsis: Home Occupation Special Use Permit for a bakery for cupcakes at 335 North 15th Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-73, subject to:

Urban Planning and Land Use Comments:

1. No signs posted on the property.
2. No employees, other than members of the immediate family, residing on the property.
3. Due to limited parking availability, no more than one client at any one time.
4. Approval for two years.

Public Works Comments: None.

Business Licensing Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-73 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 2 – 15300...SPECIAL USE PERMIT APPLICATION #SP-2015-75 – BETH GREGORY

Synopsis: Special Use Permit for a kennel for four dogs at 3941 Springfield Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to keep three chickens and four dogs on .32 acres at 3941 and 3947 Springfield Street, two adjoining properties owned by the applicant's landlord. At the Board of Zoning Appeals meeting, the applicant withdrew her request for the chickens. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-75 for four dogs for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-75 for four dogs for two years. Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

VACATION APPLICATION

ITEM NO. 1 – 15301...VACATION APPLICATION #A-2015-12 – WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of an alley at 736 Shawnee Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to vacate a 15 foot wide alley between lots 21 through 26 and Lot 27, Block 33 of Armourdale to accommodate future uses and expansion for Crosslines. The Planning Commission voted 8 to 0 to recommend approval of Alley Vacation Application #A-2015-12, subject to:

Urban Planning and Land Use Comments:

1. Further work on the Crosslines site may not occur until Change of Zone #3098 and any preliminary plans have been approved.
2. If this area is to be used for anything but a buffer yard, it must be rezoned.
3. If approved, a \$50 ordinance publication fee will be required to be submitted.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Verify/clarify that no utilities exist within vacated alley. Existing gas line is located in alley. Existing utilities shall be protected and maintained.
 - b. Explain why this alley is being vacated.
2. Items that are condition of approval (stipulations): None
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Applicants Response:

1. Utilities do exist in the alley but will be protected and maintained as part of the ordinance.
2. The alley is being vacated to support development of the site for Crosslines.
3. Crosslines owns both sides of the alley and the only use of the alley is access to their property.
4. Crosslines has a plan to build a thrift center to support their efforts with the community.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #A-2015-12, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

MASTER PLAN APPLICATION

ITEM NO. 1 – 15217...MASTER PLAN APPLICATION #MP-2015-5 – WIL ANDERSON WITH BHC RHODES

Synopsis: Master Plan Amendment from Medium Density Residential to Business Park at 7000 Kansas Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-5.

Action: This item was previously heard with Change of Zone Application #3097.

MISCELLANEOUS

ORDINANCE AMENDMENT

ITEM NO. 1 – 15303...ORDINANCE AMENDMENT - SEC. 27-702

Synopsis: A new provision to Section 27-702 Planning and Development of Kansas City, Kansas Code of Ordinances, to amend the trees allowable for all new landscaping or for use as street trees, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment.

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

MISCELLANEOUS – PLANNING & ZONING (items previously approved)

ITEM NO. 1 – 040033...ORDINANCE VACATE UTILITY EASEMENTS

Synopsis: An ordinance vacating utility easements at 2146 West 39th Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-1-16**, “An ordinance vacating utility easements at approximately 2146 West 39th Avenue, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 2 – 15225... ORDINANCE VACATE ALLEY

Synopsis: An ordinance vacating an alley (#A-2015-11) at 1122 Southwest Boulevard, submitted by Robin H. Richardson.

Action: **ORDINANCE NO. O-2-16**, “An ordinance vacating an alley at approximately 1122 Southwest Boulevard, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

MISCELLANEOUS – PLANNING AND ZONING ORDINANCE (dependent of E-1))

ITEM NO. 1 – 15303... ORDINANCE: ALLOWABLE TREES

Synopsis: An ordinance requiring the Director of the Parks Department to maintain a list of allowable and prohibited landscaping trees and street trees; amending Section 27-702 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-3-16**, “An ordinance requiring the Director of the Parks Department to maintain a list of allowable and prohibited landscaping trees and street trees; amending Section 27-702 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 15297...CHANGE OF ZONE APPLICATION #3098 – WIL ANDERSON WITH BHC RHODES

Synopsis: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District for a new commercial building at 736 Shawnee Avenue, submitted by Robin H. Richardson. The applicant is seeking a rezoning of the parcel in order to use it for the purposes of the Crosslines organization. With the rezoning application, preliminary plans for any proposed buildings are required. The proposed commercial building, for future use as the organization’s thrift store is included in the submittal. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3098, subject to:

Urban Planning and Land Use Comments:

1. Any development on the parcel once zoned CP-1 would be subject to Plan Review and Development Review Committee processes prior to approval.

2. The current elevations do not meet the Commercial Design Guidelines. Building and site must meet the Commercial Design Guidelines, including 360 degree building architecture, masonry material requirements, rooftop electrical screening, and landscaping requirements prior to approval for future preliminary and final plan reviews. Refer to Section 27 Division 5, Subdivision 4 for additional requirements.

(https://www.municode.com/library/ks/wyandotte_county_-_unified_government/codes/code_of_ordinances?nodeId=CH27PLDE_ARTVIIIIZO_DIV5OVDI_SDIVCODEGUOVDI)

Architecture

- (Sec. 27-576 c) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines. (Sec. 27-576 c)

- **Building Materials**
 - (1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

(2) Exterior building materials shall not include the following:

- a. Split shakes, rough sawn, or board and batten wood;
- b. Vinyl siding;
- c. Smooth-faced grey concrete block painted or stained concrete block, tilt-up concrete panels;
- d. Field painted or prefinished corrugated metal siding;
- e. Standard single-tee or double-tee concrete systems; or
- f. EIFS at the ground level or comprising more than 15 percent of any facade.

(3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.

(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

- Building roof

(1) Buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

(2) Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.

(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

- All downspouts must be internalized
- All roof mounted units must be screened by the parapet
- All signs must be approved and permitted separately by the Planning Staff

B) Lighting

- Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.
- Exterior parking lot lighting shall have 90 degree cutoff fixtures.

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): New entrance driveway on Shawnee Avenue shall meet Unified Government criteria of 40 feet minimum distance from right-of-way to new curb return radius of proposed driveway (see Unified Government Detail No. 4100-R).
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: Existing sanitary sewer main is located within alley running north/south and runs south to Shawnee Avenue.

Mayor Holland opened the public hearing and asked would anyone in attendance tonight like to come forward and speak in favor of Change of Zone #3098.

Jeff Means, KCMO, said I'm representing BHC Rhodes here in Wil Anderson's absence. I'm just here to answer any questions should you have it, hopefully I can.

Mayor Holland asked would anyone else like to speak in favor. Let the record show no one is coming forward.

Mayor Holland asked would anyone like to speak in opposition to this proposal. Let the record show no one is coming forward.

Mayor Holland closed the public hearing.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3098 subject to the stipulations.

January 7, 2016

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

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 15298...SPECIAL USE PERMIT APPLICATION #SP-2015-62 – ALICIA NAVA

Synopsis: Special Use Permit for six chickens at 4022 Silver Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to keep six chickens at her home at 4022 Silver Ave. on .14 acre. This application has been republished to include six chickens. Originally the application was for four chickens. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2015-62 for four chickens for two years subject to:

Urban Planning and Land Use Comments:

1. Since the October 12, 2015 City Planning Commission, have the two roosters been removed from the property? The two roosters that are on the property must be removed from the property immediately as they are not permitted by Code.

Applicant Response: Both roosters have been removed from the property.

2. How will chickens be kept on the property? Will they be in a fenced in area or stay within a coop at all times? If in a coop, will they move around the property or stay in a single location at all times?

Applicant Response: The chickens are in the backyard and they are in the coop and fenced area.

3. What are the estimated dimensions of the area that the chickens will take up on the property?

Applicant Response: The coop is 15' x 15'.

4. Please provide a drawing/image relating to where the chickens will be kept in relation to the home on the property, neighboring homes, property line and other structures.

Applicant Response: The applicant indicated on the aerial photograph that the coop is abutting the detached accessory structure in the northwest corner of the property.

5. Please submit a plan for how the chickens will be kept in addition to a plan to deal with waste from the chickens.

Applicant Response: The applicant stated that the waste is bagged and put out with the weekly trash.

6. Please address issues of feed and diet for the chickens. How will they be fed?

Applicant Response: The chickens are fed corn and grain.

Public Works Comments:

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

Staff Conclusion:

The property is simply too small; .14 acre to keep six chickens. While staff understands chickens do not require a lot space, the proximity to adjacent property owners may cause issues that will become problematic such as noise, noxious odors and dust.

Alicia Nava, 4022 Silver Ave., said the problem is I don't speak English. Before I came here, I asked for an interpreter but I don't see nobody. **Mayor Holland** said I understood there would be an interpreter here as well.

Rob Richardson, Director of Planning, said I was under that impression as well. I didn't realize that she... **Commissioner Philbrook** asked can I recommend that we put this off until the next time then until we have an interpreter because I want to be able to talk to her readily and have her be understood. **Mayor Holland** said okay. I think we do need to push this forward. That would take a vote of the Commission. **Mr. Richardson** said the date I believe would be February 25th.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Townsend, to postpone Special Use Permit Application #SP-2015-62 to February 25 in order to have an interpreter present.**

Commissioner Walker asked why. **Commissioner Philbrook** said because I have some questions for her and I want her to understand my questions and I think she needs to be understood too. She has that right.

Commissioner McKiernan said I would just request that we exhaust everything in our power to make sure that if we promise an interpreter that there is in fact one here present. **Mr. Richardson** said we discussed it at Planning Commission with the interpreter and I'm sorry they didn't follow through. The interpreter was here for Planning Commission.

Commissioner Murguia said we're very sorry for no interpreter. My Spanish is not good. Next time can you come back here? **Ms. Nava** said yes.

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

Mr. Richardson said I apologize for that oversight. I thought it was taken care of when we discussed it at the end of the Planning Commission Meeting, but we'll make sure it doesn't happen again.

MISCELLANEOUS PLANNING AND ZONING

ITEM NO. 115290... PLANNING AND ZONING

Synopsis: Update on K-32 Corridor Plan, Rosedale Master Plan and Rewrite

Rob Richardson, Director of Planning, said tonight, the last item on the Planning Agenda is an update on the three major projects going on right now in the Planning Department. Tonight's update will simply be to inform you of the upcoming public meeting dates. The consulting teams have been working on the next round of public meetings.

For the Rosedale Master Plan update, those next meetings are next week, January 13th and 14th. One is at noon and one is at 6:30 p.m. For the Tri-City Master Plan and Quiet Zone, the public meetings will be January—I think I have those reversed actually. The advisory committee meeting will be January 19th at 5 p.m. and then the public meetings are on the 21st and 27th at Bonner Springs and Edwardsville Community Centers.

There is a specific quiet zone update that will come to the Board of Commissioners next month to the Public Works & Safety Standing Committee on the 22nd. I believe the Commission meeting for that item would be on March 10th and that's specifically to the quiet zone portion of that. That part of the study, you'll recall, is advancing faster than the land use and redevelopment portion of the study.

For the sign code rewrite, the public meetings will be January 20th & 21st. One will be at the Argentine Community Center and the other will be here at City Hall. We're moving these around the community so that everybody will have a chance to put input on those.

The last meeting in February will be on—before we meet again will be on February 6th at 8 a.m. at the Neighborhood Resource Center. We'll be doing an in-depth update on the public meetings and where the planning process is to the Planning Commission members. We invite our Planning Commission and then for the K-32, we also invite the Bonner Springs and Edwardsville planning commissioners to attend that as well.

Your next monthly update will be February 25th at our next Planning meeting. We've committed to updating you each month. I'm going to put up the web resources for each of the

plans right now. If anybody would like to find out more about these, those websites that are on the screen here will get you the information. On the sign code, you can contact me. We don't have a separate website for the sign code.

Mayor Holland said I understand next month, you'll give us a little more comprehensive update on how the public hearings have gone. **Mr. Richardson** said that's correct. Actually I believe the sign plan might even have a draft of the ordinance out by that time but it'll be close. We might be able to talk about that. **Commissioner Murguia** said Rob, can you make sure that those dates get to the Diana in our office so we can get them on our calendar. **Mr. Richardson** said sure.

Action: For information only.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if anyone in attendance tonight or any Commissioner would like to remove an item from the Non-Planning Consent Agenda. If any item is not removed, it will be voted on by a single vote.

ITEM NO. 1 – 15335... ROSEDALE PLACE 2ND PLAT

Synopsis: Plat of Rosedale Place 2nd Plat, located at 11th Street and Merriam Lane and being developed by Ronald Buck, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

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

ITEM NO. 2 – MINUTES

Synopsis: Minutes from special sessions of December 10 and 17, 2015.

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 17, and 24, 2015.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 15310...HEARING/ORDINANCE: LEGENDS APARTMENTS CID

Synopsis: Conduct a public hearing to consider the creation of The Legends Apartments Community Improvement District to include levying a CID sales tax and issuing Special Obligation Bonds, submitted by George Brajkovic, Economic Development Director. The proposed Legends Apartments and Garage CID is a \$50M development to include a three-story parking garage with 240+ units of luxury, market rate apartments above. The public hearing was originally scheduled for December 17, 2015. Due to errors/omissions in documents, the public hearing was to be advertised correctly with a new public hearing date of January 7, 2016.

George Brajkovic, Economic Development Director, said we originally were tracking two public hearings, one for the CID or the Community Improvement District, and then a separate one for the use of the Industrial Revenue Bonds and the corresponding PILOT tax abatement. We had an error on the publication for the IRB; however, the request is the publication and notice requirements for the CID are so extreme that we want to keep the CID public hearing on track for tonight since we’re good to go on that end. Hopefully that fits with everyone else.

What are we here for tonight?

- R-116-15 set January 7, 2015 as a Public Hearing date to consider proposed CID
- Conduct Public Hearing
- Pass Ordinance creating CID

What are we here for tonight? On the January 7th meeting, you, as a body, approved our Resolution R-116-15 setting tonight as the public hearing for the CID. That's what we're hoping to do then. I'll do a quick presentation, open and close the public hearing on the matter, and if you see so fit at the end of that public hearing and comment period, pass an ordinance actually creating the CID.

Proposed Development



January 7, 2016

Project Details

○

- Development Team – EPC Real Estate, Legacy Development, and KKR
- \$50M Capital investment
- 3 story Parking garage
 - Public parking (350 spaces minimum) vs. private
 - Bridge connection to existing garage
- 240 unit, luxury, market rate Multi-family
 - 1 & 2 bedroom units

The proposed development, we were here just in November of 2015 to approve the development agreements. I don't have a lot in tonight's presentation on the development itself, just kind of some recap. Before I go into that, let me make a few quick introductions of the developer's team. Steve Coon is here with EPC, representing the multifamily developer. Dave Claflin is here with Legacy Development. They are the current property owners. John Hansen with Integra has been a financial advisor for the developer on this plan, and John Snyder with Dentons is the developer's attorney on this.

Again, the development itself is a fantastic project. It introduces a three-story parking structure and about four to five stories of 240 units of luxury, market rate apartments. We love this project because it brings permanent residents, residential folks into the Legends area. We think it only bolsters the retail and restaurant opportunities that already exist there. In addition, the project scope is large enough that within the parking garage, it allows for some components of additional public parking spaces which we think are very much needed out in that retail center.

With that, I think I've already made the introductions on the team. It is about a \$50M total capital investment.

Again, on the parking garage, we really want to differentiate between the public and the private parking spots. We think it's going to be about 600 total parking spots, but at a minimum, 350 of those have to be made available for public parking and that's going to tie into what the CID funds can be used for. That will come in a later slide. On the private side, we're

expecting—there have been some early discussions with Planning, at least one parking space per unit. We think that's where we'll get to that total of about 600 spaces. Again, a bridge connection to the existing garage as well. The project, again, is 240 units of luxury, market rate, all one and two bedroom units by design.

Project Budget	
DEVELOPMENT COST ITEM	DEVELOPMENT COST
Land, Building and Garage Construction	\$ 41,427,676
General Conditions	\$ 1,315,000
Professional Services (Eng, Arch, Consult, Legal)	\$ 1,777,810
Financing Costs (Construction Interest Carry & Closing)	\$ 1,114,495
Development Fee	\$ 2,118,304
Hard Cost Contingency	\$ 1,230,212
Soft Cost Contingency	\$ 820,142
TOTAL DEVELOPMENT COST (TOTAL PROJECT BUDGET)	\$ 48,803,038
CID PROJECT COSTS REIMBURSABLE TO DEVELOPER	
Garage Development and Construction Costs*	\$ 13,250,000
Sidewalk, Signage, Connectivity and Off-Site Costs	\$ 750,000
TOTAL CID PROJECT COSTS	\$ 14,000,000

Project budget, I pulled this from the CID petition that was filed by the developer. You see it's roughly \$50M. The second table on this page really kind of outlines what are the CID eligible costs then. The bulk of it goes towards the garage development and construction costs, and then there is a line item for finishing sidewalks that weren't completed and signage in terms of wayfinding and connectivity within the development.

Requested Incentive Structure

- **IRBs**
 - Expected issuance amount \$50M
 - 10 year PILOT, based on prospective market value
 - 2014 Base taxes – annual estimated \$9k
 - Year 1 PILOT projected \$300k
- **CID**
 - 0.6% sales tax add-on, would move total sales tax to 10.325%
 - Proposed District boundaries
 - Eligible expenses, CID Cap \$14M

With that, again, I mentioned earlier there are two incentives here, the IRBs and the CID. I'll just touch on this IRB portion very quickly. Again, the expected issuance amount is \$50M. That qualifies the project for a ten-year PILOT. Again, keep in mind as we've been doing these multifamily projects, we're not really granting them a tax abatement percentage, we're factoring in what we think is the market rate value of that and locking in with the developer a negotiated 10-year PILOT amount.

What I wanted to note for this particular piece of ground, it's about roughly, a little over two acres. When we first started discussing this project with the developer, that tract of ground was roughly producing \$9,000 in annual property taxes. In year one of the PILOT it's projected at \$300,000 so a fairly significant increase in annual property tax. We'll get into much more detail. We're expecting the IRB public hearing to be before you on January 28th, and we'll give you as much detail on that as you want.

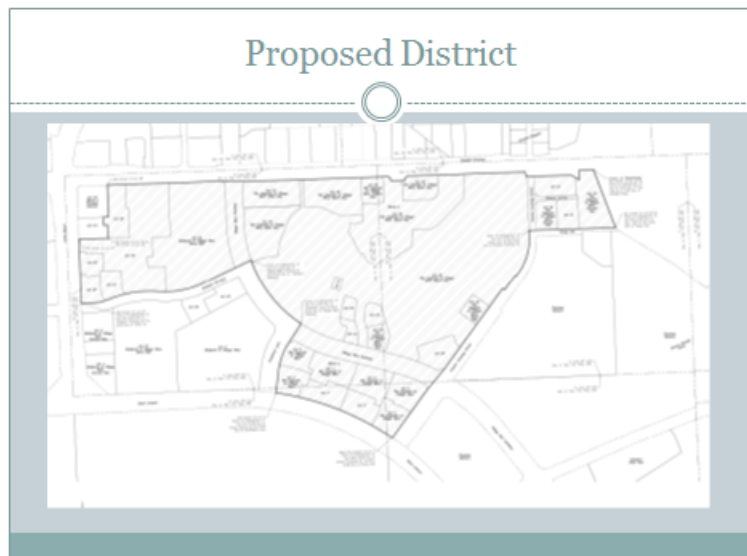
What we're here for tonight though is on that CID. It is a 0.6% sales tax add-on. It would move the total sales tax within the affected area to 10.325%. I've got some slides coming up here that talk about the actual district boundaries. The slide previous, even though a CID is written pretty broadly and there's a lot of development costs that can be captured by it, our agreement specifically talks about use only, again, for public parking spaces and the sidewalks and signage.

CID Process

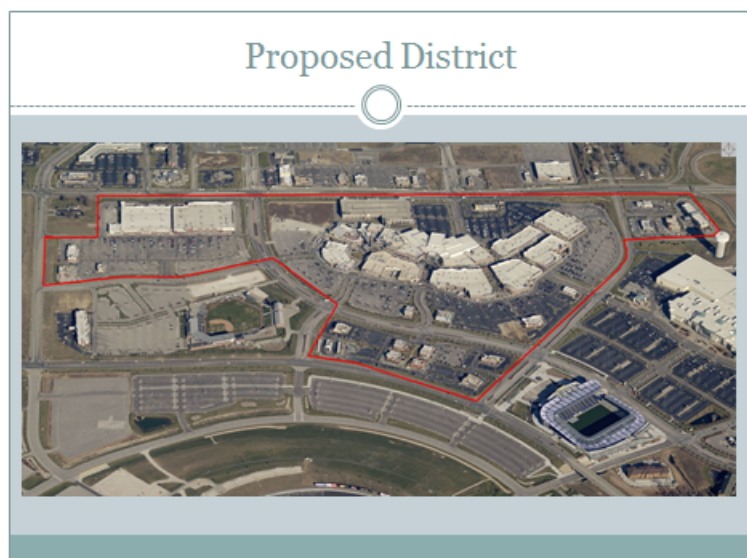
- **File CID Petition – December 10, 2015**
 - Signed by owners of more than 55% of land area within proposed CID
 - Signed by owners of more than 55% of the assessed value of property within the proposed CID
- **Adopt Resolution setting a PH – R-116-15**
 - Publish Resolution in official publication for two consecutive weeks
 - Send copy of resolution via certified mail to all property owners within proposed CID
- **Conduct Public Hearing**
- **Pass Ordinance creating CID**

Just to kind of refresh everyone, it's been awhile since we've been before you to establish this CID. I kind of want to talk real quickly about the process. It kind of starts with a CID petition being filed with the Clerk's Office and to file a valid petition it has to meet two factors. One, it has to be signed by the owners representing more than 55% of the landownership within the affected area. Additionally, it also has to represent 55% or more of the total assessed value within the district. Their petition, as filed, met both of those criteria.

The next step then is coming back before this elected body. You can't just call a public hearing. You have to do it via a resolution and then you have to have publication of that resolution in two consecutive weeks in our official publication. Additionally, you have to send a copy of that resolution via certified mail to all the property owners within the district. We got to do both of those twice. Conduct a public hearing. That's obviously what we're here for tonight and ultimately, again, if you see fit, you pass an ordinance which actually creates that district.



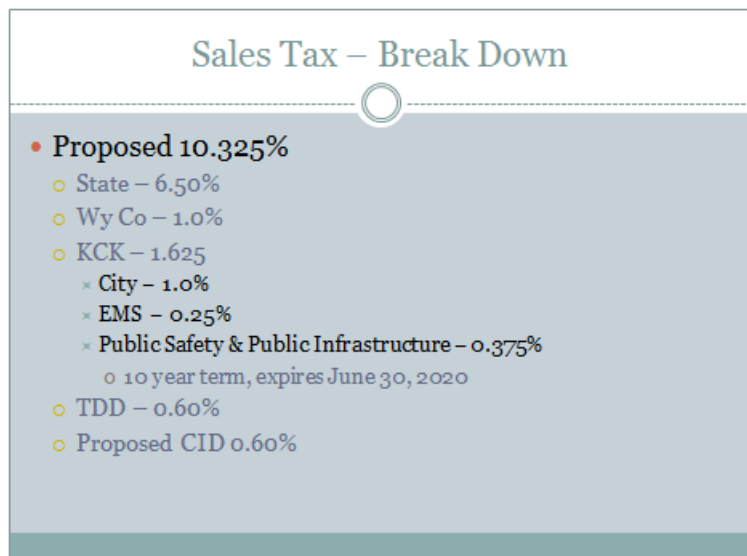
The proposed district. On the north or the top side of the page is Parallel. You see on the west end or on the left-hand side of the page is 110th Street. In the middle, you'll see Village West Parkway intersects. This is the map we use when we go to publish this. Believe it or not, it's actually kind of easier to read in a publication but for tonight, we decided to overlay that onto an aerial so everybody can actually see what it actually represents.



I'll move left to right in this image. Left again is 110th Street. You see the two big facilities of JC Penney and Target, then you kind of move into The Legends Shopping Center including the theatre, then just south of that are the row of restaurants that front State Avenue and then over towards the IHOP and Culvers, ending right short of the ramp there for 435. That is the

January 7, 2016

proposed district. It doesn't include Cabela's, Nebraska Furniture Mart, Sporting Park or Community America Ball Park.



I mentioned earlier that this 0.6% sales tax add-on would take the total sales tax in that affected district to 10.325%. This is merely just a breakdown of what numbers or what are the factors within that total. Again, the state last July bumped up to 6.50%, the county is initial 1%, the city of Kansas City, KS is the 1.625%, and then we subset off that 1.625% to show, again, the city share .5-1%, dedicated EMS is another 0.25%, and the Public Safety & Public Infrastructure is an additional 3.75%. A quick note there, that was approved for a ten-year term which is set to expire in June of 2020. There is an existing TDD or Transportation Development District overlay within this area. That was previously approved by a previous governing body and that is 0.60% and then, of course, what we're considering tonight is that additional 0.60%.

Local Sales Tax Comparisons	
•	NFM/Cabela's TDD – 9.225%
•	Plaza at the Speedway TDD #1 – 9.725%
•	Happy Foods TDD – 10.125%
•	Plaza at the Speedway TDD #2 – 10.125%
•	Prescott Plaza TDD – 10.125%
•	Metropolitan Ave CID – 10.125%
•	Wyandotte Plaza CID – 10.125%
•	New CID District – 10.325%
•	39 th & Rainbow CID #2 – 10.375%
•	Schlitterbahn CID – 11.125%
•	Downtown Hotel CID – 11.125%

I wanted to do a quick comparison of where does this 10.325% stack up or how does it stack up compared to other developments within the county. I started with NFM or Cabela's.

Let me back up for just a second. On that previous slide, if you consider all the jurisdictions that are in that sales tax, except for the incentives, our total sales tax is 9.125%.

In looking at some of the established retail centers that have either a CID or a TDD established, this list is pretty comprehensive of what that total sales tax is within those districts. As you can see, NFM and Cabela's have just that 1.10% TDD add-on. As you flow through, you see a lot of those projects are at about 10.125%. As you probably remember in a lot of the discussion a couple of years ago was we were always wanting to stay under that 10% mark and we did, again, until the state adjusted their rate in July from 6.15% to 6.5%. I've got a slide following this that shows we're not the only community that's in this new 10% plus range. Unless you have specific questions, again I just wanted to show the special districts that we have in terms of sales tax.

Metro-Wide Sales Tax Comparisons

- Lenexa City Center CID – 10.100%
- Olathe Point TDD – 10.225%
- Shawnee Plaza TDD – 10.225%
- **New CID District – 10.325%**
- Mission Crossing CID – 10.350%
- Overland Park Corbin Park CID – 10.350%
- Overland Park Prairie Fire CID – 10.350%
- Country Club Plaza TDD – 8.85%, 10.850%
- Zona Rosa TDD – 9.475%, 11.475%

If we take a look at the metro wide impact, again, I mentioned a lot of these new projects are all over 10% starting at Lenexa City Center. You see where we're; again, in bold is the new district we're proposing all the way down through some of the Overland Park projects: Corbin Park, Prairie Fire. The very last two are Kansas City, Missouri, projects. There are two numbers listed there because in Kansas City, Missouri, you pay a sales tax for general purchases and when you buy prepared food, there is a different sales tax rate.

If you look at the Country Club Plaza, if you go make a purchase at a clothing store, you're paying 8.85%. If you go out to eat, you're paying 10.85%. Corresponding numbers, again, for Zona Rosa, make a purchase, you're just under 9.5% but if you get something to eat, you're at 11.475%. I wasn't really sure how to represent that accurately other than to list those out and really make it as apples to apples as we could.

What are we here for tonight?

- R-116-15 set January 7, 2015 as a Public Hearing date to consider proposed CID
- Conduct Public Hearing
- Pass Ordinance creating CID

Then ending back again with that slide of what we're here for tonight to consider that.

Mayor Holland opened the public hearing.

Mayor Holland said asked if there's anyone in the attendance tonight who would like to speak in favor of this project. Let the record show no one came forward.

Mayor Holland asked is anyone in the attendance tonight who would like to speak in opposition to this project.

Randy Fickel, Plano, Texas, Vice President & Associate General Counsel, JC Penney Corporation, said I'm here on behalf of JC Penney Corporation to object to the inclusion of the JC Penney store at the Legends at Village West in the Legends Apartment Garage Community Development District. Mainly, we understand that the benefit to us would be the additional parking spaces, however, we feel like with the developer we currently worked with for our store, we have sufficient parking right in front of our store where people do not have to cross a four lane divided road from another parking garage to get to it.

We also feel like it penalizes our core customers by imposing an additional sales tax on their purchases at our store and they don't derive any benefit from that additional tax. We also

feel that it puts us at a competitive disadvantage to some of our key competitors who just on the other side of Parallel Parkway are going to be subject to a lesser state sales tax.

I remember based on a research, I think the Kohl's and the Walmart will be subject to a 9.725% rate, which is what we're currently subject to. For those reasons, with respect to our core customers and not wanting to penalize them or force them to pay an additional tax rate because they can certainly shop with their feet and go to another competitor that has a lower tax rate and because of the potential competitive disadvantage it creates for JC Penney, we would like to say that we would not want to be a part of this district.

Mayor Holland closed the public hearing.

Action: **ORDINANCE NO. O-4-16**, "An ordinance authorizing the creation of the Legends Apartments Community Improvement District in the city of Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; levying a Community Improvement District sales tax within such district; authorizing the issuance of Special Obligation Bonds; and providing for the method of financing the same." **Commissioner Walker made a motion, seconded by Commissioner Kane, to approve the ordinance.**

Commissioner Philbrook said I have questions. I guess when you were asked if you wanted to sign on for the CID, you guys did not. **Mr. Fickel** said that is correct. **Commissioner Philbrook** said I want to know who all did sign and who didn't. I'm going to ask George. **Mayor Holland** said we'll ask George to answer that question. **Commissioner Philbrook** said well, I want to get a little better feeling for this if you don't mind. **Mr. Brajkovic** said sure. I didn't bring that list with me to determine who. I can tell you that they've met the 55% requirement. I don't know if John Hansen or John Snyder knows off the top of their heads who elected to participate and who didn't. We can certainly get that information and follow-up with it.

Commissioner Philbrook said these are all businesses that we've asked to come be businesses in our area. Just because we have 55%, and don't get me wrong, I'm not anti-CID

because they're wonderful. I just get a feeling that sometimes we railroad things a little bit and I don't want to get into those murky waters. **Mr. Brajkovic** said sure.

I don't know if maybe we can't address your specific question about who chose to participate and who didn't. I don't know if—and Dave and I don't want to put you on the spot either, but I know if you want to make the comment about retail sales and what a 0.60% difference means, you know, just to—**Commissioner Philbrook** said I know it didn't hit Nebraska Furniture Mart. They'd probably be griping at us if they had been included in the CID-**Mr. Brajkovic** said correct. **Commissioner Philbrook** said because it would have hit their larger items. That's why I'm asking. We have a lot of retailers that are selling items very similar to his and that's why I'm asking. **Mr. Brajkovic** said that's correct and I appreciate the question. Again, if we're looking at say a \$100 purchase, that 0.60% difference equates to \$0.60. We didn't go and individually, I guess, survey every participant. **Commissioner Philbrook** said but that would be on your list. You would know that. **Mr. Bynum** said sure. **Commissioner Philbrook** said when you have to do a CID, either you signed or you didn't in your group.

Mr. Brajkovic said I can tell you the two property owners that signed the petition. One is RED and KKR, who own the majority of the development. We also signed because we included the theatre and at that time we were the owners of the theatre. Those two property owners alone represent both of the 55% scenarios that are required. **Commissioner Philbrook** asked how much percentage is RED along with the other for the total. Do you know? **Mr. Brajkovic** said I don't remember off hand. **Mr. Snyder** said about 60%. **Commissioner Philbrook** said I appreciate that information.

Commissioner McKiernan said I do want to say that I appreciate your position. I understand where you're coming from. I understand your concern about the distance of the parking from your store, but let's look at the flip side of that and make sure we get that on the record as well. These new apartments will bring in close proximity to your store a number of potential new customers who you can attract to your store. I would argue that there is certainly the possibility that your store could benefit from this as well as any other store out there. I just want to make sure that we have on the record that these apartments will bring 240 units worth of people, which will certainly be more than 240 people to a very close proximity of your store. **Mr. Fickel** said no question. JC Penney hopes that every one of them decides to shop at JC Penney and not go

across the street to Kohl's. I don't disagree with that. Just quickly—**Mayor Holland** said hold on sir. We have closed the public hearing. Unless there is a direct question from a commissioner or you'd like to hear him answer the question. **Commissioner Philbrook** said I'd like to hear him answer the question. **Mayor Holland** said go ahead and make your comment. **Mr. Fickel** said in response to the comment about 0.60% rate on \$100 being \$0.60, because I'm the Associate General Counsel of Tax at JC Penney, I will tell you that people look at what they pay in taxes and people focus on what the taxes are. Does Kansas have a sales tax holiday? **Mayor Holland** said no. **Mr. Fickel** said in Texas we have a sales tax holiday where for one weekend you can make purchases and you don't have to pay sales tax. Sales tax in Texas averages around 8.25%. I can guarantee you if we sent somebody a coupon for 8.25%, they wouldn't get off the couch to spend it; but if you tell them they don't have to pay the government 8.25%, they'll turn out in droves. It's human nature. At a certain point, people will decide with their feet not to pay a little extra in taxes.

Commissioner Walker asked did JC Penney receive any tax incentives or other kinds of incentives when they built, Mr. Bach. **Doug Bach, County Administrator**, said they were not a direct recipient of any type of incentive to the deal, however, it was a STAR Bond District so all the land was accumulated and purchased and then reimbursed from STAR Bond dollars. They were a recipient of a land deal which was reflective of us putting together all of the STAR Bond area. **Mayor Holland** said JC Penney and Target were later excluded from the Star Bond District. Is that right? **Mr. Bach** said yes, sir. **Commissioner Walker** said move the question. **Mayor Holland** said we won't take a vote on the question. We will go directly to the vote.

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

Mayor Holland said help me understand what we're doing with the IRBs. We are not doing that tonight but the way we announced it, we need to announce it a different way, Mr. Bach. **Doug Bach, County Administrator**, said, Mayor, it really comes down to the publication. We had announced that we would move it to the next, but bond council informed us that it is a publication requirement. I believe Mr. Brajkovic is clear on that, that we're just moving to a new

publication and that will put it for our next meeting when we'll be able to come forward and have that. **Mayor Holland** said the IRB to complete this process will come before us on January 28th. We will not consider that tonight.

ADMINISTRATOR'S AGENDA

No items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 15274...ORDINANCES: WYANDOTTE PLAZA SPECIAL OBLIGATION REFUNDING BONDS, 2016

SYNOPSIS: Two ordinances regarding the Wyandotte Plaza refinancing, submitted by Lew Levin, Chief Financial Officer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, on January 4, 2016. It was requested, and approved by the Mayor, that this item be fast tracked to the January 7, 2016 full commission meeting.

- Authorizing the financing of the redevelopment of Wyandotte Plaza shopping center for economic development purposes and authorizing the issuance of Special Obligation Bonds of the Unified Government to pay the costs thereof. (This ordinance amends the prior authorizing ordinance adopted 7/12/12, increasing the financing authority from \$7,125,000 to \$13,860,000 plus interest, which is consistent with the project authority.)

- Authorizing the issuance of Special Obligation Refunding Bonds for the Wyandotte Plaza Redevelopment Project, Series 2016, in the maximum principal amount of \$15,900,000, including interest, of the Unified Government of Wyandotte County/Kansas City, Kansas, for the purpose of refunding certain bonds.

Action: **ORDINANCE NO. O-5-16**, “An ordinance amending O-43-12 and authorizing the financing of the redevelopment of the Wyandotte Plaza Shopping Center for economic development purposes; and authorizing the issuance of Special Obligation Revenue Bonds of the Unified Government to pay the costs thereof.” **Commissioner**

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

Action: **ORDINANCE NO. O-6-16**, “An ordinance authorizing the issuance of Special Obligation Refunding and Improvement Revenue Bonds (Wyandotte Plaza Redevelopment Project), Series 2016, in the maximum principal amount of \$15,900,000 of the Unified Government Of Wyandotte County/Kansas City, Kansas, for the purpose of refunding certain bonds and funding costs of certain improvements; and making certain covenants with respect thereto.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR HOLLAND
ADJOURNED THE MEETING AT 8:12 P.M.
January 7, 2016**

Carol Godsil
Deputy UG Clerk

tpl

January 7, 2016

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

SPECIAL SESSION, THURSDAY, JANUARY 28, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, January 28, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Ken Moore, Chief Legal Counsel; Lew Levin, Chief Financial Officer; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Renee Ramirez, Director of Human Resources; Shakeva Christian; Human Resources; and John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, January 28, 2016, at 5:00 p.m. in the 9th floor conference room of the Municipal Office Building for an executive session regarding labor and land acquisition. Immediate following will be a special session in the 5th floor conference room regarding the jail study, Healthy Campus update, and the Water Pollution Control (WPC) rate structure.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in

such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to go into executive session for 30 minutes regarding labor and land acquisition. Motion carried unanimously.

Mayor Holland reconvened into Special Session at 5:30 p.m.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go back into executive session for 10 minutes. Motion carried unanimously.

Mayor Holland reconvened into Special Session at 5:44 p.m.

Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to go back into executive session for 5 minutes. Motion carried unanimously.

Mayor Holland reconvened into Special Session at 5:50 p.m.

Jail Study



Unified Government Of Wyandotte County/Kansas City, Kansas

**JAIL NEEDS ASSESSMENT AND FEASIBILITY STUDY
FINAL REPORT SUMMARY**

January 28, 2015



January 28, 2016

Mayor Holland said we've made a commitment at the Unified Government to study all three of our Public Safety Departments in a comprehensive manner. They represent about 60% of our budget and public safety is our top priority in Wyandotte County and we want to make sure we're looking at every aspect of these departments in terms of how to most affectively provide public safety to our community, not only to protect our community, but to protect our employees and so this is a big part of that. We appreciate all the work that has gone into this study.

I would ask, Gordon, as we do introductions we also have some dignitaries in the audience as well who are not at the table and I want to make sure everyone gets introduced. I know we have Judge York here. I don't think she is a part of the presentation, but we're glad you are here Judge.

Gordon Criswell, Asst. County Administrator, said first we have a couple of our dignitaries here. I have asked Chief Judge Lampson to join you all as well as Sheriff Ash and District Attorney Gorman. I did offer the invitation of Judge York to join you all around the big table, but she refused and I couldn't convince her so that was her choice, but thank you Judge York for being here.

I will let the consultants introduce themselves individually, but what we have tonight is the final report of the Comprehensive Jail Assessment and Feasibility Study. Just by way of history this is Part 2 of the Feasibility and Assessment that we did earlier this year. You may recall that the same consultants came a few months back and gave you all an overview of the other processes related to our Criminal Justice System. The first part of their study they looked at processes in Community Corrections, the District Attorney's office and the courts; processes around those departments using the most evidenced based material and information to make decisions about folks who had gotten in trouble with the law. They gave you that overview a couple of months ago.

Tonight the focus will be on the physical recommendations around the jail and the juvenile facility and what they are recommending for you all to consider as it relates to doing something differently with the Juvenile Detention facility and our jail.

Dan Rowe, Treanor Architects, said with me is Bob Schwartz with HOK Architects in St. Louis. On the end are Bob Goble with Carter Goble Leaf and Chris Monsma also with Carter

Goble. Bob and Chris did a lot of the foundation work of the study over the past nine months to understand the system and so I'm going to have them talk for a little while just to kind of refresh that. We will try not to spend too much time. Feel free to tell us to move on down the road. There is a lot of very technical information that got us to some of these recommendations.

Secondly, I would like to compliment your system. Again, we four individuals only work within jail ports, juvenile environments, and so recognizing how your system is put together is unique, but it functions actually very well. The way in which you actually have an active group each week looking at how to remove someone from jail who shouldn't be in jail is a very unique aspect. Every system has its little bumps and things that work either well or not well, but the way in which your system is affectively reducing the population is very unique. It's actually not as typical within a lot of systems. If you see anything within this report that pokes at something that may have a negative or a way to improve, recognize overall your system is working exceptionally well. Again, the complimentary nature between your judiciary, the Sheriff's office, District Attorney all looking each week at who should be and who should not be in jail and making sure that those who are on a minor offense or who are safe to release to the public are being released is an excellent way to do it and it is a unique thing so I compliment that process.

Lastly, before I turn it over I think that some of the summary of this is that you shouldn't have juveniles in an adult facility and that is one of the first things you're going to see is a recommendation to remove juveniles from an adult facility and to put that service of juveniles be it detention or all the other community based services that juveniles need and take that out of your adult jail. There is just an incompatibility with that use. Beyond that it is one of the options for removing housing juveniles and how do you then adjust the backfilling of the adult jail with adult population to save you money and to get that system to work well.

With that I will open it up to Bob. Our document that is in front of you is 128 pages long. We will try not to bore you with all the detail. A lot of the information is here mostly so that if you have questions we can refer to it. Bob and Chris are going to cover these first seven tasks that were ordered by the RFQ and while we said to only go through this part in about five to fifteen minutes. It is a rehash for some of you on information you've seen, but its important foundation to lay the groundwork for that master plan.

Bob Schwartz, HOK Architects, said there is no six up there because six was the interim report that we gave you back in October so those are all substantive tasks that make up for what Chris and I will be talking about.



Unified Government Of Wyandotte County/Kansas City, Kansas

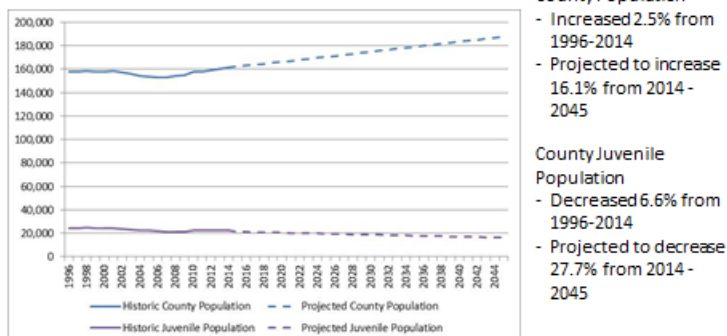
TASKS COVERED IN THIS SUMMARY SECTION

1. Evaluate main jail lockup area
2. Examine historical arrest trends
3. Examine jail data and provide projections
4. Evaluate pretrial and alternative programs
5. Project operational Costs
7. Analyze cost of court transport and potential cost savings



Section 1: Jail Needs Assessment

Wyandotte County Population

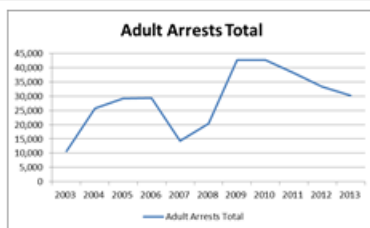


Chris Monsma, CGL Companies, said I'm a Statistician and I do our needs assessments and projection analysis. I'm trying to whittle this down as much as I can. I could talk about statistics all night and I'm sure you don't want to listen about statistics all night. We did work here about ten years ago which laid a nice foundation because I was able to use ten years of data from 1996

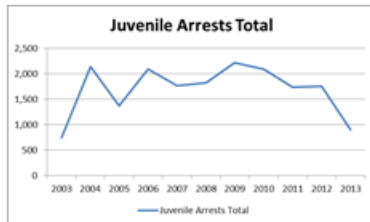
to 2006 and then added on to that data with the help of staff here to get us up to 2014. We look at many different factors when we do jail projections.

The first is demographics and here is your county population and throughout my presentation you will notice I will show adult on the top and juvenile on the bottom especially when I get further in with populations and admissions. The top line here again is your total population, bottom line is juveniles.

Annual Arrests



Adult Arrest Data from KBI Crime Index and Kansas City Police Department.
Annual Adult Arrests range from 10,698 (2003) and 42,712 (2010)

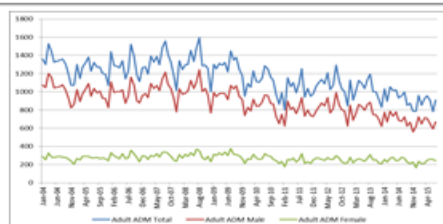


Juvenile Arrest Data from KBI Crime Index and Kansas City Police Department.
Annual Juvenile Arrests range from 743 (2003) and 2,214 (2009).

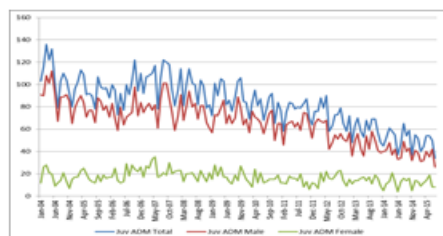


We looked arrests. Arrests are reported to the KBI. It peaked in 2010 and, again, adult on the top and juvenile on the bottom.

Jail Admissions (Monthly)



- Adult Admissions**
- Monthly Average = 1,163 (892 Male / 271 Female)
 - 2014 Monthly Average = 933 (691 Male / 242 Female)

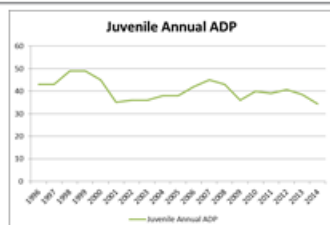


- Juvenile Admissions**
- Monthly Average = 83 (66 Male / 17 Female)
 - 2014 Monthly Average = 52 (40 Male / 12 Female)



We did get detailed monthly data which helped us in our projections tremendously, but those were 2004 forward and this is our admissions. Admissions had trended downward from 2004. Adult average population, we call ADP, has increased from 1996 and then on the bottom you will see this—I'm sorry this is the adult on the bottom here, but this is the monthly and this is where we will see some of the trends moving forward. I separated the adult in one slide for ADP and the juvenile the next slide.

Juvenile Jail ADP (Annual & Monthly)



- Annual ADP, Data extends back to 1996
- Overall trend is decreasing.
- Juvenile annual ADP decreased 20.3% from 1996 to 2014.

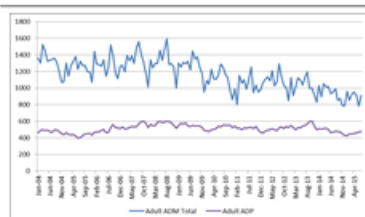


- Monthly ADP, Data from Jan 2004 to July 2015
- Illustrates monthly fluctuations and peaking

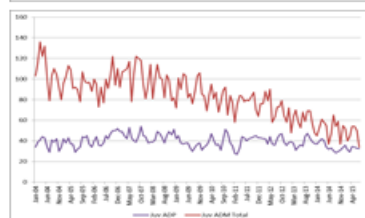


Your juvenile ADPs have remained relatively constant. It's a smaller population and it's a lot of small numbers and you're not going to see as much fluxuation. The fluxuation will be more pronounced I should say.

Jail Admissions and ADP (Monthly)



- Adult Monthly Data from Jan 2004 to July 2015.
- Admissions average 1,163 per month.
- Monthly ADP averages 510.



- Juvenile Monthly Data from Jan 2004 to July 2015.
- Juvenile admissions average 83 per month.
- Monthly juvenile ADP averages 39.

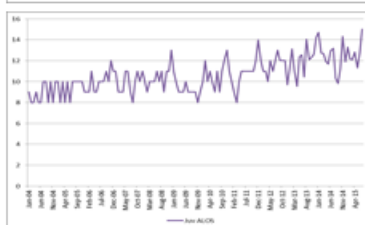


I show the admissions and ADP together to illustrate that just because admissions go one direction or another does not necessarily impact one to one your population and your jail.

Jail Average Length of Stay (Monthly)



- Adult Monthly Data from Jan 2004 to July 2015.
- Average ALOS from 2004-15 is 11.9 days.
- Average ALOS for 2014 is 10.6 days.



- Juvenile Monthly Data from Jan 2004 to July 2015.
- Average ALOS from 2004-15 is 10.6 days.
- Average ALOS for 2014 is 12.3 days.



Admissions and your length of stay will impact your ADP. Again, your admissions have decreased over time, but your population has increased in Wyandotte. This slide is your length

of stay. On the top is the adults and the bottom is juveniles. It's pretty consistent, a slight increase in the length of stay.

Jail Peaking (Monthly)

	2015	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Average
January	430	461	486	511	531	551	571	591	611	631	651	671	551
February	440	471	496	521	541	561	581	601	621	641	661	681	561
March	450	481	506	531	551	571	591	611	631	651	671	691	571
April	460	491	516	541	561	581	601	621	641	661	681	701	581
May	470	501	526	551	571	591	611	631	651	671	691	711	591
June	480	511	536	561	581	601	621	641	661	681	701	721	601
July	490	521	546	571	591	611	631	651	671	691	711	731	611
August	500	531	556	581	601	621	641	661	681	701	721	741	621
September	510	541	566	591	611	631	651	671	691	711	731	751	631
October	520	551	576	601	621	641	661	681	701	721	741	761	641
November	530	561	586	611	631	651	671	691	711	731	751	771	651
December	540	571	596	621	641	661	681	701	721	741	761	781	661
Average	477	508	533	558	583	608	633	658	683	708	733	758	583
3 Month Avg. High	540	571	596	621	641	661	681	701	721	741	761	781	661
Peaking Factor	1.15	1.25	1.35	1.45	1.55	1.65	1.75	1.85	1.95	2.05	2.15	2.25	1.55

Source: Virginia County Sheriff's Office, CGL, 10/1/2015

Adult Peaking

- 5.8% average
- 4.1% low
- 8.4% high

	2015	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Average
January	30	32	34	36	38	40	42	44	46	48	50	52	40
February	31	33	35	37	39	41	43	45	47	49	51	53	41
March	32	34	36	38	40	42	44	46	48	50	52	54	42
April	33	35	37	39	41	43	45	47	49	51	53	55	43
May	34	36	38	40	42	44	46	48	50	52	54	56	44
June	35	37	39	41	43	45	47	49	51	53	55	57	45
July	36	38	40	42	44	46	48	50	52	54	56	58	46
August	37	39	41	43	45	47	49	51	53	55	57	59	47
September	38	40	42	44	46	48	50	52	54	56	58	60	48
October	39	41	43	45	47	49	51	53	55	57	59	61	49
November	40	42	44	46	48	50	52	54	56	58	60	62	50
December	41	43	45	47	49	51	53	55	57	59	61	63	51
Average	36	38	40	42	44	46	48	50	52	54	56	58	44
3 Month Avg. High	42	44	46	48	50	52	54	56	58	60	62	64	52
Peaking Factor	1.15	1.25	1.35	1.45	1.55	1.65	1.75	1.85	1.95	2.05	2.15	2.25	1.55

Source: Virginia County Sheriff's Office, CGL, 10/1/2015



Juvenile Peaking

- 14.8% average
- 11.7% low
- 21.7% high

Jail 3-Day Snapshot Data

Day in Jail	Number of inmates					
	Over	Pretrial	Technical	Pretrial	Technical	Pretrial
1-2 days	1.2	0.2	0.2	0.2	0.2	0.2
3-4 days	1.2	0.2	0.2	0.2	0.2	0.2
5-6 days	1.2	0.2	0.2	0.2	0.2	0.2
7-8 days	1.2	0.2	0.2	0.2	0.2	0.2
9-10 days	1.2	0.2	0.2	0.2	0.2	0.2
11-12 days	1.2	0.2	0.2	0.2	0.2	0.2
13-14 days	1.2	0.2	0.2	0.2	0.2	0.2
15-16 days	1.2	0.2	0.2	0.2	0.2	0.2
17-18 days	1.2	0.2	0.2	0.2	0.2	0.2
19-20 days	1.2	0.2	0.2	0.2	0.2	0.2
21-22 days	1.2	0.2	0.2	0.2	0.2	0.2
23-24 days	1.2	0.2	0.2	0.2	0.2	0.2
25-26 days	1.2	0.2	0.2	0.2	0.2	0.2
27-28 days	1.2	0.2	0.2	0.2	0.2	0.2
29-30 days	1.2	0.2	0.2	0.2	0.2	0.2
31 days	1.2	0.2	0.2	0.2	0.2	0.2
32 days	1.2	0.2	0.2	0.2	0.2	0.2
33 days	1.2	0.2	0.2	0.2	0.2	0.2
34 days	1.2	0.2	0.2	0.2	0.2	0.2
35 days	1.2	0.2	0.2	0.2	0.2	0.2
36 days	1.2	0.2	0.2	0.2	0.2	0.2
37 days	1.2	0.2	0.2	0.2	0.2	0.2
38 days	1.2	0.2	0.2	0.2	0.2	0.2
39 days	1.2	0.2	0.2	0.2	0.2	0.2
40 days	1.2	0.2	0.2	0.2	0.2	0.2
41 days	1.2	0.2	0.2	0.2	0.2	0.2
42 days	1.2	0.2	0.2	0.2	0.2	0.2
43 days	1.2	0.2	0.2	0.2	0.2	0.2
44 days	1.2	0.2	0.2	0.2	0.2	0.2
45 days	1.2	0.2	0.2	0.2	0.2	0.2
46 days	1.2	0.2	0.2	0.2	0.2	0.2
47 days	1.2	0.2	0.2	0.2	0.2	0.2
48 days	1.2	0.2	0.2	0.2	0.2	0.2
49 days	1.2	0.2	0.2	0.2	0.2	0.2
50 days	1.2	0.2	0.2	0.2	0.2	0.2
51 days	1.2	0.2	0.2	0.2	0.2	0.2
52 days	1.2	0.2	0.2	0.2	0.2	0.2
53 days	1.2	0.2	0.2	0.2	0.2	0.2
54 days	1.2	0.2	0.2	0.2	0.2	0.2
55 days	1.2	0.2	0.2	0.2	0.2	0.2
56 days	1.2	0.2	0.2	0.2	0.2	0.2
57 days	1.2	0.2	0.2	0.2	0.2	0.2
58 days	1.2	0.2	0.2	0.2	0.2	0.2
59 days	1.2	0.2	0.2	0.2	0.2	0.2
60 days	1.2	0.2	0.2	0.2	0.2	0.2
61 days	1.2	0.2	0.2	0.2	0.2	0.2
62 days	1.2	0.2	0.2	0.2	0.2	0.2
63 days	1.2	0.2	0.2	0.2	0.2	0.2
64 days	1.2	0.2	0.2	0.2	0.2	0.2
65 days	1.2	0.2	0.2	0.2	0.2	0.2
66 days	1.2	0.2	0.2	0.2	0.2	0.2
67 days	1.2	0.2	0.2	0.2	0.2	0.2
68 days	1.2	0.2	0.2	0.2	0.2	0.2
69 days	1.2	0.2	0.2	0.2	0.2	0.2
70 days	1.2	0.2	0.2	0.2	0.2	0.2
71 days	1.2	0.2	0.2	0.2	0.2	0.2
72 days	1.2	0.2	0.2	0.2	0.2	0.2
73 days	1.2	0.2	0.2	0.2	0.2	0.2
74 days	1.2	0.2	0.2	0.2	0.2	0.2
75 days	1.2	0.2	0.2	0.2	0.2	0.2
76 days	1.2	0.2	0.2	0.2	0.2	0.2
77 days	1.2	0.2	0.2	0.2	0.2	0.2
78 days	1.2	0.2	0.2	0.2	0.2	0.2
79 days	1.2	0.2	0.2	0.2	0.2	0.2
80 days	1.2	0.2	0.2	0.2	0.2	0.2
81 days	1.2	0.2	0.2	0.2	0.2	0.2
82 days	1.2	0.2	0.2	0.2	0.2	0.2
83 days	1.2	0.2	0.2	0.2	0.2	0.2
84 days	1.2	0.2	0.2	0.2	0.2	0.2
85 days	1.2	0.2	0.2	0.2	0.2	0.2
86 days	1.2	0.2	0.2	0.2	0.2	0.2
87 days	1.2	0.2	0.2	0.2	0.2	0.2
88 days	1.2	0.2	0.2	0.2	0.2	0.2
89 days	1.2	0.2	0.2	0.2	0.2	0.2
90 days	1.2	0.2	0.2	0.2	0.2	0.2
91 days	1.2	0.2	0.2	0.2	0.2	0.2
92 days	1.2	0.2	0.2	0.2	0.2	0.2
93 days	1.2	0.2	0.2	0.2	0.2	0.2
94 days	1.2	0.2	0.2	0.2	0.2	0.2
95 days	1.2	0.2	0.2	0.2	0.2	0.2
96 days	1.2	0.2	0.2	0.2	0.2	0.2
97 days	1.2	0.2	0.2	0.2	0.2	0.2
98 days	1.2	0.2	0.2	0.2	0.2	0.2
99 days	1.2	0.2	0.2	0.2	0.2	0.2
100 days	1.2	0.2	0.2	0.2	0.2	0.2

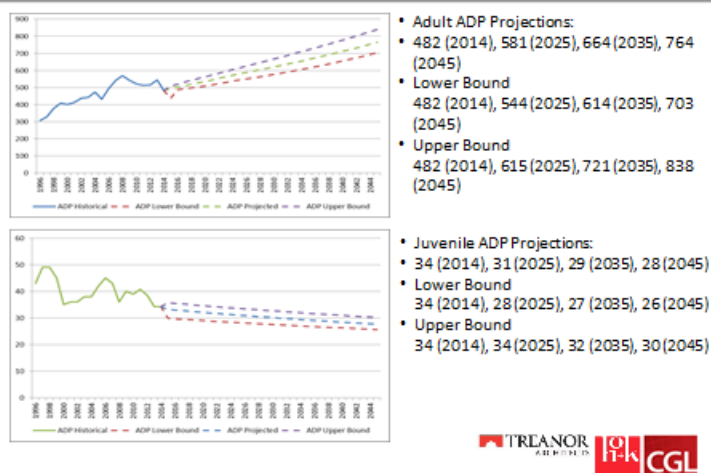
Snapshot Days

- July 20, 23, 25, 2015
- Pretrial Felons Exceeding the ABA standard for Case Disposition

2 Day Average Graphs						
Bond Amount	Number of Pretrial Practices					Technical Probation Violation
	Civil	Pretrial on Prob	Pretrial Misdemeanors	Pretrial Felon	Technical Probation Violation	
\$100 - \$400	6.0	0.7	4.9	0.0	0.9	
\$400 - \$4,000	0.3	1.7	1.9	60.3	1.7	
\$4,000 - \$10,000	0.0	0.0	0.0	1.0	0.0	
\$10,000 - \$20,000	0.0	0.0	0.0	16.5	1.0	
\$20,000 +	0.0	0.0	0.0	129.0	0.0	
Total	1.0	6.0	6.7	63.7	36.0	
	1.3	24.3	5.7	388.0	36.0	
Percent of Total						
\$100 - \$500	0.0	0.0	0.0	33	1	
POP Reduction	0.0	0.0	0.0	7.9%	0.3%	

Mr. Schwartz said that tracker is a way to help avoid overcrowding on a temporary basis. It accounts for the average of what the peaks were over several years so it adds a few more beds to the system, but it does then prevent you from having to get into difficult situations from crowding.

ADP Projections



Mr. Monsma said the ADP projections, the solid line, is your historical data and then projected out in the dash data. I do a recommended line which is in the middle here but then we also show an upper bound and a lower bound. We extended our projections out to 2045 for Wyandotte County and adult on top, juvenile on the bottom. We take in a peaking value and we also look at classification of inmates that may need to be separated because of John Doe or gang related reasons and to determine a bed space need and adult bed space need is projected to be at 847. That's our recommended for adults in 2045 and juveniles decreasing to 33.

Section 2: Operating Cost Analyses

Table 2-1
2014 System Annual Average Daily Population

Category	ADP Count
1. Adult Jail Inmates Housed	328
2. Adult Arrestees or Inmates in Jail Booking/ITR	37
Total Adult ADP in UG Jail	365
3. Farm-out Inmates in Leavenworth Facility	117
Total Adult ADP in Housing & Booking/ITR	482
4. Juveniles in Detention Unit	34
Total Adults & Juveniles Housed in UG Jail	362
Total Adult ADP in Jail and Leavenworth Housing	445

Source: Wyandotte County Sheriff's Office, October 2015

- Jail housing is now restricted to a maximum 330 adults but could increase with more staff.
- The daily throughput of the Booking/ITR could increase by removing the juvenile section.



Mr. Schwartz said the second part of what you asked us to do and I will try to summarize quickly because many of you saw this in October questions about cost. We start out by looking at what is the total count and the reason for 2014 is when we started this in 2015, 2014 is the first complete fiscal year of data that we could use. You can see the bottom line 445 total adult average daily population in the jail and Leavenworth Housing where you do the so-called farm-outs which averaged about 117 inmates for this past year. The two points here, the jail housing rate now as you see in this first bullet point is restricted to about 330 inmates even though the capacity physically could be more, the difficulty is the staffing. You don't have the staffing to be able to safely and securely manage more than that number so when it hits the high 320s they start moving. The other point there that is important, at the bottom throughput or the movement through your intake transfer for booking release area is something that could be increased substantially by removing the juvenile section. It got taken over years ago when you decided to put juveniles in what was designed as an adult jail and so part of what we saw in our analysis was that if you not only, as Dan alluded to, taking the juveniles out where they need to be and not just because it's something that somebody thinks is a good idea, but you would also stand to lose the opportunity for grants from the Department of Justice for the office of Juvenile Justice Delinquency Programs. They used to just say sight and sound separation, but now they actually really are pushing for physically separate in separate facilities. The good benefit of doing that though is also a benefit for the adult side of your jail because you can then recover the booking

and intake space that was taken over for juveniles and put it back to an adult process area and the same thing with the housing. You gain a significant number of housing beds for juveniles.

Section 2: Operating Cost Analyses

Table 2-2
2014 Jail System Annual Operating Cost

Expense/(Income) Category	Actual Expenses and Income
TOTAL	\$ 16,841,832
Cost Per Day Per Total Adult & Juvenile ADP at 516	\$ 104
Cost Per Day Per Total Adult ADP at 482	\$ 82
Cost Per Day Per Adult in UG Jail ADP at 365	\$ 90
Cost Per Day Per Juvenile in UG Jail ADP at 34	\$ 228
Cost Per Day Per Adult Farm-out ADP at 117*	\$ 46

- The total cost includes all Expenses and Income from fees, but no grants.
- The farm-out cost does not cover a full jail operation such as court movements, booking/intake/transfer/release, equivalent programs, etc.
- In 2014 over \$1.97 million was spent on farm-outs held in Leavenworth.



Here is the operating cost and you see \$16.8M is what we found for 2014. It includes all expense items and any income from fees as noted, but it doesn't include any grants that may be temporary grants that could come and go. The farm-out cost does not cover, this is an important point to understand, when you look at the cost of renting beds outside; all you're doing is renting the beds. It's like a secure hotel/motel. It does not cover that cost per day to operate a full jail operation that includes all the court movements, all the various transports that have to be made, the whole booking intake transfer, release functions, the programs that you provide for inmates and so forth. Its important people understand you can't take those two and make them equal. The cost of doing that would really go up significantly, much higher if there was a way to contract to even have a company that could do all those things and we don't see that really happening in the United States. You always see a separation between pretrial detainees and those that are sentenced doing local time. You see right there in 2014 there was almost approaching \$2M being spent on farm-outs held in the Leavenworth facility.

Section 2: Operating Cost Analyses

Table 2-3

2014 Inmate Transport Costs

Item	Cost or Quantity
1. Salary & Fringe	\$ 1,116,162
2. Gas/Travel	\$ 13,300
3. Maintenance	\$ 16,083
Total Cost	\$ 1,147,545
4. Vehicle Miles	112,808
Cost/Veh. Mile	\$ 10.17
5. Inmates Transported	6,651
Cost/Inmate Trip	\$ 132.65
6. Vehicle Trips	4,502
Cost/Vehicle Trip	\$ 254.90

Source: Wyandotte County Sheriff's Office, September 2015

- 2014 inmate transport cost is for all types of transport in and out of the County.
- In 2014 the Court Services Unit also escorted 6,993 inmates and arrestees to Court which was 45% of all inmate movements by the Unit.



Transport cost was one other question you asked us. You wanted to know what if you decided for whatever reason to walk away from the site that you have today and build a jail at a site and so we took a theoretical and said okay let's assume ten miles away so there would be about a 20 miles roundtrip between your courthouse and this theoretical new jail. Essentially we looked at—this is just all the costs of your existing transport operations which cover everything that the Sheriff's office does and all types of inmate transport. It was important for us to look at that because that's one model of example of what the cost factors would be to create a court transport service running everyday back and forth and you can see the numbers there for 2014 there were 6,993 inmates transported for court purpose.

Section 2: Operating Cost Analyses

Table 2-4

2014 Court Transport Cost Estimates for New Jail 10 Miles from County Courthouse

Components of Court Transport Cost	Results	Component	Total Cost
1. Assume new jail site 10 miles from Courthouse	20 mi./mid trip	Cost Per Veh. CL Trip	\$ 111,832
2. 2014 inmate & arrestee court appearance court's cost estimate basis	6,000	Equals 1,000 vehicle court trips @ 2014	
3. Ann. Veh Trips 2 Mini-Buses @ 251 Court Days @ 4 mid. trips each/trip/day	2,008	Transport volume of \$44 per vehicle trip	
4. Ann. Veh Mileage for 251 Court Days @ 8 total mi d. Trip/day	40,160		
5. Total Annual Vehicle Operating, Purchase & Depreciation Cost at \$4/mile	\$ 160,640		
6. Added Time 1 driver/Ann mid. Trip @ 2 hrs/mid trip for 2 vehicles/day	4,016		
7. Added Time 2 security escort/Ann mid. Trip @ 2 hrs/mid Trip for 2 vehicles/day	8,032		
8. Added Total Sec Hours for 2 drivers and 4 sec. escorts @ 251 ct. days	12,048		
9. Added Cost for Drivers and Escort Hours	\$ 416,880		
10. Total Added Annual 1st Year Cost for New Jail Court Transport	\$ 638,560		

Note: 6,000 prisoners for 2014 court appearances equals an average of 20/day over 251 court days that would have needed transport between a new jail site and the County Courthouse in 2 mini-buses carrying a maximum of 10-20 prisoners each by a driver and 2 security escort officers. Total annual vehicle operating, purchase and depreciation costs for 2 mini-buses and 1 spare backup at \$4/veh. mile. Driver and security escort costs for the 2014 average cost of all jail KPP deputies.

- Added Cost range estimate using 2014 County Courthouse volumes
= \$511,800 to \$580,600



The bottom line that we found in this was, and I used two different methods of estimation, the very small table up on the top I just took that existing cost data and said okay what if we operated at the same way that we're operating today for the various transports we do and the answer came out about just a little over half million added cost of \$511M. The larger table said okay let's create a court transport service that is not just assuming some other existing costs so I actually assumed the number of mini vans we would have to have, the number of staff, the hours, all the time would be incorporated in running that and it came up to \$580K.

Section 2: Operating Cost Analyses

2015 Jail Staffing Needs & Costs

- **Current Jail staffing totals 122 budgeted FTE versus 134 recommended**
- **Relief factor calculations are: for every deputy post needed 1.2 are required for 24/7 coverage, which is quite low compared to norms (see Table 2-5 in report)**
- **Review of necessary staff positions with correct relief factor recommendations:**
 - 5 Intake and 5 Shift Sergeants are needed instead of 9 total
 - 2 Central Control deputies are needed on day shift instead of 1
 - 1 Deputy is needed in Medical Clinic on day shift and only ½ on night shift
 - Medical transport/hospital duty needs 2 Deputies on day and 1 on night shift
 - Classification needs 1 Tech on all shifts plus 1 only Monday through Friday
- **TOTAL NEED = 134 FTE staff versus 122 current authorized**



Another part of the analysis you asked us to look at was operating cost on the jail operation itself and the staffing in particular of what did we find for the staffing that you have today and essentially what we saw appear was a budget of 122 versus 134 that we ended up recommending. We found one thing that was not being adequately covered was what we call the relief factor for staff that's needed to cover all of the off time. When you have a 24/7 operation whether it's a jail or a hospital, you're going to have to pay for staff to cover all the time that people are taking vacation, holidays, sick leave, in-service training, all those other things; bereavement, whatever it may be that has to be accounted for. We did that and went through that analysis. What we did find was that staff was currently making available just one year of data on that. One of our recommendations is you really need to take an average of three years because one year a lot of people may not have as much sick leave used and so average that out over time. We also found not a lot of training being covered in the one year of data that we have and should be and so we see a need to really use that relief factor and get the proper amount of staff you need because that will avoid the use of overtime. That's the purpose of the relief factor. Instead of automatically going to an overtime level of pay is to go to keeping people on straight time and the big importance of that in the jail is burnout. If you're running jail staff that has to worry about the security of other inmates and themselves, you're going to run the risk of some things happening that shouldn't when you overwork people.

You can see the recommendations that we have here of five intake and five sergeants needed instead of a total of nine so one more position there. Two central control deputies are needed on the day shift when the busiest activities are going instead of one. One deputy is needed in the medical clinic on the day shift and could cutback to one-half on the night shift. Medical transport/hospital duty needs two deputies on day and one on the night shift and finally, a classification technician on all shifts plus one only Monday through Friday.

Section 2: Operating Cost Analyses

2015 Jail Staffing Needs & Costs (continued)

Staffing Category	Needed FTE	Budgeted FTE	Difference
Total Administration	3	3	0
Total Lieutenants	5	4	1
Total Sergeants	10	9	1
Total Deputies	106	99	7
Total Classification	7	4	3
Total Programs	2	2	0
Total Clerk	1	1	0
Total FTEs Required:	134	122	12

Source: Wyandotte County and CSJ, September 2015

Staffing Category	Added FTE	Salaries 2015
Lieutenant	1	\$ 93,632
Sergeant	1	\$ 88,400
Deputy	7	\$ 292,281
Classification Tech	3	\$ 95,165
Total FTEs Required	12	\$ 542,458

Source: Wyandotte County and CSJ, September 2015

- 12 additional staff are needed in 2015 in order to house all farm-outs in the Jail that will include double bunking 2 medium pods from 52 to 64 beds.
- The added salary and fringe cost for 12 staff is approximately \$542,000



You see the difference we came up with there. What does that mean cost wise? Again, we're looking at your current situation; not yet the future long-term, but it came up to about \$542K to cover the added salary and fringe for 12 staff. Again, that's for your 2015 operations.

Section 2: Operating Cost Analyses

2015 Juvenile Detention Staffing Needs & Costs

Applying a proper relief factor results in 52 FTE staff needed rather than 42

- The use of the right relief factor is vital to avoid un-necessary use of overtime.
- The administration division was reportedly funded for 3 FTE, but the need is 2
- There are currently 6 FTE Lieutenants, but the need is for 5
- The primary need is for 10 FTE additional Juvenile Detention Officers (table 2-9)



Applying that relief factor in a proper way that's done in all secure operations is what results in coming up to that 52 with the recommended positions that we showed you needed to be added. In other words 1.2 staff for every personnel which you have to have running to keep it going 24/7 that's the number you come to. Detention Officers are the big need.

Section 2: Operating Cost Analyses

2025 Future Jail Staff Need

- 2025 projected 643-bed need is 175 additional beds in 4 added housing pods using current housing capacities as a guide
- 2025 requires added deputies for 4 more housing pods, housing escort, night shift medical/hospital and classification tech
- 2025 TOTAL added staffing is 39 FTE more than 2015 funded staffing and 27 more than the recommended 2015 staffing
- 2025 salary and fringe was projected at 1.5% increases for 2015 and 2016 with a 2% increase for 2017 through 2025
- 2025 TOTAL salary and fringe cost for jail operation is \$8.8 million



You asked us to look ahead for the longer term and we took 2025 and we took your current cost salary, fringe benefit rates, etc. We did an escalation at a projected rate of 1.5% per year for 2015 and 2016 and then jumped it to 2% for 2017 through 2025. We were trying to follow a pattern that we saw on some of the data that we were given of what's going on here now. Up to 2025 it looked like about up to an \$8.8M annual salary and fringe operating cost.

Section 2: Operating Cost Analyses

2025 Future Juvenile Detention Staff Need

- 2025 projected Juvenile bed need declines from 40 in 2015 to 35
- The 2025 small marginal change does not require added staff
- 2025 salary and fringe rates were increased in the same manner as for the Jail staff
- For 2025 the same number of 52 FTE staff as for 2015 would cost approximately \$2.9 million that year.



On the juvenile side it actually is a declining situation and you're not alone in that. Throughout the country we've seen significant declines in juvenile population. There are pockets here and there where it's going up, but as far as the projections that Chris went through it looks like if

current trends keep going, we will over the long-haul see a lessor number instead of a larger number. Again, that assumes statuesque in terms of law policy, etc. If all of a sudden there are some significant changes in the law that we can't predict or policy about what to do or not to do with juvenile detainees, then that could change and could go back up. I would say when you look at the history in a sense it's kind of like the stock market, it does go up and down but over the long-haul if a jurisdiction is growing, then there is going to be some growth in the justice populations.

Section 2: Operating Cost Analyses

Overall Conclusions and Recommendations

- **Jail Staffing:** Annual savings by housing "all farm-outs" for providing adequate Jail staffing and double-bunking 2 cell pods from 52 to 64 beds

Cost 12 New Staff at 12 Months	Cost 117 ADP Farm-outs in 2014
• \$542,000 New Staff • <u>\$190,000 Non-labor Items</u>	
\$732,000 Total	\$1,972,000 Total

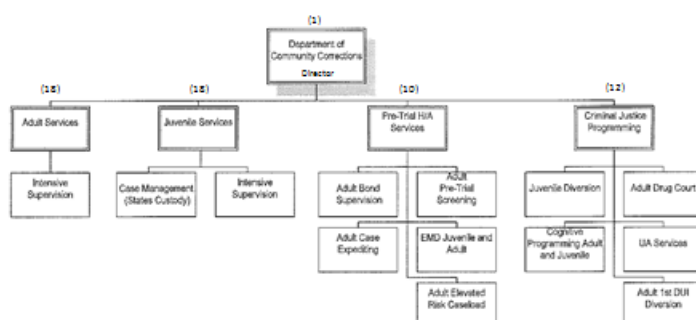
- **Court Transport:** Build new jail 10 miles west of County Courthouse
 - Additional \$512,000 to \$581,000 in annual transport cost using 2014 court appearance counts
- **Juvenile Staffing:** 10 more staff needed at Juvenile Detention Center to provide adequate and effective 24/7 staffing without excessive use of overtime



Just kind of a final summary on all this cost data. The big one here, the big ticket item we saw was the cost of 12 new staff over 12 months and what that would do, and that whole focus was what would it take to not have to farm-out the 117 inmates over to the Leavenworth facility. You have spent about \$1.9M and instead you would spend about \$700K, about \$732K to be able to keep them all in the jail in this 2014-2015 scenario. Court transport I already mentioned, approximately \$.5M, juvenile staffing ten more staff.

Section 3: Community Corrections and Pretrial Services Alternatives

Organization and Staffing



Finally the last thing we were asked to look at was your Community Corrections operation and Pretrial Services. For those of you who haven't had a chance to look at detail this is an org chart with Phil Lockman on top that was here almost ten years ago when we did our study. It has grown some and we see the growth is in areas that applied research shows our successful areas to use for managing offenders who don't need to be in a jail who can be better served in a community level so the lower level offenders that sometimes get caught up in the jail can benefit from these kinds of services.

Section 3: Community Corrections and Pretrial Services Alternatives

2014 – 2015 Programs

Adult Services	Juvenile Services	Pretrial/House Arrest	Criminal Justice Programming
1. Intensive Supervision a) Risk & Needs Assess. b) Drug/Alcohol eval. & treatment c) Psych. & serv. offendor eval. & treatment d) Occupational development e) Cognitive educat. f) Urine testing g) Drug Court h) Transport assistance	1. ISP & Case Mgt. a) Risk & Needs Assess. b) Drug/Alcohol eval. & treatment c) Psych. & serv. offendor eval. & treatment d) Cognitive educat. e) MST f) Urine testing g) Transport Svcs. 2. Juvenile Diversion Svcs. a) Risk & Needs Assess. b) Psych. & Mnteval. c) Urine testing d) Cognitive educat.	1. Adult Detention Project a) All cases expediting b) Elevated risk case mgt. 2. Pretrial ISO a) Pretrial sup. 3. Screening a) Screening for PTH b) Time l caseloads 4. Electronic Monitor a) Screen for EM/HSA b) Hold case sup. 5. Transport Assistance	1. Juvenile Diversion 2. Adult DUI 3. Adult Drug Court a) Risk/Needs Assess. b) Treatment link to c) Housing vouchers d) Re-engagement 4. Cognitive Education Adult & Juvenile 5. UA Services



There are four categories, Adult Services, Juvenile, Pretrial House Arrest and Criminal Justice Programs that are provided.

Section 3: Community Corrections and Pretrial Services Alternatives

Programs Sufficiency and Value

- Programs and instruments used are evidence-based sound practices and methods that can reduce recidivism and foster positive behaviors
- Applied research findings in recent times confirms such programs are more effective in community-based settings than in confinement
- 2014-15 Results are promising for reducing failures
 - o 70% of all discharged ISP adult cases completed successfully
 - o 60% of all discharged ISP juvenile cases completed successfully
 - o 61% of all discharged juvenile diversions completed successfully
- 2014 probation revocations reduced to 31% from 51% in 2007



Everything we saw in your department there were good programs and here are some comments about the sufficiency and value of them. All of those are evidence-based practices. They're sound good programs and applied research does show that if you take the same program and you're able to provide that in a community setting versus a secure confinement setting it tends to be more effective. There are some results right there, the 2014-2015 results show some promising reduction in failures. 70% of all discharged intensive supervision, adult probation, adult cases were completed successfully. 60% on the juvenile side and 61% of all discharged juvenile diversions were completed successfully and then also the probation revocations, big one here, in the year 2014 you reduced the revocations rate down to 31% that in 2007 were almost half, 51%. That's a pretty successful big chunk.

Section 3: Community Corrections and Pretrial Services Alternatives

Programs Sufficiency and Value (cont'd.)

Program Component	Personnel Costs	Contract & Other Services	Commodities	TOTALS	2014/15 Cases or ADP	2014/15 Cost per Case or ADP
1. Pretrial/House Arrest*	\$ 536,092	\$ 90,121	\$ 11,517	\$ 637,730	1,799	\$ 354
2. Adult ISP Services	\$ 1,241,754	\$ 278,860	\$ -	\$ 1,520,614	680	\$ 2,236
3. Juvenile ISP and Case Mgt. Svcs.	\$ 1,245,740	\$ 109,303	\$ -	\$ 1,355,043	249	\$ 5,442
4. Juvenile Diversion Services	\$ 170,000	\$ 12,000	\$ -	\$ 182,000	110	\$ 1,655
TOTALS	\$ 3,193,586	\$ 490,284	\$ 11,517	\$ 3,695,387	2,838	\$ 1,302

* Total annual cases are reported for Pretrial/HA, whereas the other 3 programs report an annual average daily caseload.

Source: Wyandotte County Department of Community Corrections, September 2015.

- For 2014 the overall average annual cost of the Department's 4 major program areas was \$1,304 per case or annual ADP, ranging from \$354 to \$5,442 versus \$29,900 to \$32,800 for Jail ADP or \$83,200 for Juvenile Detention ADP



On the dollar side of the programs right over here in the final column is sort of the story and what you see is Pretrial/House Arrest about \$354 per case for the year. The case load of Intensive Supervision Services is about \$2,200 for adult. On the juvenile side it's more expensive, you're providing a lot more attention and service so it goes to \$5,400. Finally, Juvenile Diversion Services about \$1,600 whether or not being in jail at all, but rather perhaps in parental release or some other form of community custody averaging about \$1,300. When you look at those kinds of things compared to the jail cost it's just commonsense that for those offenders that are eligible, that are non-violent, non sex offenders in the case of adults that can be safely supervised at a community level after good risk and needs assessments are completed. There is some economic benefit there too.

Section 3: Community Corrections and Pretrial Services Alternatives

Conclusions and Recommendations

- Maximize the use of Community-based programs over Jail and Detention
- Assure the adequacy of staffing and funding for the following key functions:
 - Assess caseloads for all programs to assure effective attention to assessments, treatment planning, supervision and case management
 - Review pretrial release eligibility criteria with DA to avoid over-restriction
 - Solidify and increase collaboration with Wyandotte Center and other local providers for mental health diversion
 - Consider developing a "pre-arrest diversion program" with local law enforcement to maximize the use of citations over arrest for misdemeanor cases
 - Possible need to expand support for CIT assessments and 24/7 jail case screening
 - Consider adding a proven domestic violence counseling and treatment program, either in the Criminal Justice Programming Div. or by outsourcing
 - Consider implementing a community services alternative sanction program
 - Implement a 3-year recidivism monitoring procedure



This is just a summary of all the things we've already covered. I'll terminate and let Dan move on to the next section.

Task 8 – Existing Building Conditions

2.0 Existing Building Overview

- Physical Condition
- Standards Compliance
- Courthouse Proximity
- Replacement Cost
- Constructed in 1989
- Six Stories
- Direct Supervision with Indirect Capability



Mr. Rowe said we're not going to talk a lot about the existing facility. Please do read through the report. There are about eight different sections that we covered.

Task 8 – Existing Building Conditions

3.0 Structural System

- Cast-in-place concrete beams and columns with flat concrete floor decks
- Drilled concrete piers to bedrock
- Building envelope and interior partitions independent of the structure and can be modified.



Analysis

- Structure appears to be in sound condition with no major settlement observed.
- Anecdotal evidence building designed for vertical expansion – this would require verification and review utilizing current building codes



The building itself has actually been maintained very well. You just have to recognize that it's almost 30 years old and so, therefore, without a substantial renovation over those 30 years it's simply worn. It has been refreshed with some paint, some light which is good, and structurally it's sound. The good news is in 1989 you built a 50 year plus building so it is definitely worth the reinvestment and the upgrade. It's a good building, it has been well maintained, and it's just a little worn-out from its age. Some of the things that are worn-out you can see the portion of the roof that has been replaced and the portion that still has not been replaced and so a 30 year old original roof is going to have some leaks and problems and they have leaks and problems.

Task 8 – Existing Building Conditions

4.0 Exterior Building Envelope

- Precast concrete in good condition with many serviceable years of life left.
- Precast caulk joints have cracking and shrinkage and have reached their life expectancy requiring repair to prevent water infiltration and further damage
- Windows aluminum frame in non-secure areas have significant air infiltration requiring replacement
- Steel security windows need replacement in next 10 years or with renovation
- Roof replaced on east side of building, remainder needs replacement
- Anecdotal evidence building designed for vertical expansion – this would require verification and review utilizing current building codes



Task 8 – Existing Building Conditions

4.0 Exterior Building Envelope (cont'd.)

- Roof replaced on east side of building, remainder needs replacement
- Anecdotal evidence building designed for vertical expansion – this would require verification and review utilizing current building codes

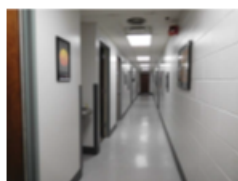
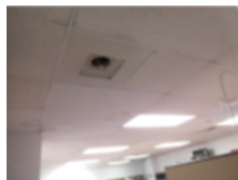


The building envelope is a precast structure and it's having some joint issues. Those joints/caulking are 30 years old so; again, it's those types of deferred capital improvements and maintenances.

Task 8 – Existing Building Conditions

5.0 Office Areas

- Second floor offices for Sheriff's Department, Jail Administration and District Attorney
- Carpet worn and walls need repainting
- Many ceiling tiles damaged in several areas with several having visible water damage from plumbing above and roof leaks

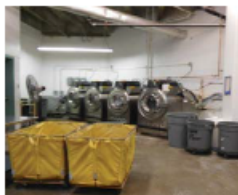


Office areas showing some drips and roof problems and some finish issues.

Task 8 – Existing Building Conditions

6.0 Detention Support Areas

- First floor support areas include Intake, Food Service, Laundry, Central Control, Vehicle Sally Port and Loading Dock
- Walls and doors visible surface damage from heavy and constant use.
- Sliding detention doors require continual maintenance. Parts and training becoming obsolete and expensive.
- Food Service adequately sized for current need. Most equipment replaced in last 2 years.
- Medical on Fifth floor. Infirmary serves both adults and juveniles. No separation between inmate and staff areas. Negative pressure cell does not work.

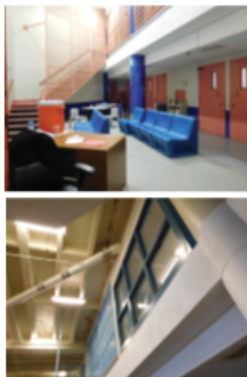


The Detention and Support areas will need a little increase as the increase in inmate population grows, but other than that they are well placed and the growth potential is there for them to be added onto. The Detention housing is very standard typical 1980's type of stuff.

Task 8 – Existing Building Conditions

7.0 Detention Housing

- Eight housing pods on Floors 3-6
- Pods on west side of floors Five and Six have water damage from roof leaks
- Frosting of glass reduced natural light



It needs natural light. It's not bad, but it doesn't really meet ADA and some other guidelines that classifications really needing to get there.

Task 8 – Existing Building Conditions

8.0 Building Systems

HVAC

- Original chillers – any renovation should consider replacement
- Boiler replaced 13 years ago
- Pneumatic controls obsolete

PLUMBING

- Hot water heaters replaced 2 years ago
- Water softening replaced 10 years ago
- Cell plumbing fixtures original – parts no longer manufactured

ELECTRICAL

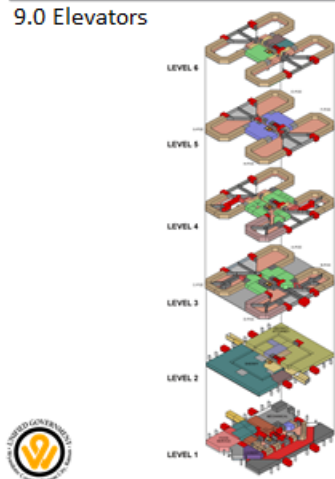
- Diesel emergency generator original to building and has limited capacity



Really your problems are in your HVAC. It has the original chillers so if you do any renovation at all, those probably need to be replaced. It has an emergency generator, again, 30 years old nearly. Some of the plumbing is really having problems, but generally the building has got good bones and as I say is worth the reinvestment.

Task 8 – Existing Building Conditions

9.0 Elevators



- Four elevators serve various functions
- Unreliable – security and safety risk for staff and visitors
- Fail Regularly
- Required for every day tasks such as food delivery, emergency response, inmate transfer and laundry service



One of the things that fail regularly are the elevators and it's really probably your biggest security issue. It really is a very serious item. There are four elevators and all of them fail regularly. When the elevator fails with an inmate onboard it puts staff in jeopardy. It's something of a security issue and you should get replaced immediately.

Task 9 - Master Plan & Phasing



We're going to get into a little bit of the master planning and the phasing. This is I think what you hoped that we would emphasize today and 25 minutes into it we finally get to it and so I apologize for laying the groundwork so thoroughly. You can recognize your facility in the

picture. This is the jail and we're going to get more into that. This is the existing courthouse, the building we're in right now, the family courts building is here and a parking structure.

Priorities

- Remove Juvenile Detention from Adult Jail
- Maximize Use of Existing Facility
- Provide Adequate Space for All Functions of Inmate Population
 - Increase Bed Space
 - Increase Core Surfaces to Support additional Beds
- Provide Adequate Space for All Associated Offices
 - District Attorney
 - Community Corrections
 - Judiciary



One of the things that we saw as priorities within this is to remove the Juvenile Detention from an adult jail. It is really a bad situation and needs to be your first order of business not only to help you adjust for the adult numbers that you're farming out, but also to get a better situation to be able to treat any and all juveniles through a Continuum of Care for their condition. Secondly, maximize the use of that existing facilities, provide adequate space and functions for the inmate population and then to make sure the associated offices work well within that confine so what you're going to see are actually five primary phases that we're recommending.

Phasing

Phase 1: Construct New Juvenile Facility

- Option A: Adjacent to Existing Family Courts
- Option B: New Open Suburban/Rural Site
- Option C: Combined with New Family Courts on Open Suburban/Rural Site

Phase 2: Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance issues

Phase 3: Renovate Top of Courthouse for Relocation of District Attorney

Phase 4: Renovate Current District Attorney Space for Jail Beds

Phase 5: Jail Bed Addition

- Option A: Infill South Entry Court
- Option B: New Construction South of Jail



Phase 1 is to construct a new Juvenile Service Center. We would see that as something that would provide services to juveniles at all levels including Detention, but also the alternative programs that can reduce and continue to reduce your juvenile numbers. Secondly, then is to take the area where the juveniles are located and to backfill that area and remodel that for adult space, take care of your staffing for the jail and to remedy the deferred maintenance issues. Phase 3 then, and this would only be—that should take you through the next ten years of projected number of growth within your adult and juvenile jail. Our advice is because once you get into ten years you really should take a look and say what are our numbers actually doing. Are they fulfilling the projections or are they altering and to refresh that? Before you start Phase 3, take a deep breath and take a check because this is down the road a little ways. One of the options is to renovate an area such as the top floor of the courthouse to relocate the District Attorney's office. The reason we recommend that isn't as much to accommodate the District Attorney although they do have growing needs, it's to take the area in which they're located which you will see which is very valuable space because it can be easily made within the secured environment and to take that space to house adult offenders. Again, to take that space that the District Attorney has vacated and use it for adult expansion and so basically being able to expand the jail capacity without actually adding on.

There are some options for adding on and I'm going to turn it over to Bob Schwartz to kind of go through some of this. We actually had this in a 3-D model turnaround, computer

systems wouldn't allow us to load that on there, but I think this should help give you an idea about how this goes into place.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts



Things are not necessarily scaled. We expanded—that's juvenile footprints so that you can see how a courtyard might function for some outdoor space there.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts



Mr. Schwartz said what I'm going to go through is the different schemes and different views and for Phase 1 we have three options on what we do with the juveniles and this one says you do a juvenile facility, the Juvenile Service Center on this parking lot to the north of the existing jail

and the reason we want this site is it's next to the family court so it's easy to move the kids from the Juvenile Service Center to the courts and back. You can see a bluff of what this includes so it includes a lobby, education services, administration, a family resource center, the program space and this piece here is the housing which kids can use the courtyard for some outdoor rec. This is an urban area and we want to have kind of protected interior outdoor space for them. **Mr. Rowe** said it's also important to protect the identity of a juvenile in custody so insuring that there is an outdoor space without being able to see directly out is important.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts



PHASE 1 OPTION A: AERIAL VIEW FROM SOUTHEAST



Mr. Schwartz said you can see another view.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts

Pros

- Lowest initial cost
- Good connection to courts
- Keeps courts in same location unchanged
- Keeps all detention facilities in same proximity

Cons

- Views out of sleeping rooms will be limited or obscured due to neighboring property
- Outdoor exercise facilities limited by size of courtyard
- Views into courtyard from adjacent building may create issues
- Future expansion is possible but more difficult



Mr. Rowe said pros and cons, basically doing that adjacent to your existing family court will be your lowest initial cost. It has a great connection to the courts. You keep the courts and everything basically unchanged so in other words you don't have to change the location or the situation in your family courts and it keeps all the Detention Facilities in the same proximity as a campus.

The cons are that there will be some views out of sleeping rooms will be limited or obscured because of the environment. Also, the outdoor exercise facilities may be limited by the size of that courtyard we're able to create and making sure that views from adjacent buildings don't look down into a juvenile area and maybe some restrictions on possible future expansions.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase I: Construct a New Juvenile Facility (Option A)			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
New Juvenile Detention Facility	40000 sf	\$325	\$13,000,000
Courtyard Development	12000 sf	\$50	\$600,000
Sitework	1 ls	\$1,000,000	\$1,000,000
Total Construction Costs:			\$14,600,000
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$2,920,000
Total Other Costs:			\$2,920,000
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$438,000
Project Contingency		5%	\$730,000
Total Project Cost			\$18,688,000
Alternates			
	Cars	Cost Per	Subtotal
Underground Parking	50	\$50,000	\$2,500,000
Parking Soft Costs		20%	\$500,000
Total Project Cost + Alternates			\$21,688,000



The cost of that are both the construction and project costs so if you look in your book you can find some actual detail of that for purposes of tying the total project cost for that Option A within Phase 1 is about \$21.6M.

Phase 1

Option B: New Juvenile Facility on New Open Site



Mr. Schwartz said Option B is looking at a site like a suburban site that has not been designated, but it shows it could be more open, that you can have a ballfield that you could put within this downtown site. **Mr. Rowe** said part of the options of that is, is it possible to have a suburban site that would give an advantage to locating juveniles outside of the urban core.

Phase 1

Option A: New Juvenile Facility Adjacent to Family Courts



PHASE 1 OPTION A: AERIAL VIEW FROM SOUTHEAST



Mr. Schwartz said obviously the pros and cons of that it does allow better views and confidential privacy you can actually kind of create a number of acres that might give some campus type of feel to that, better flexible layout and easy expansion. The cons are obviously now you would be transporting those juveniles to court as well as in the site acquisition and selection issues costs. You will bite the not in my backyard issues wherever you place that as well as then you would be remote from other county facilities.

Phase 1

Option B: New Juvenile Facility on New Open Site

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase 1: Construct a New Juvenile Facility (Option B)			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
New Juvenile Detention Facility	40000 sf	\$325	\$13,000,000
Courtyard Development	12000 sf	\$50	\$600,000
Sitework	1 ls	\$1,500,000	\$1,500,000
Total Construction Costs:			\$15,100,000
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$3,020,000
Land Acquisition		ls	\$500,000
Total Other Costs:			\$3,520,000
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$453,000
Project Contingency		5%	\$755,000
Total Project Cost			\$19,828,000



Mr. Rowe said the cost of doing that option as you can see is very similar but it's about \$19.8M to construct that on an adjacent Greenfield type site.

Phase 1

Option C: New Juvenile Facility and Family Court on Open Site



Mr. Rowe said this option is similar to B except we put the family courts with it instead of having to do the transports.

Phase 1

Option C: New Juvenile Facility and Family Court on Open Site

Pros

- Better views and fewer confidentiality/privacy concerns
- Better layout flexibility
- Expansion is easy and less limited
- Transfer to court is convenient and easy

Cons

- Highest initial cost
- Site acquisition costs and selection issues
- Remote from other county facilities



Mr. Rowe said so obviously one of the pros is now you have the courts adjacent with the Juvenile Detention so you don't have that transportation. You do still have all of the benefits that the previous option had. Obviously, the cons are this is the highest initial cost because you're building more building and you still have the site acquisition costs and you're still remote from other county facilities.

January 28, 2016

Phase 1

Option C: New Juvenile Facility and Family Court on Open Site

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase 1: Construct a New Juvenile Facility (Option C)			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
New Juvenile Detention Facility	40000 sf	\$325	\$13,000,000
New Family Courts/Offices	25000 sf	\$250	\$6,250,000
Courtyard Development	12000 sf	\$50	\$600,000
Sitework	1 ls	\$1,500,000	\$1,500,000
Total Construction Costs:			\$21,350,000
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$4,270,000
Land Acquisition		ls	\$500,000
Total Other Costs:			\$4,770,000
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$640,500
Project Contingency		5%	\$1,067,500
Total Project Cost			\$27,828,000



The cost for doing that which is moving all the family courts associated offices as well as the juvenile function would be about \$27.8M.

Phase 2

Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance Issues

Items to be addressed include:

- Reroof of the remaining portions of original roof
- Exterior caulking and joint attention
- Minor food service, laundry and infirmary upgrades
- Elevator replacement
- Chiller replacement
- Generator replacement/supplement
- Mechanical, Electrical and Plumbing deferred maintenance issues



Mr. Schwartz said Phase 2 this is where we're going now that we've got the juveniles out of the adult jail we can have space to move inmates around and do some maintenance, some upgrades inside the facility and outside as well, but it gives us the ability to move people around.

Phase 2

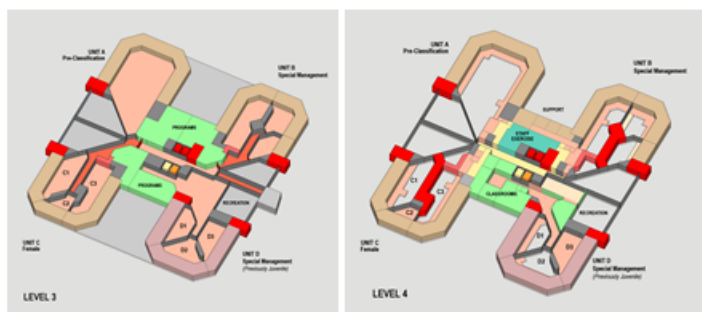
Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance Issues

BED DISTRIBUTION									
Unit Classification	Cell Count	Existing Capacity	2015	2020	2025	2030	2035	2040	
A Pre-Classification	44	64	64	64	64	64	64	64	
B Special Management									
B1 Male	5	6	6	6	6	6	6	6	
B2 Male	16	16	16	16	16	16	16	16	
B3 Male	22	25	25	25	25	25	25	25	
C Female									
C1 Max. Female	16	31	31	31	31	31	31	31	
C2 Max. Female/Seg.	4	4	4	4	4	4	4	4	
C3 Min. Female	24	47	47	47	47	47	47	47	
D Special Management (new juvenile)									
D1 Male	14	24	24	24	24	24	24	24	
D2 Male	16	24	24	24	24	24	24	24	
D3 Male	7	12	12	12	12	12	12	12	
D4 Female	7	12	12	12	12	12	12	12	
D5 Male	7	12	12	12	12	12	12	12	
E Med/Max Custody	44	64	64	64	64	64	64	64	
F Maximum	44	52	52	52	52	52	52	52	
G Minimum	44	64	64	64	64	64	64	64	
H Med/Max Custody	44	64	64	64	64	64	64	64	
I Infirmary	7								
NEW JACKSON									
J Dorm - Level 2 - NE	64			64	64	64	64	64	
K Dorm - Level 2 - NW	64			64	64	64	64	64	
L Dorm - Level 3 - Infill	64				64	64	64	64	
M Dorm - Level 2 - Infill	64					64	64	64	
TOTALS	364	777	509	509	637	701	705	705	
Male			427	427	555	607	671	671	
Female			82	82	82	94	94	94	
Shortfall			39	85	0	0	0	23	

It also allows us then to pump up the amount of people we can put into this facility based on staffing. We said that you know the maximum we like to have with one officer in the unit 64 beds. That's the ACA standard so that's what we cap in those larger units to just get as many people into the existing jail as we could.

Phase 2

Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance Issues



Then we can also take—this is showing you what's called the third and fourth floor, they actually go together. One we would call the dayroom level and one the mezzanine, but see here this is the typically large pod and we would make a 64 bed, but on this floor you have a lot of these smaller ones that have been subdivided either for the juveniles here in the corner here or

for females and special management. When we regain these juvenile units then we can use them for smaller populations for like mental health. It gives more flexibility too on what you might need for females and other groups that really fits well with the classification requirements and it also has a lot of program space in here in the center that we could use for, again, mental health treatment; just special management type programs to help—we also do some positivism in the training.

Phase 2

Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance Issues



We capture the transfer area here that's now used for the juvenile intake. Normally what we have is an intake transfer release and right now everything is happening for the adults on this side for the juveniles in here and they are sharing the vehicle sally port where you know the vehicles brought in and they do secure transfer into the facility. When we regain this we will have a better flow so that we can get those inmates being transferred into a different area and those being released as well into a third area so they don't cross. This is where a lot of mistakes can happen because you have people going both ways and if we can make it one way through, this is what we strive for in the design of detention facilities. **Mr. Rowe** said I might just interject you might keep in mind the transfer includes the daily court transport back and forth to and from the courts every day so it is a big deal if you can separate that traffic from any other traffic.

Mr. Schwartz said then what we would be looking for as we're getting ready to expand, the capacity is to expand some of the support areas like building out—the first level and the second level are actually setback from the floors above so we're looking at building out underneath the existing roof and being able to have like food storage in the kitchen, staff dining with greater staff, more lockers for the staff on this level and then that gives us extra space on the others as well.

Phase 2

Remodel Current Juvenile Space for Adult Jail and Remedy Deferred Maintenance Issues

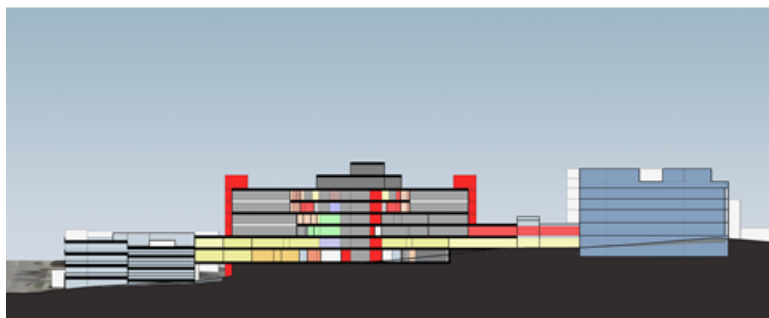
Wyandotte County Jail Masterplan Preliminary Cost Summary			
Phase 2: Remodel Current Juvenile Space for Adult Jail & Deferred Maintenance			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
Remodel Current Juvenile Space	24989 sf	\$125	\$3,123,625
Reroof	32000 sf	\$15	\$480,000
Exterior Envelop	1 ls	\$80,000	\$80,000
Food Service, Laundry, Infirmary Upgrades	1 ls	\$140,000	\$140,000
Elevator Replacement	4 ea	\$120,000	\$480,000
Chiller Replacement	1 ls	\$340,000	\$340,000
Generator Replacement/Supplement	1 ls	\$250,000	\$250,000
Deferred MEP Improvements	1 ls	\$750,000	\$750,000
Total Construction Costs:			\$5,643,625
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$1,128,725
Total Other Costs:			\$1,128,725
Project Totals			
Construction and Other Costs			\$6,772,350
Change Order Contingency		3%	\$203,170
Project Contingency		5%	\$338,598
Total Project Cost			\$7,323,840



Mr. Rowe said the cost of this is—about half of that is tied up into replacing elevators, taking care of the roof, chiller and other needs and so it's infrastructure deferred maintenance issues. The other half is actually the remodeling that was just referred to. That project of Phase 2 would cost about \$7.2M, but again that project combined with the juvenile project would help you offset that number that Bob was talking about to save that \$1.9M that you're spending on housing out so that with the staffing cost should be something of a net positive. **Mr. Schwartz** said so that's really towards the 2025 needs.

Phase 3

Renovate Top of Courthouse for Relocation of District Attorney



Mr. Rowe said Phase 3 won't need to come into play until and after your growth of inmates as projected would occur so if it doesn't occur, this phase can be pushed off down the road.

Phase 3

Renovate Top of Courthouse for Relocation of District Attorney

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase 3: Renovate 5th Floor of Courthouse for District Attorney			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
Renovate Courthouse	28000 sf	\$180	\$5,040,000
Total Construction Costs:			\$5,040,000
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$1,008,000
Total Other Costs:			\$1,008,000
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$151,200
Project Contingency		5%	\$252,000
Total Project Cost			\$6,451,200

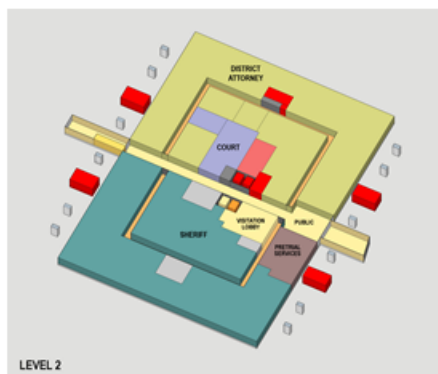


Mr. Schwartz said here what we're doing is we're trying to maximize how many inmates we can have within the building, within that closer and right now the District Attorney on Level 2 is kind of sandwiched between the intake and housing and so they've got secure areas of the Detention Center above and below them. It was a good choice for us to say the District Attorney really could be in a different location and won't have to worry about the leaks they get from the plumbing and make that all detention facility up and down. All we have to do is work with the

secure perimeter, but it's secure above and below. **Mr. Rowe** said the cost of that would really depend upon how much space was needed and in fact of where the final destination for the District Attorney would go, but it's about \$6.4M. **Mr. Schwartz** said right, it could go in any number of locations.

Phase 4

Renovate Current District Attorney Space for Jail Beds



This is where the District Attorney is now on the north side of Level 2 and it has a court right here which we would keep.

Phase 4

Renovate Current District Attorney Space for Jail Beds



January 28, 2016

Then we could actually create two dormitories, single level dorms with some rec in these areas out from the building above and then that gives us areas for the lower classifications or the trustees that are working in the kitchen or the laundry and could have a nicer environment. We retain the court and this already has secure elevators opening out into this area so we would use those elevators as well for transfer of food and the inmates up and down their facility.

Phase 4

Renovate Current District Attorney Space for Jail Beds

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase 4: Renovate Current District Attorney Space for Jail Beds			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
Renovate for Jail Beds	16392 sf	\$200	\$3,278,400
Security Electronic Modifications	16392 sf	\$24	\$393,408
Perimeter Wall Security	6000 sf	\$30	\$180,000
Total Construction Costs:	16392 sf	\$235	\$3,851,808
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$770,362
Total Other Costs:			\$770,362
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$115,554
Project Contingency		5%	\$192,590
Total Project Cost			\$4,930,314



Mr. Rowe said the cost of making the District Attorney's office into housing for inmates, adult inmates, down the road would be about \$4.9M in today's dollars.

Phase 5

Option A: Jail Bed Addition in South Entry Court



MASTER PLAN DIAGRAM



Mr. Schwartz said then we looked at what do we do beyond that horizon so that takes care of us for another ten years or so that we need to look for more jail beds beyond that. This one said well we have this courtyard between the buildings, between the courthouse and the Detention Center and we have an entry here on the north side, one on the south and it's used a lot for servicing both the courthouse and the Detention Center. We said what if we put new beds there, fit it within that space, it could tie to that existing link between the two that already exists.

Phase 5

Option A: Jail Bed Addition in South Entry Court



PHASE 5A: INFILL SOUTH ENTRY COURT - LEVEL 3



That's showing you a better view of it so it has to attach the length, it would have an elevator to serve it independently and then it stakes two levels. **Mr. Rowe** said each one of these housing units have two levels so you would stake two of them so we could get 128 beds within this with some support underneath it. We could have that be an active lobby and the support for the courthouse as far as the kind of loading areas we will be displacing.

Phase 5

Option A: Jail Bed Addition in South Entry Court



PHASE 5A: INFILL SOUTH ENTRY COURT



Mr. Schwartz said then you can see how it would work with the dormitories.

Phase 5

Option A: Jail Bed Addition in South Entry Court



PHASE 5A: INFILL SOUTH ENTRY COURT



Here's another view. All the glazing we're using what's called borrowed light where we don't have windows into the individual cells directly to the outside. Instead we introduce our natural light through the rec area into the day space and we have windows in the front of the cells and that's an acceptable means by the American Correctional Association of providing natural light. We have to worry about views from the jail cells back into the courthouse and to the Sheriff offices.

January 28, 2016

Phase 5

Option A: Jail Bed Addition in South Entry Court

Pros

- Better contiguous circulation of inmates and services
- Lower initial cost
- Work release could be accommodated at entry level
- Would allow operational savings on courthouse secure checkpoint

Cons

- May block access from the south entrance
- Tight circulation limits access for 2nd Level (entry level) housing unit
- Tight site may restrict some views out of courthouse



Mr. Rowe said there are some pros and cons about being able to do this. I would remind you that this is some 20 years down the road so it's a little bit of futuristic. Is that a good place to add-on to the building was the first question that we were looking at so there are some pros and cons to it and the reason we're going to go with Option 5B as well is just to say there is another way to begin to add-on. I think you really ought to study where to add-on to this building as the need comes up well down the road rather than go through those in detail.

Phase 5

Option A: Jail Bed Addition in South Entry Court

Wyandotte County Jail Masterplan			
Preliminary Cost Summary			
Phase 5A: Added Jail Beds (Infill)			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
Added Jail Beds (Infill)	29339 sf	\$250	\$7,334,750
Security Electronic Modifications	1 ls	\$50,000	\$50,000
Sitework	1 ls	\$500,000	\$500,000
Total Construction Costs:	29339 sf	\$269	\$7,884,750
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$1,576,950
Total Other Costs:			\$1,576,950
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$236,543
Project Contingency		5%	\$394,238
Total Project Cost			\$10,092,480



Doing that would cost about \$10M and, again, that's in today's dollars.

Phase 5

Option B: New Jail Construction South of Existing Jail



Mr. Schwartz said Option B says instead of going in this courtyard here, let's build a facility across to the south, across the street and we've actually shown it as we could actually do those dormitory beds that we had in the previous phase here as well as the cells all on these two levels and tie it back to the third floor of the Detention Center.

Phase 5

Option B: New Jail Construction South of Existing Jail

Pros

- Separate facility could be built without sequencing with other activity
- Keeps District Attorney office unchanged
- Tunnel or Bridge could address secure connection
- Generally less expensive construction type

Cons

- Bridge or Tunnel would be necessary to achieve a secure connection
- Staff circulation and delivery of services to housing units would be less convenient



Now we have to build a bridge or tunnel and knowing you would probably have a number of utilities and things here we decided to use the bridge as being probably the most acceptable means to do it and then we show some additional surface parking because we are displacing parking with that juvenile facility. **Mr. Rowe** said I think it's important to point out as well

while we've shown this location which is currently private property so we don't want to alarm anyone that we're suggesting you buy this property and place it there. You could just as easily go where the added surface parking is noted or in place of the parking structure that's immediately to the west so there are lots of ways to do it. What we're suggesting is this is the scale of magnitude of what an addition would be to house additional future inmates that are projected. Again, pros and cons to that, we're not crazy about the bridge and tunnel idea. I know the Sheriff would probably get a little nervous about that, but I think we could remedy that and still make sure it's a secure safe staff circulation. It does keep everything in the campus and it does make sure that this building can be reused for a substantial period of time.

Phase 5

Option B: New Jail Construction South of Existing Jail

Wyandotte County Jail Masterplan Preliminary Cost Summary			
Phase 5B: Added Jail Beds (New Building)			
Preliminary Cost Summary			
Construction Costs			
Description	Area	Cost per SF	Subtotal
Added Jail Beds (New Building)	41700 sf	\$300	\$12,510,000
Bridge Connection	2208 sf	\$850	\$1,876,800
Sitework	1 ls	\$750,000	\$750,000
Total Construction Costs:	19250 sf	\$786	\$15,136,800
Soft Costs			
A/E Fees, Survey, Geotech, FFE, Etc.		20%	\$3,027,360
Total Other Costs:			\$3,027,360
Project Totals			
Construction and Other Costs			
Change Order Contingency		3%	\$454,104
Project Contingency		5%	\$756,840
Total Project Cost			\$19,375,104



The cost of that is about \$19M. Again, that's in today's dollars and that's a decision to make on down the road.

Task 10: LEED Certification & Sustainable Design

Sustainable Design:

Designing buildings to reduce energy consumption and waste of natural resources, while maximizing controllability and comfort for the building occupants and users is an integral part of building design.

USGBC LEED rating System:

A measurement tool developed to uniformly identify a building projects success at implementing sustainable design techniques and practices

- Pros
 - Improves public relations, education, transparency and accountability
 - Credibility of third party verification
 - Holds Owners and Design Team accountable
 - Provides useful benchmarking to understand sustainable design
- Cons
 - Added cost
 - Directs and can limit choices
 - Point chasing
 - Diverts funds from the building project



With those phases the next thing—we have two final tasks. I'm wrapping up. You asked us the validation of doing a LEED Certification process and I will tell you what, I'll come back to that if you have questions, but there are some pros and cons with using a LEED Certification process. It's a good rating system to certify a Greens building and it's a sustainable design.

Task 11: Strategies for Public Education

- Rule of Thirds
- Focus on the Problem
- Alternative Solutions
- Make Financial Sense
- Take Time to Absorb and Understand
- Transparent Process



You asked us for some strategies on public education. You can read through the two or three pages we've written on that. We have some advice. We've had a lot of success in passing referendums especially in Kansas. Our last two passed with an 82% and a 77% of the vote. There are reasons why that can happen and reasons why that can fail. I would be happy to help

you out on that so pull the string on my back if that's a particular interest otherwise you guys are busy. We've covered a lot of ground of a 130 page document in about 44-45 minutes. I apologize for going a little long but would like to address any questions you may have.

Commissioner Kane said just a comment that it confirms that Sheriff Ash needs a little bit more money to do even a better job than what he is doing now. Of all those slides that you showed and this ties into some issues that we have, there is only one security camera showing and we don't have the amount of security cameras that we need for the family court, the courthouse, city hall, the jail; so I know there has been a study on that and I think we need to talk about that in the very near future.

Commissioner Walker said I have accepted for a long time that we needed a separate juvenile facility. I'm afraid my idea of what the juvenile facility should be is a good bit more Spartan than what you're proposing. Perhaps the location you've identified or a portion of it could be converted and connected to the existing old Federal Courthouse and separate the juveniles. My assumption is given what I've experienced that if you've got 35 or 40 juveniles in the pod over here, it's because they're pretty bad actors. We're not keeping people in there because they broke somebody's mailbox or they broke out a window, these are kids that need to be detained in some kind of secure facility. Everybody else is let go and that would be true, in my opinion, of the most of the adults. Nobody is in that adult facility that you feel comfortable—well actually I think they probably would have to release some that they don't feel comfortable releasing because they have others walking in the door that are more discomfoting to not have a bed for. I guess I had the idea of a—I don't want to minimize it, but a 35-40 room residential facility that had appropriate bars and locks and not a whole new set of administrative offices or courtrooms or these various other amenities. I frankly do not think the people of Wyandotte County have the stomach to swallow \$30M to build some of the things that you suggested. You've thrown out a lot of numbers and a lot of options, I'm not going to try to quote them, but it looked to me it was anywhere from \$21M at one point to \$34M and I just don't think given the tax situation—I'm not saying what you didn't do is excellent. Ideally, if you had the money that would be the way you would want to go, but I just don't think people are going to be very happy with us spending \$21M on a Juvenile Detention facility that you even project is going to have a reduce number of

people in it over the coming years. There is probably a lot we need to discuss about this study because I will have to tell you between when I got it and it was delivered Monday night, but we weren't there until Tuesday morning. I didn't read all 128 pages of it. I'm sure I'm probably the only one up here, but there is a lot to study.

I just want to say I think you did a great job, your proposals are not out of the ballpark, but I don't see that there would be much willingness to spend that kind of money at this particular time for this facility.

Mr. Rowe said you point out a very valid point, Commissioner, I would like to talk a little bit about it and address it because it is a very, very, very important aspect of juvenile treatment. What you will find is you can probably build a juvenile facility for \$5M as you describe that has 30 or 40 cells and a dayroom and—**Commissioner Walker** said exercise area. **Mr. Rowe** said exercise area and all the minimum requirements, but what you will find is that your juvenile detention numbers will begin to grow. What you will find within a juvenile detention environment is that the old program of scared straight will work with a few kids, but what you're finding in current design for juvenile detention is to do a trauma informed which is to say to figure out why the child came to the facility in the first place and then remedy that because it doesn't always root itself into the kids behavior, it roots itself into the surroundings so it does need to involve counseling otherwise the kid will come back into your system. The reason the juvenile detention numbers are going down is because of the strong investment into keeping kids out of detention. It is your most expensive way in which to address any juvenile issues so I would much rather you—no, I'm sorry I started to say keep your existing facility and invest in programs, but the reality of it is you need to get juveniles out of your adult and I think we're all in agreement.

The reality of the other thing is that your programs that you run for juveniles, those that you run with families to counsel them, those that you run with families to counsel the families before their kid is in trouble are the ones that will keep your detention numbers continuing to go lower. My only concern with doing an understandably Spartan financial situation, and you can, and it will solve your immediate problem; my concern is that your numbers will then begin to grow and you won't have a good foundation on which to build the way to treat juveniles because what you're really needing to build is a juvenile treatment center and that means you're

interacting with juveniles who are delinquent from school and then acting with juveniles who have stolen mom and dad's car, then dealing with kids who are gangbanging and then dealing with the very violent. You're dealing with them all and if you continue to go down a route that your current facility has which is a very financially sound methodology of investing as little as possible into solving that problem, your problem will grow. I understand where you're at on the not spending \$19M and frankly if you said let's set a budget somewhere down lower than that that is more conservative and financially responsible, that's actually one of my bullets on how to pass a referendum is to make sure it is financially responsible and that your community can afford it. I think some of what Bob's saving on getting the adults back into the facility can actually help pay for that and I think that's the key to getting it to work.

Commissioner McKiernan said I agree with what you say there, but I've had the opportunity of talking to the Sheriff about this and when my eyes were finally opened to the power of the money we're already spending I just went are you kidding me. We're currently budgeting \$1.9M a year for farm-out costs. If we brought everybody back, you estimate about \$700K in personnel costs or they estimate about \$700K in personnel cost internally for us to keep those people in-house, well that's a \$1.2M a year savings of money we're already spending. We're already budgeting at \$1.9, if we bring them all back we've got \$1.2 that would be the bond payment annually on about \$19M worth of loans. There is the possibility of a juvenile facility and the cost of retrofitting and backfilling the current juvenile space in our existing adult jail and theoretically pay for most, if not all of it, out of money that we're already budgeting every year. When I finally realized that, and the Sheriff knows this, I just went are you kidding me. I think we need to think about the money we're already spending and how we might be able to rearrange that to our benefit.

Mayor Holland said we need to talk about steps forward. This is our first look at it so people need time to digest the report, spend some time, it is handy I think to have my first look at it with the consultants walking us through it. We did the same thing with the Fire Study. What we did with the Fire Study is we set up a group to move forward with a master plan short-term, midterm, long-term plan; we need to do the same with this group. Now, fortunately we already have a jail population group that meets on a regular basis that was actually the group that worked with the

consultants to put this report together. Chief Lampson, Sheriff Ash and Mr. Gorman; we already have a team, a multi-facet team of all the groups that touch it and Gordon Criswell obviously staffs that. We have two commissioners on it, Commissioners McKiernan and Walters, and so we need to make sure that we empower that group I think to take this study, digest it further and I think in the next 60 days come back to us with a plan on how to move forward. There is going to be a lot of evaluation that is going to need to be done, we're going to need to continue to drill down on the financial pieces and if there is a direction that we think we need to go, one of the things that's important I think is to look at integrated services. If you remember the slide, all the money we spend on pretrial, parole, all of those Community Correction pieces that we do, all the money we spend on the pretrial and house arrest is a dramatic cost-savings from putting people in jail. Making sure we're fully funding those services and you know we spend so much time focused on the jail population, what we're doing with mental health right now of giving people a diversion to a 24-hour crisis center to get people out of jail is helping. It is a national trend also, but we're doing it locally. All of the things that we can do to coordinate our efforts in the most holistic way on this campus is going to give us the greatest cost-savings long-term and I think we already have the right people at the table. They were the right people to help the team put together this study and I think they are going to be the right people moving forward to bring a recommendation to this Commission on how to move forward.

I would say we're a long way from announcing—I don't care if it's \$5M, \$10M, \$50M project, we're a long way from announcing anything. We've got to get that team together, put the priorities together and chart a way forward for us. Unless there is some disagreement on that I think we empower the group that's already working on this to continue to work and bring us back—I think 60 days is a legitimate timeframe to bring back preliminary steps forward and then we can assess that. Of course the Commission will be assessing every step forward in terms of what we do or what we don't do, but I do think—I've long said we're long overdue in getting our juveniles out of prison and putting them in a rehab facility instead of a detention facility. There are a handful of juveniles who need to be locked up who are very dangerous and I would like to see some rehabilitation for the rest. Frankly, rehabilitation for that group too, but if you're very violent, you're going to be in jail for a while.

Does anyone have a problem with empowering the group that has already been working on this to bring us forward in the next 60 days, a plan to move forward? Is there a better idea?

I'm open to suggestions. **Commissioner Philbrook** said I love that they're doing it. **Mayor Holland** said alright, we love that you're doing it.

Commissioner McKiernan said if that is the plan going forward then, what I would implore the rest of the Commission to do is to give feedback to Commissioner Walters and myself so that we know all of the concerns, all of the plans, so that we have information to take back to the rest of the group to help shape a recommendation that ultimately comes back here. **Mayor Holland** said that's right.

Mayor Holland said that concludes the Jail Study. We are moving three major studies forward at the same time. I asked Doug Bach why he chose to do that. He reminded us it was our idea to move all three forward at the same time, but we are underway with the Fire Study and we are now underway with the Jail Study and the Police Study starts when? **Mr. Bach** said it's out right now for RFPs. **Mayor Holland** said it's out for RFPs so we will beginning this spring and summer the Police Study.

Mayor Holland said it is 7:00 p.m. We do have another presentation slated for our 5:00 p.m. My inclination is to close this meeting and take us all downstairs and do that last presentation at the 7:00 p.m. rather than just running late. There are people waiting for us downstairs. I will just move that item to the Mayor's Agenda so it will be first on the agenda and we will get that done in order that we were planning to.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 6:59 P.M.

dt

Bridgette Cobbins
Unified Government Clerk

January 28, 2016

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

SPECIAL SESSION, THURSDAY, FEBRUARY 4, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, February 4, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (absent for executive session only); Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District (arrived at 5:44 p.m.); and Holland, Mayor/CEO; presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Ken Moore, Chief Legal Counsel; Jason Banks, Asst. to Mayor; Renee Ramirez, Director of Human Resources; Shakeva Christian; Human Resources; Chief Ziegler, Police Department; Chief Jones, Fire Department; Major Rodney Smith, Police Department; Emerick Cross, Commission Liaison; and John Turner, Sergeant-at-Arms. Ryan Denk, Labor Attorney, was also present for the executive session.

MAYOR HOLLAND called the meeting to order.

ROLL CALL for Executive Session: Markley, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, February 4, 2016, at 5:00 p.m. in the 9th floor conference room of the Municipal Office Building for an executive session regarding labor. Immediate following will be a special session in the 5th floor conference room regarding the casino grant process/SVV donation and dignitary security.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into executive session for 30 minutes regarding labor. Motion carried unanimously.

Mayor Holland reconvened into Special Session at 5:23 p.m.

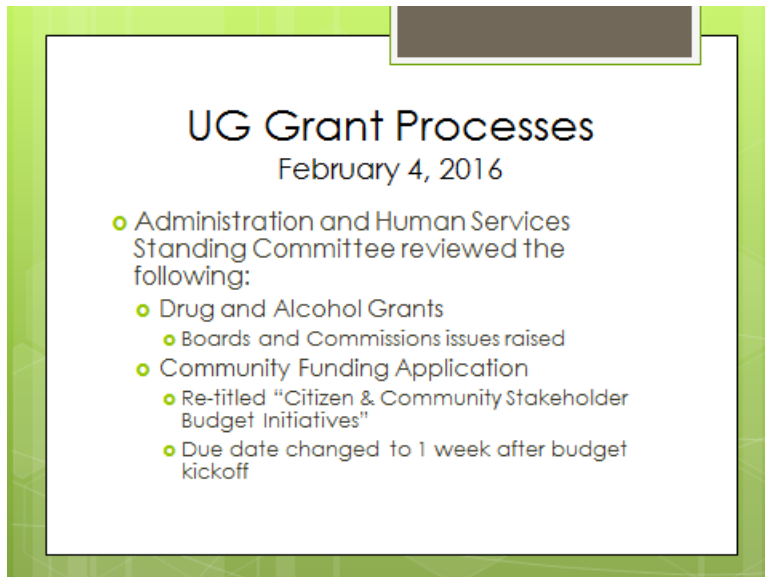
Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to go back into executive session for 5 minutes. Motion carried unanimously.

Mayor Holland reconvened into Special Session at 5:36 p.m.

ROLL CALL for Special Session: Markley, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Holland.

UG Grant Process

Joe Connor, Asst. County Administrator, said we're here tonight to talk about the UG Grant Process. We started this through the standing committees and it was recommended that we bring some of these issues to a work session of the full commission to discuss a little further. I brought with me tonight Denise St. Omer. Denise works with the Greater Kansas City Community Foundation as a Vice President. She has been working with our particular account from the beginning. One of the pieces of information was what role can they play for us in the future, what expanded role could they play, so I thought Denise would be a good person to come if you had questions of her as we go through this.

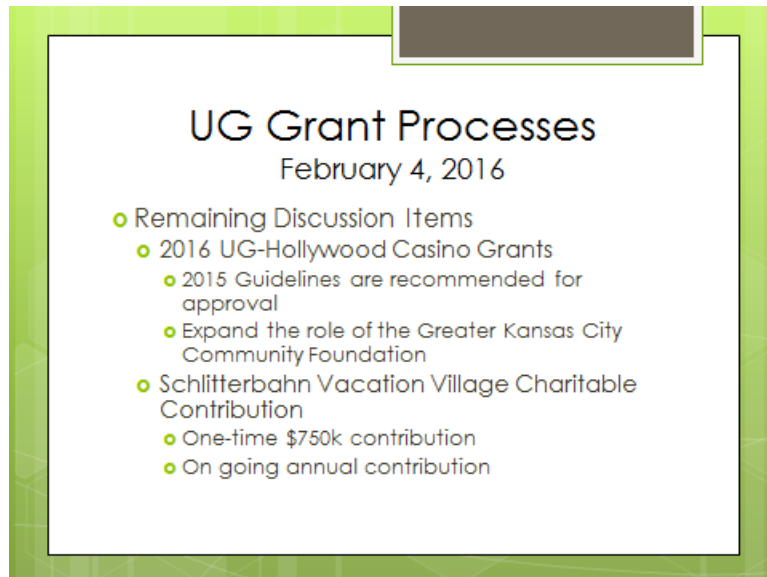


Just by way of a little bit of history the Administration & Human Services Standing Committee was tasked with looking at the non-CDBG grant processes that we had. We discussed Drug and Alcohol Grants. I think there were some issues raised about the Boards and Commissions process which will handle some of that in appointments, attendance, and those kinds of things. There is also the issue on that one of do we actually need to have a board or not because you're not required to have one. Again, that's going to be evaluated through the Boards and Commissions process.

The Community Funding Application was the other one that we talked about. This is something that we started the last couple of years in the budget process. A couple of things came out of that. We decided to retitle it and I've got the title there "Citizen & Community Stakeholder Budget Initiatives." We also thought it was important to change the date. When we have our budget kickoff, that used to be the date it was due which didn't give people really a lot of time to give us their comments so we pushed that to a week after the budget kickoff so people can come to the budget kickoff if they hear and they have ideas they can still submit them a week later and then we will work it through the budget cycle like we have the last few years.

I guess I would ask Commissioner Markley or anybody on the committee if I'm missing something, please interject on this. **Commissioner Markley** said no, I think that's good. Do you want me to go further in discussing our recommendations or do you have more? **Mr. Connor** said I have more. I was done with those two if there were questions on those two

before we get into the other part. **Commissioner Markley** said we really like long names. It's the CCSBI.



Mr. Connor said the remaining discussion items are about the UG Hollywood Casino Grant Funds and then also the Schlitterbahn Vacation Village Charitable Contributions which is kind of new to this mix.

On the Casino Grant Funds the standing committee is recommending that the 2015 guidelines carryover into 2016 and that's information that has been provided to you prior to this meeting and so that's been one recommendation that's been made. The other is they wanted more information to be brought forward to expand the role of the Greater Kansas City Community Foundation and I've given you that proposal as well of what things would be covered and what the cost would be to that.

On the Schlitterbahn Vacation Village we have the one-time contribution of \$750K that was received in the fall and then also there is an ongoing annual contribution from that development agreement. The language from both of those has been provided to you.

UG-Hollywood Casino Grant Additional Information

Year	Total Amount Requested	# of Apps Received	Annual Amount Awarded	# of Grant Awards	Grant Average
2013	1,674,433	43	493,082	13	37,929
2014	1,891,959	39	492,919	17	28,995
2015	1,649,227	54	494,900	32	15,465

A little bit about the background information this has provided. This has been the history of the Casino Grant Fund and the amount requested, applications received, the award amounts, the average amount of the award. Just as an informational item that was something the committee had asked for and we wanted to share it with the full commission.

UG-Hollywood Casino Grant Additional GKCCF Services

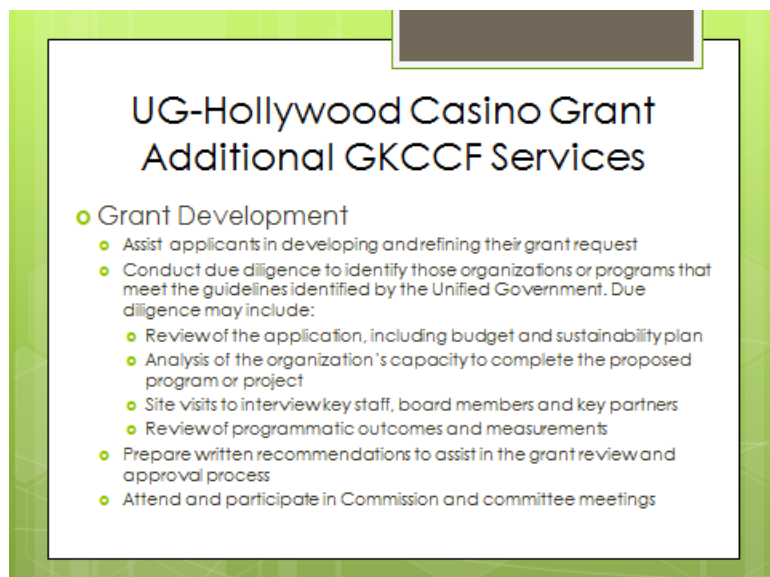
- o Grant Development
 - o Assist applicants in developing and refining their grant request
 - o Conduct due diligence to identify those organizations or programs that meet the guidelines identified by the Unified Government. Due diligence may include:
 - o Review of the application, including budget and sustainability plan
 - o Analysis of the organization's capacity to complete the proposed program or project
 - o Site visits to interview key staff, board members and key partners
 - o Review of programmatic outcomes and measurements
 - o Prepare written recommendations to assist in the grant review and approval process
 - o Attend and participate in Commission and committee meetings

We've got the information about the additional services from the Community Foundation. Again, their full proposal was there. I've only listed on these slides the things that would be new to the process from last year. **Commissioner McKiernan** said I apologize if I've missed it, do we have a copy of this and if not, can I get a copy of this? **Mr. Connor** asked of the proposal or-

Mayor Holland said the PowerPoint. It was emailed today. **Mr. Connor** said no, the PowerPoint was not. I actually gave the full documents. There were two emails that went out this week. The first one had a series of documents with it, the spreadsheet about the grant history, and the proposal from the Community Foundation; there was a letter from Mr. Henry on the Schlitterbahn Vacation Village and the 2015 Grant Guidelines that are being recommended to carry forward. The second email that went out had the specific language from both development agreements that talk about the definition and talks about, in the Schlitterbahn case, what their schedule is for their future payments that are going to come into us. **Doug Bach, County Administrator** said we can send you the PowerPoint. **Mr. Connor** said we certainly have it. I did not send this today but I sent the other stuff.

Mr. Connor said that was it kind of from an overview from what the standing committee has recommended and things that need to be discussed further. Again, from a staff perspective we can start to put together a timeframe. We just need some decisions to be made about what the role of the Community Foundation is going to be, what's the selection committee going to be and then we will come back once we get some resolution on this we will prepare a document for the full commission meeting with a resolution that outlines this whole process.

Mayor Holland said I will ask Commissioner Markley, Chair of the Committee, to walk through the recommendations.



Commissioner Markley said as you all know we had a lot of discussion about this last year and we sort of have taken I think the two extremes over the past year so we had a separate committee that did award grants initially and then we had the commissioners award grants this past time around. Our committee is hoping that we found a compromise that will make both sets of commissioners who likes those extremes happy. The idea is that we would use the same guidelines as last year. Commissioners would once again be allowed to award grants, however; the Greater Kansas City Community Foundation would play a little greater role this year. Last year all they really did was collect applications for us. They would do a little additional analysis to provide us more information about the potential grantees in terms of their capacity and whether they feel upon their analysis those agencies are capable of using the grant dollars and properly monitoring the grants and turning in the appropriate forms and all those sorts of things.

The idea is that we would still allow commissioners the ability to spend the dollars where they think they are most needed, but it would also provide some additional accountability and a way for us to provide a check against each other instead of us just saying well I don't like that agency, I don't think you should give them money so I'm voting against your proposal. We would be able to say the recommendation of the foundation says this agency doesn't have the capacity to handle the grants. It would allow us to have a little additional information so that was the idea coming forward from this committee. I asked it come to Special Session just because I knew there was a wide variance in what people were expecting so I wanted to make sure that the entire Commission had a chance to weigh in on that compromise. We do realize it's

a compromise so probably not everybody will be 100% happy with it, but we think it's a good option moving forward to give both parties something that is important to them.



Mr. Connor said I kind of broke down for this PowerPoint from their proposal there is really grant development services that could be offered to us and then also grant monitoring. These are things that are in addition to what they did for us last year. When you look at their proposal it's all kind of listed together. I just broke it out for this purpose so we get a little bit of both. With the grant development you're working with the applicants a little earlier in the process. Hopefully, you will end up with better applications and people will kind of know upfront if you've kind of hit the mark, you haven't hit the mark. You will get better quality and then on the grant monitoring piece there will be a lot more oversight on their part with applicants as they go through the year. Again, to answers questions—you know there are a lot of things that happen with the agencies when they get this kind of money and so just a little bit more oversight from our perspective.

Commissioner Walker asked what do we know about the money that was awarded. Have we gotten a report of any kind that I've missed that we suggest that the recipients, the haves, misspent that money? **Mr. Connor** said there is a six month report due in the middle of December and we're still chasing down some that were late and I think right now there are currently five. I can give you the reports now with five missing or we can try to collect all five

and hand them out at the same time. It's your preference. **Commissioner Walker** said certainly I think before we award grants again we should know how—have some indication of performance on the part of those that received them assuming that many will reapply again this year.

Commissioner Kane asked, Joe, can you go back to where the Schlitterbahn one-time thing is. Where is that money? **Commissioner Markley** said that's part two of our discussion I think.

Commissioner McKiernan said, Joe, there is no need to send the PowerPoint because I was looking at the bullet points of this January 13th from the Greater Kansas City and I do see that in the body of the text what I was looking for which was the cost for services. So we go double maybe triple depending on how deep we went, the administrative overhead on this, which would get us back to about the level we were in the first year, correct? **Mr. Connor** said this would exceed the level of the first year. If you look at that, the amount awarded there right in the middle, year one was probably the highest, year two a little bit higher and then year three of course we went to less oversight. Some of the things are listed in their proposal they've not provided for us before. It's certainly a big step up in service. **Commissioner McKiernan** said but again, there is value added to those services to all of us. **Mr. Connor** said correct, absolutely. **Commissioner McKiernan** said I certainly would endorse going along with the proposed compromise, again, as another step in evolving this to the best process possible that bridges the gap between all perspectives on how it could or should so I would endorse the compromise.

Commissioner Bynum said to Commissioner Walker's question, at the standing committee level I think I asked if we could be given the names of the grantees from 2015 who had either submitted their six month reports or not and you had forwarded that to us. It was a fairly large list. It led me to hope that in an enhanced process maybe some better communication. I know that in the initial grant award the letter did say your six month report is due on this day and your final report is due on this day, but I got the impression that a lot of the grantees did not see that or somehow did not make note of that and there was no further communication on anyone's part that I'm aware of that your grant report due date is coming. Maybe an enhanced communication

could be a piece of expanded services as well. I would just request that. **Mr. Connor** said I would say, Commissioner, that the Community Foundation did provide reminders and updates throughout this process. I think that's why that list has shrunk from when I gave it to you at the standing committee until now only being five. **Commissioner Bynum** said I guess I will tell you that in talking to grantees that is not what I've been told.

Denise Omer, Greater Kansas City Community Foundation, said part of the system we use, we use an online application system and we ask grantees to also submit their reports through the online system so the online system so the emails that go out as reminders are generated by the online system. We were having some issues with some of those emails being caught in people's spam or junk mail and so it wouldn't get directly to them. We did switch to a new system this year that we brought online in December that we believe will alleviate the emails going into the spam. **Commissioner Bynum** said I do think that reminder piece is helpful. Not necessarily mandatory, but certainly helpful. I would also; again, I think I asked this at the standing committee level; part of the reason why I asked about the reports was because I would like to see them. I guess you've already answered that with Commissioner Walker's question, but I guess what you're saying is once you have them all—**Mr. Connor** said if you would like to have what we have now, I have them, but I was trying to wait until we got them all in because the list was shrinking and so I thought let's wait until we get them all instead of sending out two communications. **Commissioner Bynum** said I think it speaks to the outcomes. I think it speaks to what good is coming from the money.

Commissioner Philbrook said I appreciate the direction we're moving, thank you committee, because I really do want to see us make sure that our money is going to folks that are actually being good stewards of that money and that they are furthering what the Commission would like to see happen for our community. I do endorse this change and would really love to look at the new list of candidates for this spring because I'm going to feel a whole lot more comfortable about that group.

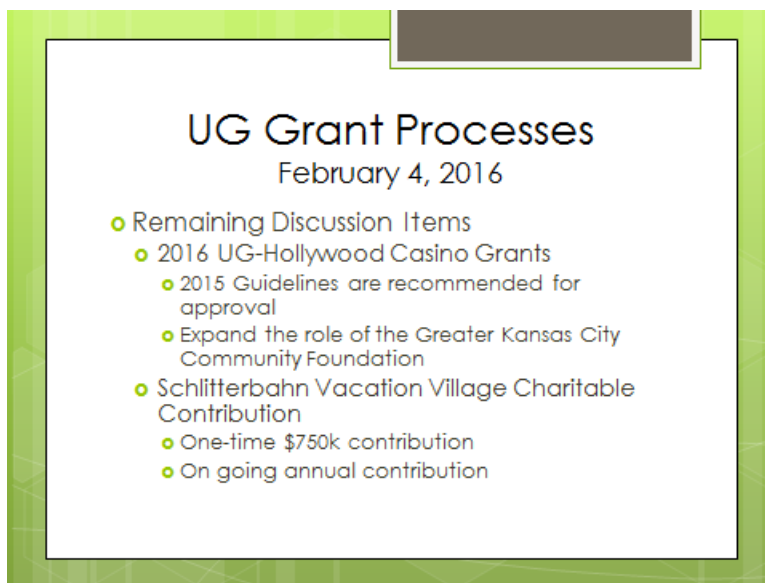
Mayor Holland asked is there a consensus to accept the recommendation of this committee.

Commissioner Townsend said I just have one question and I had not had the time to look at it in detail. The only thing that I heard that I had a question about wasn't going to comment about it until I had read it, but if you're asking for an endorsement, my question is if the foundation is going to be involved after with commissioners have made recommendations or are they going to moreless vet some of these people before. What I'm getting at, I would very much hate to put forward entities to get this money only to hear later that they may be deemed not to have the capacity to work with it. Is there any way that can be done ahead of time? **Mr. Connor** said I will let Denise answer that question. **Ms. Omer** said one of the things I think that's important is, and it's why you see a range in services, is because at the Community Foundation we really take direction from our clients and so the recommendations that we make they look a little different depending on the client we're working with. For some of our clients the recommendations we're making are they meet the eligibility criteria, for others the recommendation we will make—what we never do is say you should not fund this organization and what we never do is not provide you with all of the applications. What we would do in our recommendation is we would say—and part of the service that is included in this is if we receive an application and there are some concerns about whether or not the organization can actually follow through with the program then we talk with them. The information that we get from them we share and it goes out as part of our recommendation. If there is an organization—An example I might give, if you have an organization that has put forth a proposal where they would like to start a new program and they are requesting that the Unified Government be the sole funder of that new program, one of the things that we would just say in the recommendation is that we've had a conversation with the organization about how to make sure they understand that these are one-year grants with no guarantee of continued funding and so we would ask them if they could articulate how they would be able to continue the program or in a situation where the commissioners might make a determination to fund that program at less than the full amount and how that might affect their program design and the program implementation. We would just share that information back with you so that you would have all of the information you need to make an informed decision.

Commissioner Townsend said that sounds reasonable because those were some of the criteria that I know I was looking at before. One of the things I would hate to see lost and I hope it's not lost in the process, is that smaller organizations are given an opportunity to receive these grants as they were in the past instead of the bigger organizations only. There were some smaller

groups for which this was a great funding opportunity not that it was their sole basis for funding. Other than that it sounded reasonable. That was the only question I wanted to raise about it.

Mayor Holland said in the past, Mr. Bach, I will ask you just as a reminder on the process; it seems like we formally adopted our plan each year when we launched the thing and so with the consensus that we have they will package this as a resolution for the grant funding that will come before the Commission for a vote. Is that right? **Mr. Connor** said correct. **Mayor Holland** asked in terms of timeline when do you anticipate bringing it before the Commission, we do we anticipate opening the grant cycle? **Mr. Connor** said we could probably be ready by the end of the month, the 25th of February to bring that back. Everything we've provided in the years past schedule, resolution, guidelines; we will have all that put together.



Mr. Connor said the other issue that's remaining is what Commissioner Kane would like to talk about. **Commissioner Kane** asked where is that money going. **Commissioner Markley** said in our committee we have a larger donation coming from Schlitterbahn and would be typical because there was a period where they didn't make a donation and now all of them together. Not knowing for sure what the reaction would be to our initial proposal on the other grant item we didn't really want to dive into this without knowing. The initial question is does this \$750K go into the grant bucket with the rest of the grant money or are we doing something different with it? We need to kind of answer that question so we can get an idea of where we go from here.

Mr. Connor said just so it's crystal clear, that's \$750K is one time. The schedule for the remaining years is in your packet, like next year its \$100K and it ramps up. It will never be \$750K. This was a catch-up provision like Commissioner Markley said when the development deal was renegotiated. I just want to make sure we're clear about that. **Mayor Holland** asked did you all make a recommendation of the Schlitterbahn letter. **Commissioner Markley** said we did not. We had some discussion about whether it would go in the general grant bucket, but we didn't want to make that recommendation without knowing what our final decision was going to be on what the grant bucket looked like and what our guidelines were going to look like. I think we just kind of left it up for discussion depending on how the remaining discussion tonight went. I will just say personally my thought is let's put it in the grant bucket. Commissioners all have their recommendations from Schlitterbahn. They can choose to make donations in accordance with that recommendation or not individually as we go forward, but that's just my personal thought.

Commissioner Philbrook said I do have a question around this. We all sitting here have a letter that has been presented to us, but I don't believe that the audience has privy to the recommendation of what the Schlitterbahn folks are recommending and I think that we should let them know whether we follow through with their recommendations or not. I just think that information should be there. **Mayor Holland** asked should we have Mr. Connor share that recommendation. **Mr. Connor** said there are four different points in this letter that Gary Henry is respectfully requesting the UG's consideration for directing the \$750K in the following manner: 1) \$500K towards the capital campaign for the community center in downtown Kansas City, Kansas. 2) \$50K towards the Urban Scholastic Center. 3) \$50K to the Kansas City West Kiwanis Club. 4) The remaining \$150K let the commissioners collectively and individually decide.

Commissioner Kane said mine is the Kiwanis and what was the other one? **Mr. Connor** said Urban Scholastic Center. **Commissioner Kane** asked how much money does that leave us. **Mr. Connor** said \$150K. **Commissioner Kane** said no, plus the \$500K. **Mr. Connor** said then \$650K. **Commissioner Kane** said if I figure this out right, if it's \$650K and if we divvy up

amongst us eleven it would give us \$59,090 to spread around in our districts and that's the way I would like to see the money go.

Commissioner Walker said I certainly appreciate Mr. Henry's recommendations, but that was not part of the deal when we originally did this. As I recall there was some debate about one of them, maybe it was the casino donating money directly to various groups within Wyandotte County and at that time the Commission was not so inclined to agree to their choices. I don't have any problem with what Mr. Kane suggested, but I think if we're going to give \$25K to one and some money to the other, they should apply just like everybody else and as commissioners we can decide whether we're going to do it or not. I appreciate Mr. Henry's willingness to put \$500K in the Healthy Campus. I had this discussion with the Mayor earlier. It's a good project, worthwhile project and I want to see it move forward, but I've already agreed to put \$6M of public money and that may not include any additional incentives or whatever might come down the road to make the deal come to realization. If commissioners want to make a contribution to that project, I don't have heartburn with that, I don't disagree with that; but again, I would rather see—I said this last year and I will say it this year, I would rather see a number of these organizations that are worthy, that are doing good work but in a smaller way have a chance at success. They're not getting \$6M and maybe \$6M is small in the total concept of the Mayor's project and I realize that, but I would rather see it go into individual buckets and you put it where you think it best goes based on the information that's provided. That's where I stand on it.

Commissioner Philbrook asked where would this go into, this \$750K and then the additional approximately \$100K or so every year, where will that go? **Commissioner Kane** said like Hal said—**Commissioner Philbrook** said into this? Okay, I just want to make sure because then it has the same stipulations of what it needs to go to and all that and so we add this into the Hollywood Casino Grant money. **Commissioner Walker** said I'm not envisioning two application processes for two separate pools of money. One application process and money then distributed. **Commissioner Philbrook** said so that goes into the newly named group of money. **Mayor Holland** said it would be \$1.25M instead of a half million. This year there would be \$1.25M available if all \$750K was added to the casino half million, right? **Mr. Bach** said yes.

Commissioner Walker said as an at-large commissioner I will say it here publicly, I will be looking to make partnerships with the district commissioners in each of your districts where I can be helpful and I have some ideas of my own, but hopefully my little bit added to yours and spread amongst you will make a better distribution of the money. **Commissioner Philbrook** said I'm sure all of us will appreciate that along with the people that receive it.

Commissioner Johnson said just considering the direction that it seems that we're going would that require an additional fee from the Community Foundation if in fact we were looking at \$1.2M versus a half million dollars in terms of fees from you all to vent these applications? **Ms. Omer** said here is what I would tell you, I think you will not each be making changes in the guidelines and the eligibility. I would anticipate that the number of applications that you will receive will continue to be in that same range so I don't think that you will have—if I believed that it was going to result in a considerably larger number of applications, then it might impact that, but I think what you will get is you will get the same number of applications, you will probably just have more money to fund and you might get some requests for larger amounts.

Commissioner Walker asked am I correct in remembering that our requests alone last year exceeded \$1.2M. (Response was inaudible). **Commissioner Walker** said so I don't think we're going to have any problem with requests.

Commissioner Bynum said Commissioner Walker said that as far as the Downtown Healthy Campus we had already agreed to \$6M in public dollars and that was prior to my arrival, but I thought those were casino grant dollars. **Mr. Bach** said it's a pledge back that we would go into debt funding. The discussion that came from that was that we were getting so much money from the casino on an annual basis and we would be able to pledge some of that money towards that debt funding service on an annual basis. **Commissioner Bynum** said we're going to pay it back with casino revenue. Okay, that helps me understand that. I wanted to make sure I was understanding that correctly.

With the development agreement from the casino there were requests that we put \$10K to the Chambers of Commerce and \$25K to the CVB and are we doing that now? **Mr. Bach** said yes. That is money that is directed toward those entities and in fact that check just came into our

office today and we take that money and we dibby it out accordingly to those agencies just as that contract dictates. **Commissioner Bynum** said so as part of their gift they did ask for and receive monies be given to specific entities on a permanent basis. **Mr. Bach** said yes, that was more of a contractually agreed on. It was not part of a contribution package. This is a part that comes to you. Part of that package was here's your \$500K, you decide where it goes. These other ones are all laid out specifically where they go. **Commissioner Bynum** said then when the Schlitterbahn contribution comes forward, the \$750K is partly a result of timing. Is that right? **Mr. Bach** said yes. **Commissioner Bynum** said I guess I would say is there a compromise for this group around somewhere within the context of the letter that they've asked for and what Commissioner Kane is putting forward? Is there an opportunity for some level of contribution from the \$750K to the Healthy Campus, maybe an amount lower than \$500K?

I want to also say they are asking for \$50K to Urban Scholastic and \$50K to KCK West Kiwanis and I am a member of that club as is Commissioner Philbrook and I just want to make that statement publicly. It's a volunteer organization and so there are no paid employees. I'm not an officer, I'm not a director and when I first saw this letter I took this to Chief Legal Counsel Ken Moore and made him aware of that because I wouldn't want there to be any conflict real or perceived around that. **Commissioner Philbrook** said Commissioner Bynum nor myself are on the Board of Directors. **Commissioner Bynum** said but I did want to make it known that it's a club that I belong to as a member as well as Commissioner Philbrook. **Commissioner Philbrook** said I think though that we should encourage our club to put forth a request for grant under our 501(c)(3). **Commissioner Bynum** said for whatever that's worth I guess I'm asking could the body be in a compromise mode for some dollar amount to the Healthy Campus with the balance going to what you suggest and it sounded like you were saying leave those two \$50K contributions as they are, take the balance and roll it into the bigger grant fund so I'm just asking is there any spirit for some portion of the \$500K to be put into the Healthy Campus? **Commissioner Kane** said not for me.

Commissioner Markley said I guess my thought is that the compromise is that each of us commissioners has the opportunity to award our portion of the dollars to the things that are recommended in that letter assuming that they apply.

Commissioner Walker said, Commissioner Bynum, I will assure you that if the Mayor and the various sources of revenue, the private sector, come within \$500K of the cost of this; I will support an additional \$500K in public debt. If we're that close to doing a deal, we're not going to let \$500K, but this is money we can do immediate good with right now and we can issue more debt of \$500K, thereabouts, if that is the only thing separating us from doing the deal.

Commissioner Kane said you're right, Hal, if we got to that ballpark—we have an opportunity now to build the park that you would like to build and the money is sitting right there and something that people could see, touch and feel. Right now they can't see much so I sure would like to give them something that says here we are, we have done this, so that's why I'm saying no; but like Hal said, if we are close then I'm okay with that.

Commissioner Murguia said I just want to add that my two cents is really, I don't know what you would call it, more legal and administrative. I requested the development agreement from the Schlitterbahn Vacation Village Development Agreement and it says you can have a copy of it and I really encourage, especially new commissioners, how we distribute money—our Administrator is usually very good about spelling that out in our agreements so we know exactly what we're getting into at the time we enter into that agreement. It's very specific that this money should be designated by the UG. That's the exact terminology so if you all want a copy of that—you don't have to ask for the whole development agreement. **Mayor Holland** said it was sent out to everyone.

Commissioner Murguia said I didn't know if everyone got it. That was my first comment and then truly, Commissioner Bynum, I really love your disclosure. I would encourage you though in regard to your and Commissioner Philbrook's position on the Kiwanis, I'm becoming a master of ethics, and I will tell you I would request an opinion from your Administrator, if you haven't already, because if there is any indication on the Board of Directors or a membership roster that's presented to the Greater Kansas City Community Foundation and it all carries your title of Commissioner, that's abuse of prestige of office. I feel like I should have a law degree in ethics at this point. **Commissioner Philbrook** said stop and say that again because you lost me of the implication of commissioner. **Commissioner Murguia** said it doesn't matter—all of us serve, that's how we're involved. We all serve on

different organizations. That's why we're commissioners. We're involved in our community and so whether you're paid or not is not always substantial interest. Sometimes it's the prestige of your office that you hold that influences decision-making. I would just encourage you that if your title is used in where you are a member, which wouldn't necessarily be a bad thing, however; when they submit that grant application if that title is on there then that violates the prestige of office clause of ethics. I'm telling you as your friend and a peer who doesn't want to see you or Commissioner Philbrook get in any trouble that it's very important and I appreciate Commissioner Philbrook's comment about wanting to tell Kiwanis to apply for this money, which I would agree with her, but we need to make sure as commissioners we tell everyone that is eligible and interested to apply for this money otherwise it shows preferential treatment.

Commissioner Bynum said I guess the reason I was asking and bringing that forward was because if we follow points two and three of the Schlitterbahn Request Letter, there is no application. It's done. Points two and three of the Schlitterbahn Request Letter say give \$50K here and give \$50K here, so there's no application. There is no application process if I'm tracking with what Commissioner Kane is recommending. **Commissioner Murguia** said I would just say that our development agreement does not Schlitterbahn Vacation Village gets to decide how the charitable dollars are spent. That says specifically in the legal language of the document that's designated by the UG Commission and then I will go back to our original conversation that we have a process for how money is distributed at this government whether it be during the budget process or it be during the casino grant process, we've been really intentional about making sure the process is established so that there is a level playing field and everybody has the same access to these dollars. That's why I'm saying to deviate from this agreement would be, I think, I don't think it would be a terrible thing, I just think it would be better to follow—**Mayor Holland** said so you're disagreeing with Mr. Kane. You think all \$750K should go into the group and not the two \$50K's be separated. **Commissioner Murguia** said yes. I think the \$750K, the full amount should go into the grant process, however; I think it is completely fine for those listed organizations, the two that you listed, to make an application just like everybody else does through the normal process and obviously just as Commissioner Walker said, there are a number of people that have the same interest in those organizations that are representative up here that would be more than supportive of that request. **Mayor Holland** said I am a Rotarian, I will go on record.

Commissioner Kane said they're giving us \$750K and they are asking us to put \$100K over here. If I were them I would be upset that at least the first \$100K goes where they want it to go because they're giving us another \$650K. I mean don't look a gift horse in the mouth and we're modifying the tail end of it so we can spread the wealth there, but they want the \$100K out of \$750K to go there, I don't have a problem with the request and I don't think they should have to fill out an application. They are giving us the money.

Mayor Holland said I think we have a consensus that, a broad consensus, that at least \$650K of it should go into the General Fund. I've not heard anyone—well Commissioner Bynum asked if there was compromise language on the \$500K and I haven't heard anyone speak up in favor of that. **Commissioner Markley** said just to clarify, the Grant Fund, not the General Fund. **Mayor Holland** said the Grant Fund. So there is general consensus on that item if I'm clear. The question is they made three requests and the proposal from Commissioner Kane is that those two requests be honored and Commissioner Murguia is suggesting that it all goes into the Grant Fund. Is there direction that this Commission wants to go with those two proposals? We just need to come to a consensus on that.

Commissioner Johnson said I'm pretty familiar with the Urban Scholastic Center and they are doing great work over there. I think that in the spirit, and I would like to see them apply within the spirit of how we're doing our grant process right now, I think I would like to see those organizations have an application in. I think both of them are definitely worthy of receiving money, but I think just in the spirit of how we're doing the process now, in the spirit of compromise and trying to make sure that we're all on the same page, I think it would be good to encourage them to at least have an application on file.

Mayor Holland asked do others have strong feelings about it. **Commissioner Townsend** said I'm not sure where I am with everybody else except to say I believe the entire amount should go into the bucket and as Commissioner Markley said that there would be no other formalities other than ones we've already talked about for whoever the entity was that wanted to apply. I agree with Commissioner Walker that we don't get that many opportunities to aid smaller organizations, 501s, so I would just like to see the entire go in there. Now, my question is if we

chose to, as commissioners, give toward the fund; would that be allowable? I'm also thinking and what I had in mind was Schlitterbahn and the last budget hearing where we—budget cycle so to speak, a slide for Parkwood. To me it sounds almost a similar kind of thing but I would like to see the entire amount go into the Casino Grant Fund bucket.

Mayor Holland asked is there anyone who wants to jump on Kane's train here and stick with those two because I haven't heard anybody else. Does anyone want to support that or does the rest of the Commission wanting to put it all into the one place? **Commissioner Philbrook** said one of the reasons why I do agree with Commissioner Kane is because we've been down the road with Schlitterbahn on some other issues and—strong comradery with Schlitterbahn and full disclosure the Kiwanis West group does do a lot of children's activities in conjunction with Schlitterbahn and scholarships and stuff like that, so that is why they were wanting to give money to this group. Having said all that I can fully understand though why other folks would want it to be across the board and fair. There you go, there's where I am, I will go with the group.

Commissioner Bynum said my question for Mr. Bach is, in the development agreement does the fact that the \$750K was going to happen in 2015 and instead it's happening in 2016; does it just push the rest of that language forward a year? **Mr. Bach** said that donation was made to us in 2015. We have that money and it's in our account now. It did occur later in the year so there was a provision as it went through when it would trigger the next year, but we didn't close the bonds in a fashion that allowed for the 2015 \$100K to start so the first year the \$100K will start in 2016 and we will get that money in September I believe. **Commissioner Bynum** said then we will expense it through this process. **Mr. Bach** said right. **Commissioner Bynum** said according to this grant timeline. **Mr. Bach** said as you deem necessary that money can go where you direct it.

Commissioner Walker said I just want to state the obvious; they're not giving us \$750K out of the goodness of their heart. This was a bargained for negotiated deal. They get, I'm assuming, I'm not a corporate tax lawyer, but they probably get some kind of a deduction for this \$750K that offsets profits. If they want to give the Kiwanis \$25K or anybody they're not limited at

\$750K, they can give the money. It's nothing against Schlitterbahn, they're a great organization, kids have a lot of fun out there and he recommended it and we considered it, but we made a deal. We bargained and we took this in lieu of taking additional money directly to the Unified Government so that we would have money to donate to 501 (c)(3)s; otherwise there would be no money for 501 (c)(3)s because Doug would find a way to spend that money.

Commissioner Murguia said, Joe, I'm assuming you advertise this funding opportunity to the general public. **Mr. Connor** said we advertise it, we put it out everywhere that we can, we have two information sessions every year. They are generally attended by 40 to 50 people each year. **Commissioner Murguia** asked do you have something in writing that use to advertise this opportunity. **Mr. Connor** said we do. **Commissioner Murguia** asked can you do me a favor, I'm saying this also out loud, since it appears from last summer that we apparently as commissioners have some sort of duty to advertise on behalf of these opportunities, I would like for you to send me that advertisement. I want to put it on my political Facebook page so everyone in my district that follows that also is aware of that. I would also like to make sure it gets to Liveable Neighborhoods and it gets in their mailboxes. I personally, for the record, will be attending every neighborhood group meeting in my district and making sure that opportunity gets delivered. That's exactly what I did with CDBG funds and I'll do that again with these funds. I just want to make sure, and if there are any other ideas that you have for commissioners on how to do outreach, I'll be glad to do that in my district and whatever else anybody plans to do.

Mayor Holland said it sounds like we've reached consensus. The whole \$750K is going into the grant bucket with the other half million dollars from the casino. **Commissioner Kane** asked what is the total amount. **Mayor Holland** said \$1.25M.

Dignitary Security

Mr. Bach said this is an update request by the Commission as we started a new program in 2015, it was actually a program we initiated in 2014 under then former Chief Ellen Hanson to develop a Dignitary Protection Program within the Unified Government. In January of 2015 Chief Ziegler implemented this program and put it in place. He has gone through the year now of having a full year of operation. About midway through the year he will note to you he did make some changes to this program, but now we have a full year so he wanted to come back in as this was a new program and report on how the operation has worked and it's gone from here.

February 4, 2016

BACKGROUND



Chief Ziegler, Police Department, said I will give you a quick overview of how we got to where we're at with the Dignitary Protection. In 2010, if you will remember, there was an incident in a Florida School Board meeting where they had let an employee go. The husband became upset, he appeared before the Board, he brandished a firearm, he began shooting at the board members before he was shot and killed by police.

BACKGROUND



In 2011 Gabrielle Giffords, a democrat Congresswoman in Arizona was shot along with 17 other people while she was holding a Congress on the Corner event at Safeway. Six of those people that were shot were killed in that incident.

BACKGROUND



In 2014 in January what kind of brought this all home for the Police Department was we ended up having a shooting on the back steps of City Hall where an individual who came out of the building was approached by another subject was shot in the head and killed. At that time we locked down City Hall and it was locked down until we could determine the stability of the scene, what was going on, was the suspect gone and it made us start thinking about whether or not we were doing anything or enough for security at City Hall and for our elected officials. At that point we started researching the idea of doing a Dignitary Protection Detail. We reached out to the Kansas Highway Patrol who handles the Governors' dignitary protection, we reached out to Kansas City, Missouri who does Mayor Sly James and kind of started putting together a plan to see what the needs and the costs would be. We ended up coming up with a pilot program that we rolled out last year. If you remember at the beginning of 2015, I came and I said this program was going to cost approximately \$250K out of our current Police Department resources and I will have the numbers for you here in a minute of where we ended up at.



DUTIES OF DPD

- ▶ Provide protection for Mayor and Commissioners.
 - ▶ Available to address issues of concern for judges and other elected officials in Unified Government.
- ▶ Presence in City Hall.
 - ▶ Consult with City Hall Security on issues.
 - ▶ Provide layer of security at Commission Meetings & Standing Committee Meetings.

Some of the duties of the Dignitary Protection Detail that as we developed our research and went through this process we came up with the main thing is to protect the Mayor and the commissioners. They are also available to address issues of concern for judges and other elected officials in Wyandotte County. We want to make sure that if there is a threat made of any kind or a concern from any elected official that we have resources that we can dedicate to vetting that out.

The Dignitary Detail when it's here it provides an extra presence at City Hall of security. They consult with City Hall security on issues like we've had packages delivered, suspicious packages, to City Hall. They work with security here in the building as well as act as a liaison between City Hall and the Police Department on what resources need to be rolled this way. They provide a layer of security at the commission meetings and the standing committee meetings. In the past, particularly this meeting, special sessions and standing committees we would have to have or make arrangements for an officer to be present during these meetings to provide security. We still use a Commander attending the commission meetings on Thursday for the Sergeant-at-Arms function, but the standing committees we were already covering with resources from the Police Department. We switched that duty over to being handled by the dignitary guys in 2015.

DUTIES OF DPD

- ▶ Evaluate threats against elected officials
 - ▶ Establish whether credible or not.
 - ▶ If credible, determine level of response & develop action plan.
 - ▶ Will assist Criminal Investigations Division.
 - ▶ Mine social media outlets for potential threats.
- ▶ Facilitate movement of elected officials to and from events.
 - ▶ Includes visits from dignitaries outside the UG.

They evaluate threats. They establish whether or not the threats are credible. They determine a level of response or an action plan. That typically will include if there is a credible threat, they start making contact with other units in the Police Department for additional resources to roll this way. They also will coordinate threats with the Detective Bureau, get detectives involved and determine whether or not criminal cases need to be worked and submitted to the District Attorney's office. They do have the ability to mine social media some. They do that checking for threats especially if something is brought to their attention they will jump on social media and see if they can run that down. They facilitate movement of the elected officials. You know the Mayor is going to a meeting; they will make sure he gets there safely, leaves safely. In the past we've had the Mayor of, I think it was Michoacán, Mexico come to our city, and when he came here we pulled police resources to provide the Dignitary Protection Detail function during that time period. Now we're in a position where if that was to happen we have people who are well trained and can kind of layout a plan for us on how to do that and provide protection.



2015 SECURITY ISSUES

▶ January – 2	▶ July – 2
▶ February – 5	▶ August – 2
▶ March – 1	▶ September – 3
▶ April – 3	▶ October – 2
▶ May – 2	▶ November – 0
▶ June – 1	▶ December – 0

23 Incidents

Last year in 2015 we had 23 incidents in which the Dignitary Protection Detail took some type of action to vet the threat out. The reason that's significant is because that's 23 times that we did not roll additional resources from the streets to complete Offense Reports. On a couple of occasions the dignitary officers completed the investigative reports and did an excellent job in vetting it out and then conferred with detectives on whether or not charges would need to be filed. I kind of equate what they're doing kind of like the School Resource Officer. We put the School Resource Officers in the high schools as a way to reduce the number of calls for service that we were sending district officers there. The dignitary guys are doing the same thing for us here at City Hall.

Program Costs

Salary + Benefits	\$209,011.29
Overtime	\$26,622.00
Training	\$10,000.00
Miscellaneous	\$3,188.00
TOTAL	\$248,821.29

So we talk about budget and what we spent last year. Last year for salaries and benefits was \$209K. We put the job up as a posting for interest and we do have two of our senior officers working in that position and that's why the salaries are at \$209K. Last year we estimated from looking at everything that we were wanting to do that we were going to spend somewhere between \$24K and \$30K on overtime. About the middle of the year we noticed that the trend was that we were spending a lot of overtime and so we went back and we abolished the unit, reposted it and shifted the hours so we have one guy that's working early and another guy comes in later in the day so we have a bigger span of coverage without having to pay the overtime for that. I believe that had a big impact in keeping the overtime under \$30K. We did spend \$10K last year on professional training. The Police Department we've never invested that kind of money to train officers on dignitary detail and we were providing that function. Going into 2016 we will not have this expense, but I will tell you this was some excellent training that we sent not only the dignitary officers to, we also sent other resources in the P.D. that would use to augment if we needed to for threats as they come in if we needed some additional resources. The miscellaneous cost that we spent was \$3K for equipment and whatnot that they needed that they typically are not provided by the Police Department if they are in uniform. The total for the program was \$248K last year which is about what we were estimating the cost would be.



2015 FOCUS

- ▶ Mid 2015 DPD hours were changed to mitigate overtime
- ▶ Defining mission of DPD and developing an SOP
- ▶ Professional dignitary training
- ▶ Purchased new equipment for DPD Officers
- ▶ Individual meetings with commissioners to assess security needs

Last year we did change the hours like I spoke about to mitigate some of the overtime expense. We did try to define their mission and created an SOP, a Standard Operating Procedural Manuel for them. We provided the training, purchased new equipment and we did hold individual meetings with the commissioners to assess any of their security needs. One additional thing that we did along those same lines is the Sheriff's Department is responsible for security over at the Courthouse, but we had a meeting and participated in the meeting where we talked about security needs for the judges and elected officials. Out of that there were some improvements made to the camera systems at the County Courthouse, the monitoring of those camera's and whatnot, so we would like to think that was a benefit added just for the simple fact that we opened this conversation up about improving security for elected officials in Wyandotte County.



2016 FOCUS

- ▶ Look for ways for the Detail to work efficiently & effectively
- ▶ Evaluate our responses/protocols for high & low level threats

In 2016 we are going to continue to evaluate how to make the unit work effectively and efficiently as possible and we will also be looking at our response/protocols for high and low level threats that are made against elected officials.

Commissioner Kane said, Mayor, the two individuals that you have watching you are outstanding. I enjoyed my conversation with them when I met with them and couldn't have picked better people. With that being said, I still think it's a waste of money. We don't have enough cameras over by where the judges are at, over where the Sheriff's Department is at, and we could take some of that money and purchase the camera's so we wouldn't have somebody leaving the bag in the back. We tell everybody that we want this to be a place that you want to work, live and play; but no other small municipality carries the folks around because I called several of them. It just, in my mind, and I'm going to tell you something; I think if we put a complaint box up on the door somewhere of how the employees feel about it, you would be surprised. This would be the second thing compared to the insurance that just went up. I don't like the idea and I think that we should be able to vote on whether they have it instead of it being said here's \$200K that the Mayor is going to spend at his own discretion.

Mayor Holland said I will be clear; I don't spend this at my discretion. The Police Department initiated and the Police Department implemented. This is not in the Mayor's budget.

Chief Ziegler said one thing I would say you mentioned, Commissioner, that you had talked to some of the surrounding jurisdictions, I can't think of any jurisdiction in the metro where maybe in KCMO where there was a shooting on the steps of City Hall and that was concerning for the Police Department. We took that serious. You know trying to lock down City Hall after an event and then working after the fact—you know the Police Department with us implementing this program it didn't detract from the level of service we provided. We are able to provide this service in addition to everything else we're doing and we kind of use security kind of like in layers, layered on. This is an additional layer here at City Hall that if there was an issue that came up they can address real quickly and we think it's a worthwhile program. We would like to keep this program going, but obviously I'm going to take the direction that I'm given.

Commissioner Kane said I still have the right to the elected person, the people have complained about why we have this and I realize this year you want to make sure that Doug and the Mayor are happy with what your work is. I'm just telling you the people out there don't like it and I agree when you go to Kansas City, Missouri or something like that, that you should have some people, but not just to run around Wyandotte County.

Commissioner Philbrook said point of information, so you said you spent \$100K on training. **Chief Ziegler** said \$10K. **Commissioner Philbrook** said sorry, \$10K and so that \$10K did that train your men well enough that they can train others or are they not trainers. **Chief Ziegler** said we didn't train just the Dignitary; we trained other resources inside the P.D. We believe right now we have enough resources that we could handle potentially any threat that was to come through. It was not a train the trainer course. Typically you've got—it will cost a lot more money. This was an organization that we brought in and made available to other agencies in the metro. **Commissioner Philbrook** said I just wanted to know where we were in that level.

Commissioner McKiernan said, Chief, I always appreciate you. You do such a thoughtful job of putting together proposals, following through, gathering data, determining your success, and then making changes to the program and you have certainly outlined how you've done that with this. Mr. Kane, I don't want to spend this money, but I am not convinced that we don't at some level need to start spending this money just because of the evolution of events in our country. While I don't want to spend it, I think we should be open to some variation of this in the future at

least bits and pieces of it as it relates to certain events within City Hall in Commission meetings, whatever that might be, I think we need to be open to that because unfortunately with current nationwide and world events I'm afraid that it's just getting to the point where all municipalities may need to start budgeting for expenses just like this unfortunately. Do I want to spend it, no? Do I think that at some level it would be a wise investment for us, yes I think I do?

Commissioner Murguia said, Chief, can you pull up your presentation again. You showed some slides of an event. That's okay, let me just tell this, all of the things that you've listed out here are good things to have security around. I agree with you the shooting of this Congresswoman at an outside event absolutely when commissioners or the Mayor are going out to public events where there isn't security already where they feel like it might be a hostile crowd or the topic they're discussing might be controversial, calling you and coordinating security I think is very appropriate and so I think that's a good thing. As to the isolated incident of the shooting outside City Hall I do think that was very much an isolated situation. It was more the location of the people than it was intended to occur on the steps of City Hall. That's my understanding of the situation so I do think that's a very much isolated incident, but to that point we already have officers here so I'm not sure what could have been done differently than what you're already doing which is there are officers sitting at every entry point that are armed that are available to protect all of us, not just the elected officials, but our Mayor and all the people that come in and out of City Hall. Then if you flip through here, I think you're right, Chief, our Police Department in general needs to spend money on training on how to protect our elected officials, but I think my issue is the way it has been done over the last year. I voted for this. I thought this was a great idea and I got your presentation, but what startled me, I didn't even follow-up on this, what startled me was the public comments that Commissioner Kane made at the last public meeting where we discussed this which was that the Mayor had taken his security guard to a bar, that they were going to his church and sitting through his mass while he was at his second job at his church. I just fundamentally disagree that if you're going to go to work somewhere else and there is a security issue, your other employer should be covering the cost of that; not the taxpayers in Wyandotte County. I think if someone is going to go to a restaurant or a bar where they feel like a violent situation could breakout, they shouldn't go there. When I go

out to eat or go out to an event I don't call you and ask you to go with me. I guess I don't understand that.

I think the other thing is that I haven't seen any commissioner or heard that any commissioner has utilized this security to the extent that it seems to be private security for the Mayor and I absolutely think our Mayor needs to be protected and made sure he is safe. I absolutely agree with that, but I think there are ways to do that within the confines of the way the money is currently budgeted. For example, how I handle my politics and maybe potentially dangerous situations is if I'm going to a neighborhood meeting and I feel like there is a situation that could get out of hand, I make sure that I touch base with the Community Police Officer and that he is going to be there. I talk to him and tell him something could get out of hand here and so he usually sits by me to make sure that everything is okay. The beautiful part about that is that no one in the community group suspects anything different because they're used to seeing that officer around all the time and so it also doesn't inflame a situation. For example, like the Congresswoman did here, she went to the Corner with the Congressman speech. If I felt like there was indication that someone was going to do something, I would absolutely contact you. I guess my point is this, if you're going to say that you don't know when these things are going to occur, then I would say each and every one of us need a constant security guard by our side all the time everywhere I go. I will tell you right now I'm not in favor of that. I like our police officers, but you all don't need to follow me around. I'm a big girl; I can take care of myself. If I feel like there is a situation where it might require an armed officer, I would absolutely call you. I just think that's a much better use of tax dollars. I also think that most typical things we go to as politicians like luncheons or big conventions or conferences or things like that, there is typically security at those events and typically the chance of a regular pedestrian getting hurt there is just as high as me getting hurt at those kinds of events. That's where I'm at. I think the way it's currently used 90% of the time is as private detail for our Mayor. If the Mayor feels like he needs private detail, I think that should come out of the Mayor's budget. If not, I think you ramping up your department, your whole P.D. is great, educating them on a new type of training is fantastic also, but that should be I think treated as just incorporated into the culture of the Police Department that you have dignitaries and you need to pay attention when they are around.

Commissioner Philbrook said there have been several occasions that I have stood in for the Mayor and on those occasions there was security detail. I didn't ask for it. It was automatically there because I was standing in for the Mayor. There has been several times where I've had them there. I wish I could foretell you know when you're talking about being afraid of an issue or thinking there is going to be a problem. I would say that 95% of the time when there is an attack or I've ever been in a questionable position it was a total surprise. I don't want to say that I can tell ahead of time if somebody is going to go off. I wish we could and then it would be a lot cheaper.

Mayor Holland said I would say too just for record, the first month that we did this the security detail went absolutely everywhere I went seven days a week those first four weeks to find out what I did on my schedule and then made an assessment about where they should go. I think we cleared up at the last meeting, yes; they did go down to Breit's with me. They did not have a beer, we should have a record, I did; they did not and they said we don't need to be here and they stopped coming and so that was cleared up at the last meeting. They have made a decision based on where I am where they think security is. That's the police professional decision. I will say I have a car from the Unified Government, Sly James does not. Sly James security detail has cars. They pick him up in the morning and they tuck him in bed at night and they go everywhere he goes. If he runs errands, they run errands. If he goes to a restaurant with his wife, they go to the restaurant with his wife. I run all my errands on my own, all the time I'm on my time I'm on my time. When I'm at a public event where people know where I am the police have determined that they want security detail at those events. One of the events, and I talked to Emanuel Cleaver about this extensively, he said they need to evaluate whether or not somebody needs to be at your church. Emanuel Cleaver said when he was Mayor that he had a number of incidents at his church. I can tell you a lot of people come to my church to meet the Mayor. I had one poor little old lady who sit through the whole worship service because she wanted to tell me about a branch that was down in her street and that was very sweet. I've also had people come to my church who were not sweet and came there to see the Mayor and my family is there and it's a public speaking event in my community that I'm at every week and people know that, 10:00 a.m. fellowship time, 10:30 a.m. worship if anyone is interested. I think that is something that the police made the assessment on and I trust the police judgement because I'm not a professional

security. They've had the training, they know where the risk is and they make the assessment so I trust the Chief's judgement on this.

Commissioner Kane said we need something. I think this is a little bit too much and so I guess it's your task to figure out if it's too much or not enough. I like the fact that you reduced it. I still don't like that he has it, but I will tell you this, I have used them specifically this week. I didn't like it and they handled it extremely well, but I think we need to tone this back to where it's more reasonable than what it is.

Commissioner Walker said I was among the group that supported it when it started. I am surprised at the cost. I think probably there are aspects of this that are only appropriate for executive session to be discussed. I guess I agree that this is not a police budget, this is a Mayor's budget and it should be part of your budget. I think the incentive to economize should be on you, Mayor, where you don't need it—I mean I've heard what you've said. I can understand and some of the church services I've been to in my life there has probably been more discord and yelling and screaming than—you would be surprised. **Mayor Holland** said I would not be surprised. **Commissioner Walker** said so I can understand and I'm aware of certain individuals that have come to your church that if I were in a group sitting I would ask for the security to be there and we all know who they are and it's none of the commissioners although you might have picked out one or two of them. **Mayor Holland** said all of the commissioners are welcome every Sunday.

Commissioner Bynum said I've been places where the dignitary security was there so to that aspect I've utilized the dignitary security. I would push back a little bit on what budget pot it should come from based on the fact that I'm hearing more than two commissioners say that we've utilized the dignitary security service. I've gone so far as to tell Officer Turner that he has permission to see my Outlook Calendar. If he wants to or any member of the security team wants to provide dignitary security, then they need to have a look at my calendar and see where I'm going to be which is why I try very hard to keep my Unified Government Commission activities on our Unified Government Outlook Calendar and I have given him permission to view

that at least once a week and see what I'm doing in case he thinks anywhere I'm going is someplace he should be or the other officer so I just wanted to share that as an option.

Commissioner Johnson said my own experience having a last minute appointment at nighttime in an open sitting, not knowing who all was going to be there, I was able to make a call to the dignitary patrol. It was very comforting knowing they were there. They were not in their officer detail. Unless persons knew exactly who they were they would not have known that they were there at all and it was very comforting to me at a spur of the moment event that I had to go at nighttime in an open sitting to have them there. I will speak to that, it was a good experience for me and so I'm going to work with the will of the Commission, but it does have its benefits.

Mr. Bach said I just want to say to the commissioners' thank you very much for your input as we go through. The Chief and I do believe this is valuable unit and has its place within our government. It is one as we said it's new, the Chief presented last year and we will continue to evaluate it. We will look for ways where we can find it to be more efficient, ways of operation that maybe there are areas that we've spent time on we don't need too, but I also believe there are some other areas as the Chief and I have looked at the yearend that we can put more emphasis on because we do have a lot of elected officials within this government and they're not all sitting in this room. There are a lot of different areas where we work, where we look, where we study, where we evaluate the trends of what's going on and how we provide that specifically you know that's a different sitting. As Commissioner Walker said that's something if we wanted to go into that, we would probably go into an executive session, but I don't know that that's necessary. I think that's really where it comes from the professional movements that the Chief analyzes more thoroughly, but right now we feel like this is a necessary unit and we certainly appreciate your input and I believe, as we did last year, we made significant changes and we will probably have several of those this year as well.

Mayor Holland said we will meet downstairs at 7:15 p.m. It takes time to turn the electronics so at 7:15 p.m. we will be down in the Chamber.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 7:03 P.M.**

dt

Bridgette Cobbins
Unified Government Clerk

February 4, 2016



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

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Kansas City, Kansas 66101-3064

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<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: February 4, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cg

Attachment

Weekly Business Material for February 4, 2016

1. REPORT:

2015 Annual Compliance Report for the Forest View Landfill, submitted by Brad Zimmerman, Area Environmental Manager, Weaver Consultants Group.

Action: Received and filed.

2. PUBLIC NOTICE:

All City Tow, 1015 S. Bethany, held a public auto auction on January 14, 2016 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATIONS:

Charlotte (Angel) Fitzgerald, District Office Coordinator, KDOT, to:

Mohamad Ibrawish, Geotechnology, Inc., 5055 Antioch Road, Overland Park, KS, granting permission to drill 24 soil borings on K-5 between N. 63rd and I-635, between RP: 2.7 and RP: 5.58 in Wyandotte County, Highway Permit 1-16-076.

Larry Lucas, AT&T, 500 E. 8th St. Rm. 1152, KCMO, granting permission to bore and bury fiber optic cable on K-32 from S. 78th St. to S. 80th St., between RP: 25.48 and RP: 25.92 in Wyandotte County, Highway Permit 1-16-067.

Kimball Parker, AT&T, 4501 Brewer Place, Leavenworth, KS, granting permission to bore and bury fiber optic cable and place handholes on US-169 between RP: 170.942 and RP: 171.422 in Wyandotte County, Highway Permit 1-16-066.

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 2, 2016:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Voncetta T. Figgers	PW/Parking	1/28/16	School Crossing Guard
Amanda S. Holton	Finance/Treasury	12/31/15	Fiscal Supt Asst
Felita R. Hooks	PW/Parking	1/28/16	School Crossing Guard

February 4, 2016

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
James H Adams	Fire/EMS	1/21/16	Firefighter MICT III	Firefighter MICT III
Jennifer L Amayo	Fire/EMS	1/21/16	Firefighter V	Firefighter V
Anthony W. Bigby Jr.	Fire/EMS	1/21/16	Firefighter V	Firefighter V
James C Bousfield	Fire/EMS	1/21/16	Firefighter V	Firefighter V
Melvin R Brillhart	PW/Street	1/28/16	Equipment Operator I	Equipment Operator II
Kevin M. Cook	Fire/EMS	1/21/16	Firefighter MICT III	Firefighter MICT III
Bryan L. Henderson	PW/Street	1/28/16	General Laborer	Equipment Operator I
Rocki L Mayes	County Admin	1/28/16	Admin Supt Spec	Executive Asst (Mgt Analyst)
Scott A McMannus	PW/WPC	1/28/16	General Maint Worker	General Maint Worker
Randy L. Sestrich	Comm. Development	1/28/16	Bldg Inspector I	Program Coordinator
Perry A Stallings	PW/Traffic	1/28/16	Equipment Operator II	Equipment Operator II
John W. Zimbelman	Fire/Admin	1/15/16	Asst Fire Chief	Deputy Fire Chief

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Carylon D. Morris	Admin/Clerk	2/1/16	Admin Supt Spec
Claudia J Serrano	DA's Office	1/27/16	Admin Supt Asst

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Broderick T Henderson	PW/Parking	1/25/16	2/25/16	090/unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kyle C. Kobe	Urban Planning	1/4/16	Intern
Zachary L. Tusinger	Urban Planning	1/4/16	Intern

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Andrew J. Collins	Sheriff/Detention	OC code change from 5308 to 5309 effective 1/15/16
John D. Cota Jr.	Fire Training	Amend PAC 1/26/16 to reflect change in rg/stp
Christina S. Hopkins	Sheriff/Detention	OC code change from 5308 to 5309 effective 1/15/16
Jeffrey S. Johnson	Sheriff/Detention	Reinstatement of employment as Deputy 5308 rg/stp 1/4 effective 1/15/16
Victoria Meyer	Legal	ACD code change effective 12/31/15
Margaret Thomas	Legal	ACD code change effective 12/31/15
Colin S. Welsh	Legal	Amend PAC 12/22/15 to reflect change in vacation effective 1/22/16

Action: Received and filed. Copy previously forwarded to Payroll.

February 4, 2016

5. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 4, 2016:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
George A. Groneman	Municipal Court	1/26/16	Judge Pro Tem

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Edward Gillette	Municipal Court	1/6/16	Judge Pro Tem

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Sasche M Robinson	Police/Communications	2/20/16	Public Safety Dispatcher

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Marnika S. Sappington	Municipal Court	Amend PAC 1/19/16 to reflect change in sick time effective 1/8/16

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIMS FOR DAMAGES:

Mayela Gamez, 1742 S. 40th St. Apt. 805, through Angela Trimble, Attorney, 650 Minnesota Avenue, alleging bodily injuries after slipping on ice at Douglas Heights Apartments.

Security Bank of Kansas City, 701 Minnesota Avenue, alleging property damage due to water after a UG contractor bored through a water drain pipe.

Action: Received and filed. Copies previously forwarded to Legal Department.

7. TRAVEL REQUESTS:

Donald Ash and Kelli Bailiff, Sheriff's Office, travel to St. Louis, MO, July 23 – 27 and July 22 – 27, 2016, respectively, to attend the FBINAA Annual Conference, LETF.

Kathy Briney, Appraiser's Office, travel to Olathe, KS, July 18 – 22, 2016, to attend IAAO 331, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

February 4, 2016

8. APPLICATION FOR CMB LICENSE (OP):

Michael Johnson DBA 7th St. Event Center, 735 Minnesota Ave.

Action: Referred to License.

9. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Norred & Associates/The Corporation Company, Inc. DBA Norred & Associates, 1038 S. 24th St.
Remote Risk Management, LLC/InCorp Services, Inc. DBA Remote Risk Management, 931 Rt.
1, Avenel, NJ

Action: Referred to License.



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3064

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: February 11, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

Weekly Business Material for February 11, 2016

1. AFFILIATE AGREEMENT:

CALM LLC, to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act, K.S.A. 39-1801.

Action: Approved by County Administrator and received and filed.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., listing vehicles sold at a public auto auction on February 2, 2016.

Action: Received and filed.

3. COMMUNICATION:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

<u>WT. NO.</u>	<u>ISSUED</u>	<u>AMOUNT</u>	<u>FUND / VENDOR</u>
782683	1/27/2016	\$150.00	110/City General Fund V #X2754/Ruth Yankovich Deceased
781767	1/15/2016	\$52.10	790/Tax Collection Fund 160/County General Fund V#3749Q Issued in error
781575	1/15/2016	\$15.99	262/Department of Aging Grant Fund V #20237/K-mart Duplicate Payment
775087	9/25/2015	\$342.50	160/County General Fund V #29291/Toshiba Duplicate Payment
777301	10/30/2015	\$6.66	790/Tax Collection V #3171Q/ Ralph West Past 45 day Expired
779647	12/11/2015	\$247.18	790/Tax Collection V #5494P/CJB Enterprise LLC Past 45 days
778408	11/20/2015	\$1,000.00	263/Health Department Grant Fund V #14028/EI Centro Past 45 days

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 9, 2016:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Andrea L. Manlove	Health	2/25/16	Environ Health Specialist
Tim M. Spoerl	Sheriff/Juv	2/11/16	Juv Det Officer

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Theresa K Bauer	Sheriff/Admin	2/11/16	Admin Supt Spec	Admin Supt Spec

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Lewis J Levin	Finance	3/9/16	Chief Financial Officer

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Shaun Bitikofer	Sheriff	ACD code change effective 1/28/16
Michael Moorman	Sheriff	ACD code change effective 1/28/16
Carlyon D. Morris	Clerk/Admin	Amend PAC 2/2/16 to reflect change in sick leave effective 2/1/16
Juan Murillo	Health	ACD code change effective 1/28/16
Myrtle Williams	Sheriff	ACD code change effective 1/28/16

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 11, 2016:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Daniel T Flanders	Transportation	2/11/16	Transit Operator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Daniel C. Cubbage II	Appraiser	2/5/16	Appraiser/RE Appraiser
William P. Roy	Fire	2/3/16	Master Fire Driver
Jennifer L. Woodward	Health	1/14/16	Nurse Practitioner

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Brendan L. French	Sheriff/Detention	1/13/16	2/12/16

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Justin W. Swartz	Police/Animal Control	reinstatement to Program Tech II PI# 3698 oc# 1403 effective 2/10/16

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIM FOR DAMAGES:

Nagy Elnakib, 29 S. Iowa St., alleging damage to property due to a sidewalk that was constructed incorrectly causing flooding to the basement, private fence, air conditioning unit, deck and house.

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONS:

Juan Olivas and Sandra Olivas-Talavera administrators of the Estate of Graciela Olivas, and on behalf of the heirs at law of Graciela Olivas, vs. Unified Government of Wyandotte County, Kansas City, Kansas, Jacob Seibel, General Motors, LLC, General Motors Company, Case No. 2015-CV-001056. (2)

Action: Received and filed. Copies previously forwarded to Legal.

8. TRAVEL REQUESTS:

Terry Brecheisen, Public Health, travel to Phoenix, AZ, July 18 – 21, 2016, to attend 2016 NACCHO National Conference, General Fund.

Jamie Ferris and Byron Toy, Urban Planning & Land Use, travel to Phoenix, AZ, April 1 – April 5, 2016, to attend 2016 APA National Conference, Employee Training & Travel.

Christopher E. Handlin, William J. Feden and John P. Peterson, Fire Department/Admin/Training Department, travel to Indianapolis, IN, April 18 – April 22, 2016, to attend FDIC, Employee Training & Travel.

Matt May and Joel Thornton, Emergency Management, travel to Denver, CO, May 4 – 6, 2016, to attend Intermedix 2016 Summit.

Kari Neill, Health Dept./Emergency Preparedness & Disease Control, travel to Denver, CO, Feb. 23 – 28, 2016, to attend the 20th Annual TB Conference – National TB Controllers Association, TB Indigent Grant.

John Peterson, Fire/Admin., travel to Ridgedale, MO, Feb. 25 – 28, 2016, to attend Chief Officer/Company Officer Training.

Ronald Starbuck, HAD/EP/SC, travel to Dallas, TX, Apr. 17 – 22, 2016, to attend Preparedness Summit, Regional Preparedness Funds.

Action: Approved by County Administrator's Office and received and filed.

9. APPLICATION FOR CMB LICENSE (PKG.)

Donald Marrs/Donald Heinzman DBA Lakeside Speedway, 5615 Wolcott

Action: Referred to License.

10. APPLICATION FOR DRINKING ESTABLISHMENT:

Daniel Houtchens/Susan Overton DBA Mrs. Ace, 6137 Kaw Drive

Action: Referred to License.

11. APPLICATIONS FOR MASSAGE THERAPY BUSINESS LICENSE:

Donna Schoellkopf DBA Hair West Unlimited Day Spa, 2015 N. 77th
Lisa Kolman DBA The Healthcare Resort of Kansas City, 8900 Parallel Pkwy.

Action: Referred to License.

12. APPLICATIONS FOR MASSAGE THERAPIST LICENSE:

Jamie Cochran d/b/with Healthcare Resort of Kansas City, 8900 Parallel Pkwy.
Renee Neff d/b/with Chateau Avalon, 701 Village West Pkwy.

Action: Referred to License.



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3064

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: February 18, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cg

Attachment

Weekly Business Material for February 18, 2016

1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on February 17, 2016, for B25705-City Hall Roof.

Action: Received and filed. Copies previously forwarded to the County Administrator, Emma Scovil, Legislative Auditor, and Buildings & Logistics.

2. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

WT. NO.	ISSUED	AMOUNT	FUND / VENDOR
769127	6/26/2015	\$ 1,137.16	791/Tax Distribution Fund V #T0291 Past 45 days
777219	10/30/2015	\$ 97.49	160/County General Fund 790/Tax Collection Past 45 days
759940	2/27/2015	\$ 67.39	790/Tax Collection 160/County General Fund V #0930Q Past 45 days
780972	12/31/2015	\$10,640.51	790/Tax Collection Fund V #5549/ Pylon Plaza Wrong Vendor
782724	1/29/2016	\$ 1,017.54	791/Tax Distribution Fund V #T0844/ Aaron Brickey Wrong Vendor

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION DATED FEBRUARY 1, 2016:

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	General Services	12/17/15	Manager	General Services Director

Section VIII - Other Request

Name	Department/Division	Action Requested & Explanation
Claudia J. Serrano	DA's Office	Amend PAC 2/2/16 to reflect change effective date to 1/25/16

February 18, 2016

Action: Received and filed. Copy previously forwarded to Payroll..

4. REQUESTS FOR DEFENSE AND NOTIFICATION OF SUIT PURSUANT TO THE KANSAS TORT CLAIM ACT:

Det. Scott Howard, Phyllis Salazar vs. UG, Case 2:15-CV-09895-JWL-JPO
Sgt. Scott Ladish, Case 15CV09895
Michael Warczakoski, Case 2:15-CV-09895-JWL-JPO

Action: Received and filed. Copies previously forwarded to Legal.

5. THREE SUMMONS:

Unified Government of WyCo/KCKS vs UG of Wyandotte County, KS, Case No. 2016PT000001:
c/o County Clerk Bridgette Cobbins
c/o Delia M. York
Kansas Housing and Community Development Division

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Gordon Criswell, County Administrator's Office, travel to Portland, OR, Apr. 12 – 17, 2016, to attend NFBPA Forum 2016, Employee Training & Travel.

Daniel Soptic, Sheriff's Office, travel to Hutchinson, KS, Jan. 24- Nov. 14, 2016, to attend LELA training, LEFT.

Action: Approved by County Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Michael Johnson DBA 7th St. Event Center, 735 Minnesota Ave.
Command Protection Agency, Thomas Gallaton
Command Security Services, Inc.
Construction Material Trucking
D & D Services, Inc., Asbestos Consulting Testing (ACT)
Harvey Brothers Trucking & Wrecking Co., Inc.
HECO, Inc. DBA Houston Excavating and Demolition
ISS Unigard Security, Inc.
K C Sign Express, Inc.
KCI Airport Limousine, Inc.
Loomis Armored US, LLC
Maderos Lawn and Landscaping, LLC
NPB Companies, Inc.
Payne Sign Company
Remco Demolition, LLC

February 18, 2016

Ryan Lawn & Tree, Inc.
Semper Securus, LLC DBA Signal 88 Security of Douglas, Johnson, Wyandotte Counties (2)
Bryan Nelson DBA Showtime Tree Service
Tacos on Wheels, Eduardo Ruiz
Terry's Hauling, LLC (2)
Trevecca Security, Inc., First Response, Inc.
Urban Tree Specialists, LLC, Bret Cleveland
VendTech-SGI, LLC

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds

Arnaldo Electric, LLC
Brookside Electrical Project Services, LLC
James Brunner DBA Brunner Electric, Inc.
Capital Electric Construction Company, Inc.
Centurion Industries, Inc.
Electrical Corporation of America, Inc.
Infinite Energy Construction, Inc.
M.C. Electric, Inc.
Precision Electrical Systems, Inc.
R/S Electric Corp.
Rockhill Electric & Technology

Mechanical Contractor's Bonds

Abraham Mechanical, LLC
Overland Park Heating & Cooling, Inc.
Stanger Industries, Inc.

Mechanical/HVAC Bonds

Cates Heating and A/C Services
D'Agostino Mechanical Contractors, Inc.
DPD, Inc. City Wide Heating & Cooling
Deem, LLC
Bob Hamilton Plumbing, Heating & Cooling
Louco Industries, Inc.
United Heating & Cooling, Inc.

Plumber's Bonds

B.L. Air, Inc.
Russell Broom DBA Russell Broom Plumbing, LLC
D'Agostino Mechanical Contractors, Inc.
James Manderscheid DBA Digger Jim
Dove Construction
Roy Herriott & Sherry Beets DBA Express Septic
Bob Hamilton Plumbing, Heating & Cooling
Murray Plumbing
P & P Plumbing, LLC

February 18, 2016

Quality Plumbing, Inc.
Stanger Industries, Inc.
United Plumbing & Service Co., Inc.

Septic Tank and Cess Pool Installer and Cleaner Bond
24 + 7, LLC

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

A & P Electrical Design, LLC
Able Electric, LLC
Joseph Applebury
Baldrige Electric
Cimmaron Electric, Inc. (2)
Electrical Contractor's Bonds
Black & McDonald Electric, LLC (2)
Citywide Electric, Inc.
Brad Darnell of Deem, LLC
JMC Services, Inc.
The Lamar Company, LLC
Michael J. Mills
RW Electrical and Construction, Inc.
Fred Roberts, II, Inc. DBA Suburban Electric
Donald Sullivan DBA Tech Electric
Trademark Electric, Inc.

Cesspool Cleaner's Bond

A-1 Sewer and Septic Service, Inc.

HVAC Bonds

Steve Chontos DBA Chontos Heating & Cooling
Elvin's Refrigeration, Inc.
Lancaster Brothers Heating and Cooling
Dave Maxwell's Heating & Cooling, LLC

Miscellaneous Bonds

Rex Rhea DBA Clean Right Septic & Sewer Service
Darling Ingredients, Inc.
Faith Technologies, Inc.
KASA Electric, LLC
Max Electric, Inc.
Salvador Zumba DBA Tecsal Heating and Cooling
W. Vielhauer Plumbing, LLC

Pawnbroker's Bond

Sol's Loan Office

February 18, 2016

Plumber's Bonds

Barsco Mechanical, LLC
Blaze Mechanical, Inc.
Terry G. Gordon, Sr. DBA Gordon & Sons Construction
Master's Touch Construction, Inc.
Mayes Plumbing, Inc.

Second Hand & Junk Dealer's Bond

Martha Alfaro DBA C & W Auto Salvage

Septic Tank & Cess Pool Installer & Cleaner's Bonds

Brooks Grease Service, Inc.
Bud Sewer Service, Inc.
Liquid Environmental Solutions
Ralph Smith DBA Smith Septic Tank Service
Bill Truninger DBA Truninger Brothers

Sign Hanger's Bonds

The Lamar Company, LLC
Ltd Signs & Graphics, LLC

Waste Hauler's Bond

Swift Construction, Inc. DBA CEI Electrical & Mechanical

Action: Referred to License.

10. REINSTATEMENT NOTICE:

Mechanical Contractor's Bond

Luke Heating and Air Conditioning

Action: Referred to License.

11. CANCELLATION NOTICES:

Electrical Contractor's Bonds

Anderson Electrical, LLC
B&T Electric
DEA Electric, LLC
Eaton Corporation
Reynolds Electric, Inc.
Rockhill Electric, Inc.

HVAC Bond

Standard Heating & Cooling, LLC

Mechanical/HVAC Bond

Timothy Gorman DBA TG Heating and Cooling

February 18, 2016

Miscellaneous Bonds

Arm Electric, Inc.
Noble Refrigeration
Preston Reese

Plumber's Bonds

Aqua Works Plumbing Solutions, LLC
Cooter's Plumbing, LLC
D&M Plumbing, LLC
Robert McDaniel DBA Everest Refrigeration
Hart Mechanical
Kansas City Plumbing Company, LLC
Arrow Plumbing, LLC DBA R2 Plumbing
Ridgeway Plumbing, LLC

Second Hand and Junk Dealer's Bond

Budget Auto Parts #1

Sign Hanger's Bond

Welch Sign Company, Inc.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 16463

Full Commission Meeting Date: 2/25/16

Committee:

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/18/2016	<u>Contact Name:</u> Wilba Miller, Director	<u>Contact Phone:</u> x5292, x5112	<u>Contact Email:</u> rlindsey@wycokck.org, wmiller@wycokck.org	<u>Department/Division:</u> Budget
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Item Description:

Conduct the first public hearing to receive citizen comments on:

a. UG 2016 Amended and 2017 Proposed Budgets-Citizens and organizations will have the opportunity to comment on budget priorities and initiatives for the adoption of the UG's revised 2016 and proposed 2017 budgets. A Citizen and Community Stakeholder Budget Initiative form for the UG budget will be available for citizens and organizations at the meeting and online at www.wycokck.org. Packets must be submitted no later than 12:00 p.m. (noon) Friday, March 4, 2016 to the UG Budget Office, 701 N. 7th Street Suite #510 or via email to rlindsey@wycokck.org.

b. CDBG-2016 Annual Action Plan-Citizens and organizations will have the opportunity to comment on housing and community development needs, including non-housing community development needs prior to the development of the 2016 Annual Action Plan and budget. The Plan includes the following program applications Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Programs funded through the U.S. Department of Housing and Urban Development (HUD).

Public Hearing Notice (Published in Wyandotte Echo, Dos Mundos, KC Hispanic News, The Call and Kansas City Globe)

Action Requested:

Hold public hearing

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 16437

Full Commission Meeting Date: 2/25/16

Committee: Administration & Human Services

Date of Standing Committee Action: 2/22/16

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
02/18/2016	Wilba Miller, Director	x5112	wmiller@wycokck.org	Community Development

Item Description:

On October 29, 2015 the Commission approved the CDBG Reallocation and Grant Application Process. The Commission goal for this round of funding was to primarily meet timeliness of CDBG expenditures through brick and mortar projects in low to moderate income areas consistent with the 5 year Consolidated Plan adopted in August 2015.

Due to time constraints to expend CDBG dollars by August 2016, there are 3 projects recommended for funding:

Heartland Habitat for Humanity, Inc. \$250,000 Exterior home repair to 25 single family homes owned by low and moderate income persons;

UG Public Works Safe Routes - \$280,000 for sidewalks to Frank Rushton, Hazel Grove and Francis Willard Elementary Schools;

UG Public Works Transit Sidewalks and ADA Ramps - \$78,000 for partial funding of any one of the following sites: (1) Richmond Avenue and 4th Street; (2) Kansas Avenue and S. 65th Street; (3) North 3rd Street and Oakland Avenue and (4) North 13th Street and Troup Avenue.

The following applications are not recommended for funding because they do not meet the timeliness of expenditures and/or other issues pertaining to the use of HUD dollars:

Bethel Center for new entryway on 7th Street-\$131,000
Boston Daniels Center new youth center startup-rehab of bldg. & operating costs-\$90,000
Catholic Charities for Hope Distribution Center-interior lighting for food warehouse-\$7,178
Downtown Shareholders-grant funding to new businesses-\$84,711
Franklin Center-design and rehab of center-\$750,000
Mt. Carmel-Maintenance and upgrades of 8 transitional housing units-\$116,000
Northeast Economic Development Corp.-Acquisition/Rehab, Minor Home Repair-\$180,000
St. John the Divine-Stabilization of church-\$50,000
UG Parks-Parkwood Pool expansion-\$200,000
UG Parks-Argentine Recreation Ctr.-Upgrades to accommodate Fitness Center-\$300,000
UG Parks-J.F.K. Recreation Center-Bridge walkway maintenance-\$50,000
Wyandot Inc.-Rehab Single Family House for PACES-\$52,550

The above projects that were not recommend at this time could be eligible to apply for future rounds of CDBG grants through the new application process. UG staff will communicate with those applicants that were not chosen for funding and explain the reason for not being selected this round.

Action Requested:

Approve and forward to full Commission for approval on February 25, 2016.

Budget Impact: (if applicable)

Amount:

Source: Included In Budget: Other (explain):
<u>Attachments List:</u>



Staff Request for Commission Action

Tracking No. 16462

Full Commission Meeting Date: 02/25/2016

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/17/2016	<u>Contact Name:</u> Debbie Jonscher, Deputy Director	<u>Contact Phone:</u> x5847	<u>Contact Email:</u> djonscher@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Two (2) ordinances authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2016-B and Series 2016-C; for the purpose of providing funds to refund a portion of the City's outstanding general obligation bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.

Two (2) resolutions authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series 2016-B and Series 2016-C

Action Requested:

Approve ordinances first and then the resolutions.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2016-B Bond Ordinance and Resolution, 2016-C Bond Ordinance and Resolution

Gilmore & Bell, P.C.
February 18, 2016
Bond Ordinance and Resolution (2016-B) v1

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS
HELD ON FEBRUARY 25, 2016**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Bond Sale heretofore duly given, bids for the purchase of General Obligation Refunding Bonds, Series 2016-B, dated March 17, 2016, of the Unified Government had been received. A tabulation of said bids is set forth as ***EXHIBIT A*** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____, was the best bid for the Bonds, a copy of which is attached hereto as ***EXHIBIT B***.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-__-16, was signed and approved by the Mayor/CEO and attested by the Clerk and was directed to be published one time in the official newspaper of the Unified Government.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-[__]-16 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-16 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A
BID TABULATION

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-__-16

OF

**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

PASSED

FEBRUARY 25, 2016

**GENERAL OBLIGATION REFUNDING BONDS
SERIES 2016-B**

(PUBLISHED IN THE *WYANDOTTE ECHO* ON _____, 2016)

ORDINANCE NO. O-__-16

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Unified Government heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the Unified Government for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds and provide an orderly plan of finance for the Unified Government, it has become desirable and in the best interest of the Unified Government and its inhabitants to refund the Refunded Bonds; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and at a meeting held in the Unified Government on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, all as amended and supplemented from time to time.

"Bond and Interest Fund" means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s General Obligation Refunding Bonds, Series 2016-B, dated March 17, 2016, authorized by this Ordinance.

“Clerk” means the duly appointed and acting Clerk of the Unified Government or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means collectively the Series 2008-A Bonds maturing in the years 2018 to 2027, inclusive, in the aggregate principal amount of \$17,565,000 and the Series 2008-C Bonds maturing in the years 2019 to 2028, inclusive, in the aggregate principal amount of \$3,750,000.

“Refunded Bonds Redemption Date” means collectively, August 1, 2017 for the Series 2008-A Bonds and August 1, 2018 for the Series 2008-C Bonds.

“Series 2008-A Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2008-A, dated March 27, 2008.

“Series 2008-C Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2008-C, dated October 15, 2008.

“State” means the State of Kansas.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding Bonds, Series 2016-B, of the Unified Government in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) refund the Refunded Bonds, (b) pay costs of issuance of the Bonds, and (c) pay a portion of the interest on the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due. The interest on that portion of the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain United States government securities and cash held in an escrow fund.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication in the official Unified Government newspaper.

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PASSED by the governing body of the Unified Government on February 25, 2016 and
APPROVED AND SIGNED by the Mayor/CEO.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

RESOLUTION NO. R-__-16

OF

**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

ADOPTED

FEBRUARY 25, 2016

**GENERAL OBLIGATION REFUNDING BONDS
SERIES 2016-B**

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RESOLUTION NO. R-__-16

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-[-]-16 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds; and

WHEREAS, in order to provide for the payment of the Refunded Bonds it is desirable to enter into the Escrow Agreement, by and between the Issuer and the Escrow Agent.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.* all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” means the General Obligation Refunding Bonds, Series 2016-B, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Costs of Issuance Account” means the Costs of Issuance Account for General Obligation Refunding Bonds, Series 2016-B created pursuant to **Section 501** hereof.

“Dated Date” means March 17, 2016.

“Debt Service Account” means the Debt Service Account for General Obligation Refunding Bonds, Series 2016-B created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Instructions” means the Continuing Disclosure Instructions dated as of the Issue Date relating to the Bonds.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Escrow Agent” means Security Bank of Kansas City, Kansas City, Kansas, and its successors and assigns.

“Escrow Agreement” means the Escrow Trust Agreement, dated as of March 17, 2016, between the Issuer and the Escrow Agent.

“Escrow Fund” means the Escrow Fund for Refunded Bonds referred to in *Section 501* hereof.

“Escrowed Securities” means the direct, noncallable obligations of the United States of America, as described in the Escrow Agreement.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Instructions) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing August 1, 2016.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913)573-5003
Attn: Chief Counsel

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

Fax: _____

(d) To the Rating Agency(ies):

Moody’s Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

Standard & Poor’s, a division of
The McGraw-Hill Companies
55 Water Street, 38th Floor
New York, New York 10004

(e) To the Escrow Agent at:

Security Bank of Kansas City
Corporate Trust Department
701 Minnesota Avenue
Suite 206, P.O. Box 171297
Kansas City, Kansas 66117
Fax: (913) 279-7960

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.
- (e) With respect to the Escrow Agent, the Manager of the Corporate Trust Department.

“Official Statement” means the Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. O-[]-16 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or

units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery[, plus a bid premium of \$_____].

“Purchaser” means [Purchaser’s Name], [Purchaser’s City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Refunding Bonds, Series 2016-B created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Refunded Bonds” means collectively the Series 2008-A Bonds maturing in the years 2018 to 2027, inclusive, in the aggregate principal amount of \$17,565,000 and the Series 2008-C Bonds maturing in the years 2019 to 2028, inclusive, in the aggregate principal amount of \$3,750,000.

“Refunded Bonds Paying Agent” means the paying agent for the Refunded Bonds as designated in the Refunded Bonds Resolution, and any successor or successors at the time acting as paying agent of the Refunded Bonds.

“Refunded Bonds Redemption Date” means collectively, August 1, 2017 for the Series 2008-A Bonds, and August 1, 2018 for the Series 2008-C Bonds.

“Refunded Bonds Resolution” means the ordinance and resolution which authorized the Refunded Bonds.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as may be amended from time to time.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2008-A Bonds” means the Issuer’s General Obligation Improvement Bonds, Series 2008-A, dated March 27, 2008.

“Series 2008-A Principal and Interest Account” means the Principal and Interest Account for the Series 2008-A Bonds.

“Series 2008-C Bonds” means the Issuer’s General Obligation Improvement Bonds, Series 2008-C, dated October 15, 2008.

“Series 2008-C Principal and Interest Account” means the Principal and Interest Account for the Series 2008-C Bonds.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Section 204* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” means Standard & Poor’s Ratings Services, a Division of McGraw-Hill Financial, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

“Verification Report” means the verification report referenced in *Section 508* hereof relating to the sufficiency of money and obligations deposited in the Escrow Fund to be applied in accordance with the Escrow Agreement.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT] for the purpose of providing funds to: (a) refund the Refunded Bonds, (b) pay Costs of Issuance, and (c) pay a portion of the interest on the Bonds to the Refunded Bonds Redemption Date.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, without option of prior redemption and payment, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Maturity Date</u> <u>(August 1)</u>	<u>Principal Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Maturity Date</u> <u>(August 1)</u>	<u>Principal Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2018	\$ _____	____%	2024	\$ _____	____%
2019	_____	____%	2025	_____	____%
2020	_____	____%	2026	_____	____%
2021	_____	____%	2027	_____	____%
2022	_____	____%	2028	_____	____%
2023	_____	____%			

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each

Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to

cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in

duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities

Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(3) and (4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

Section 214. Authorization of Escrow Agreement. The Issuer is hereby authorized to enter into the Escrow Agreement, and the and Clerk are hereby authorized and directed to execute the Escrow Agreement with such changes therein as such officials may deem appropriate, for and on behalf of and as the act and deed of the Issuer. The Escrow Agent is hereby authorized to carry out, on behalf of the Issuer, the duties, terms and provisions of the Escrow Agreement, and the Escrow Agent, the Purchaser and Bond Counsel are authorized to take all necessary actions for the subscription and purchase of the Escrowed Securities described therein, including the subscription for United States Treasury Securities - State and Local Government Series.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2026, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2025, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall

give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the

unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Instructions. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due. The interest on the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain Escrowed Securities and cash held in the Escrow Fund pursuant to the terms of the Escrow Agreement.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of,

premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Issuer are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Debt Service Account for General Obligation Refunding Bonds, Series 2016-B (within the Bond and Interest Fund); and
- (b) Rebate Fund for General Obligation Refunding Bonds, Series 2016-B; and

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

In addition to the Funds and Accounts described above, the Escrow Agreement establishes the following Funds and Accounts to be held and administered by the Escrow Agent in accordance with the provisions of the Escrow Agreement:

- (a) Escrow Fund for Refunded Bonds; and
- (b) Costs of Issuance Account for General Obligation Refunding Bonds, Series 2016-B.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) Any excess proceeds received from the sale of the Bonds shall be deposited in the Series 2008-A Principal and Interest Account or the Series 2008-C Principal and Interest Account and applied to payment of principal on Series 2008-A Bonds or Series 2008-C Bonds that are not Refunded Bonds.

(b) The sum of \$_____ shall be transferred to the Escrow Agent, for deposit in the Costs of Issuance Account and applied in accordance with the Escrow Agreement.

(c) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Escrow Fund and applied in accordance with the Escrow Agreement.

Section 503. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 504. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 505. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a

main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account other than the Escrow Fund may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account.

Section 506. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Escrow Agent to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 30 days prior to the first Stated Maturity of principal or one year after the date of issuance of the Bonds, shall be transferred to the Issuer for deposit into the Debt Service Account.

Section 507. Application of Moneys in the Escrow Fund. Under the Escrow Agreement, the Escrow Agent will apply moneys in the Escrow Fund to purchase the Escrowed Securities and to establish an initial cash balance in accordance with the Escrow Agreement. The cash and Escrowed Securities held in the Escrow Fund will be applied by the Escrow Agent solely in the manner authorized by the Escrow Agreement. All money deposited with the Escrow Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Refunded Bonds Resolution and the Escrow Agreement.

Section 508. Verification of Certified Public Accountant. Prior to or concurrently with the issuance and delivery of the Bonds and the creation of the Escrow Fund, the Issuer shall obtain a Verification Report from an independent certified public accountant that such accountant has verified the accuracy of the calculations that demonstrate that the money and obligations required to be deposited with the Escrow Agent pursuant to **Section 502** of this Bond Resolution and the Escrow Agreement, together with the earnings to accrue thereon, will be sufficient for the timely payment of the principal of, redemption premium, if any, and interest on the Refunded Bonds in accordance with the Escrow Agreement.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and

compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial

bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, Chief Financial Officer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article VII** hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Instructions in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the

Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Instructions, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 25, 2016.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

EXHIBIT A
(FORM OF BONDS)

**REGISTERED
NUMBER** __

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016-B**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: March 17, 2016**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, Kansas in the County of Wyandotte, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing August 1, 2016 (the "Interest Payment Dates"), until the Principal Amount has been paid.

Method and Place of Payment. The principal of this Bond shall be paid at maturity to the person in whose name this Bond is registered at the maturity date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th

day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Refunding Bonds, Series 2016-B,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-427 *et seq.*, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The interest on the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain Escrowed Securities and cash held in the Escrow Fund pursuant to the terms of the Escrow Agreement. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal,

interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

(Facsimile Seal)

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas does hereby certify that the within Bond has been duly registered in my office according to law as of March 17, 2016.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

RON ESTES, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Refunding Bonds, Series 2016-B, of the Unified Government of Wyandotte County/Kansas City, Kansas described in the within-mentioned Bond Resolution.

Registration Date: _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

By: _____

Registration Number: _____

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)

Gilmore & Bell, P.C.
February 18, 2016
Bond Ordinance and Resolution (2016-C) v1

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS
HELD ON FEBRUARY 25, 2016**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Bond Sale heretofore duly given, bids for the purchase of Taxable General Obligation Refunding Bonds, Series 2016-C, dated March 17, 2016, of the Unified Government had been received. A tabulation of said bids is set forth as ***EXHIBIT A*** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____, was the best bid for the Bonds, a copy of which is attached hereto as ***EXHIBIT B***.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-C, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-__-16, was signed and approved by the Mayor/CEO and attested by the Clerk and was directed to be published one time in the official newspaper of the Unified Government.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-C, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-[__]-16 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-16 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A
BID TABULATION

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-__-16

OF

**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

PASSED

FEBRUARY 25, 2016

**TAXABLE GENERAL OBLIGATION REFUNDING BONDS
SERIES 2016-C**

(PUBLISHED IN THE *WYANDOTTE ECHO* ON _____, 2016)

ORDINANCE NO. O-__-16

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-C, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Unified Government heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the Unified Government for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds and provide an orderly plan of finance for the Unified Government, it has become desirable and in the best interest of the Unified Government and its inhabitants to refund the Refunded Bonds; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and at a meeting held in the Unified Government on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, all as amended and supplemented from time to time.

"Bond and Interest Fund" means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

"Bond Resolution" means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s Taxable General Obligation Refunding Bonds, Series 2016-C, dated March 17, 2016, authorized by this Ordinance.

“Clerk” means the duly appointed and acting Clerk of the Unified Government or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means collectively the Series 2008-B Bonds maturing in the years 2018 to 2027, inclusive, in the aggregate principal amount of \$1,455,000, and the Series 2008-D Bonds maturing in the years 2019 to 2028, inclusive, in the aggregate principal amount of \$1,295,000.

“Refunded Bonds Redemption Date” means collectively, August 1, 2017 for the Series 2008-B Bonds and August 1, 2018 for the Series 2008-D Bonds.

“Series 2008-B Bonds” means the Unified Government’s Taxable General Obligation Improvement Bonds, Series 2008-B, dated March 27, 2008.

“Series 2008-D Bonds” means the Unified Government’s Taxable General Obligation Improvement Bonds, Series 2008-D, dated October 15, 2008.

“State” means the State of Kansas.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the Taxable General Obligation Refunding Bonds, Series 2016-C, of the Unified Government in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) refund the Refunded Bonds, (b) pay costs of issuance of the Bonds, and (c) pay a portion of the interest on the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due. The interest on that portion of the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain United States government securities and cash held in an escrow fund.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication in the official Unified Government newspaper.

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PASSED by the governing body of the Unified Government on February 25, 2016 and
APPROVED AND SIGNED by the Mayor/CEO.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

RESOLUTION NO. R-__-16

OF

**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

ADOPTED

FEBRUARY 25, 2016

**TAXABLE GENERAL OBLIGATION REFUNDING BONDS
SERIES 2016-C**

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RESOLUTION NO. R-__-16

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016-C, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-[-]-16 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds; and

WHEREAS, in order to provide for the payment of the Refunded Bonds it is desirable to enter into the Escrow Agreement, by and between the Issuer and the Escrow Agent.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.* all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” means the Taxable General Obligation Refunding Bonds, Series 2016-C, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Costs of Issuance Account” means the Costs of Issuance Account for Taxable General Obligation Refunding Bonds, Series 2016-C created pursuant to **Section 501** hereof.

“Dated Date” means March 17, 2016.

“Debt Service Account” means the Debt Service Account for Taxable General Obligation Refunding Bonds, Series 2016-C created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Instructions” means the Continuing Disclosure Instructions dated as of the Issue Date relating to the Bonds.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Escrow Agent” means Security Bank of Kansas City, Kansas City, Kansas, and its successors and assigns.

“Escrow Agreement” means the Escrow Trust Agreement, dated as of March 17, 2016, between the Issuer and the Escrow Agent.

“Escrow Fund” means the Escrow Fund for Refunded Bonds referred to in *Section 501* hereof.

“Escrowed Securities” means the direct, noncallable obligations of the United States of America, as described in the Escrow Agreement.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Instructions) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing August 1, 2016.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913)573-5003
Attn: Chief Counsel

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

Fax:

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

Standard & Poor's, a division of
The McGraw-Hill Companies
55 Water Street, 38th Floor
New York, New York 10004

(e) To the Escrow Agent at:

Security Bank of Kansas City
Corporate Trust Department
701 Minnesota Avenue
Suite 206, P.O. Box 171297
Kansas City, Kansas 66117
Fax: (913) 279-7960

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.
- (e) With respect to the Escrow Agent, the Manager of the Corporate Trust Department.

“Official Statement” means the Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. O-[]-16 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or

units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery[, plus a bid premium of \$_____].

“Purchaser” means [Purchaser’s Name], [Purchaser’s City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Refunded Bonds” means collectively the Series 2008-B Bonds maturing in the years 2018 to 2027, inclusive, in the aggregate principal amount of \$1,455,000, and the Series 2008-D Bonds maturing in the years 2019 to 2028, inclusive, in the aggregate principal amount of \$1,295,000.

“Refunded Bonds Paying Agent” means the paying agent for the Refunded Bonds as designated in the Refunded Bonds Resolution, and any successor or successors at the time acting as paying agent of the Refunded Bonds.

“Refunded Bonds Redemption Date” means collectively, August 1, 2017 for the Series 2008-B Bonds and August 1, 2018 for the Series 2008-D Bonds.

“Refunded Bonds Resolution” means the ordinance and resolution which authorized the Refunded Bonds.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as may be amended from time to time.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2008-B Bonds” means the Issuer’s Taxable General Obligation Improvement Bonds, Series 2008-B, dated March 27, 2008.

“Series 2008-B Principal and Interest Account” means the Principal and Interest Account for the Series 2008-B Bonds.

“Series 2008-D Bonds” means the Issuer’s Taxable General Obligation Improvement Bonds, Series 2008-D, dated October 15, 2008.

“Series 2008-D Principal and Interest Account” means the Principal and Interest Account for the Series 2008-D Bonds.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“Standard & Poor’s” means Standard & Poor’s Ratings Services, a Division of McGraw-Hill Financial, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

“Verification Report” means the verification report referenced in **Section 508** hereof relating to the sufficiency of money and obligations deposited in the Escrow Fund to be applied in accordance with the Escrow Agreement.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT] for the purpose of providing funds to: (a) refund the Refunded Bonds, (b) pay Costs of Issuance, and (c) pay a portion of the interest on the Bonds to the Refunded Bonds Redemption Date.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, without option of prior redemption and payment, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Maturity Date</u> <u>(August 1)</u>	<u>Principal Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Maturity Date</u> <u>(August 1)</u>	<u>Principal Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2018	\$ _____	____%	2024	\$ _____	____%
2019	_____	____%	2025	_____	____%
2020	_____	____%	2026	_____	____%
2021	_____	____%	2027	_____	____%
2022	_____	____%	2028	_____	____%
2023	_____	____%			

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each

Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to

cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in

duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities

Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(3) and (4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

Section 214. Authorization of Escrow Agreement. The Issuer is hereby authorized to enter into the Escrow Agreement, and the and Clerk are hereby authorized and directed to execute the Escrow Agreement with such changes therein as such officials may deem appropriate, for and on behalf of and as the act and deed of the Issuer. The Escrow Agent is hereby authorized to carry out, on behalf of the Issuer, the duties, terms and provisions of the Escrow Agreement, and the Escrow Agent, the Purchaser and Bond Counsel are authorized to take all necessary actions for the subscription and purchase of the Escrowed Securities described therein, including the subscription for United States Treasury Securities - State and Local Government Series.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2026, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2025, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall

give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the

unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Instructions. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due. The interest on the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain Escrowed Securities and cash held in the Escrow Fund pursuant to the terms of the Escrow Agreement.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of,

premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Issuer are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the Debt Service Account for Taxable General Obligation Refunding Bonds, Series 2016-C (within the Bond and Interest Fund).

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

In addition to the Funds and Accounts described above, the Escrow Agreement establishes the following Funds and Accounts to be held and administered by the Escrow Agent in accordance with the provisions of the Escrow Agreement:

- (a) Escrow Fund for Refunded Bonds; and
- (b) Costs of Issuance Account for Taxable General Obligation Refunding Bonds, Series 2016-C.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) Any excess proceeds received from the sale of the Bonds shall be deposited in the Series 2008-B Principal and Interest Account or the Series 2008-D Principal and Interest Account and applied to payment of principal on Series 2008-B Bonds or Series 2008-D Bonds that are not Refunded Bonds.
- (b) The sum of \$_____ shall be transferred to the Escrow Agent, for deposit in the Costs of Issuance Account and applied in accordance with the Escrow Agreement.

(c) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Escrow Fund and applied in accordance with the Escrow Agreement.

Section 503. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 504. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account other than the Escrow Fund may be invested in accordance with this Bond Resolution in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account.

Section 505. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Escrow Agent to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 30 days prior to the first Stated Maturity of principal or one year after the date of issuance of the Bonds, shall be transferred to the Issuer for deposit into the Debt Service Account.

Section 506. Application of Moneys in the Escrow Fund. Under the Escrow Agreement, the Escrow Agent will apply moneys in the Escrow Fund to purchase the Escrowed Securities and to establish an initial cash balance in accordance with the Escrow Agreement. The cash and Escrowed Securities held in the Escrow Fund will be applied by the Escrow Agent solely in the

manner authorized by the Escrow Agreement. All money deposited with the Escrow Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Refunded Bonds Resolution and the Escrow Agreement.

Section 507. Verification of Certified Public Accountant. Prior to or concurrently with the issuance and delivery of the Bonds and the creation of the Escrow Fund, the Issuer shall obtain a Verification Report from an independent certified public accountant that such accountant has verified the accuracy of the calculations that demonstrate that the money and obligations required to be deposited with the Escrow Agent pursuant to **Section 502** of this Bond Resolution and the Escrow Agreement, together with the earnings to accrue thereon, will be sufficient for the timely payment of the principal of, redemption premium, if any, and interest on the Refunded Bonds in accordance with the Escrow Agreement.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to

any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

CONTINUING DISCLOSURE REQUIREMENTS

Section 801. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Instructions in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Instructions, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 802. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 901. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 902. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 903. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within

such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 904. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 905. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 906. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 907. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 908. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 909. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 25, 2016.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER __

REGISTERED
\$

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
TAXABLE GENERAL OBLIGATION REFUNDING BOND
SERIES 2016-C

Interest
Rate:

Maturity
Date:

Dated
Date: March 17, 2016

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, Kansas in the County of Wyandotte, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing August 1, 2016 (the "Interest Payment Dates"), until the Principal Amount has been paid.

Method and Place of Payment. The principal of this Bond shall be paid at maturity to the person in whose name this Bond is registered at the maturity date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th

day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “Taxable General Obligation Refunding Bonds, Series 2016-C,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-427 *et seq.*, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements financed by the Refunded Bonds and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The interest on the Bonds attributed to refunding the Refunded Bonds to and including the respective Refunded Bonds Redemption Date shall be primarily payable from the proceeds of certain Escrowed Securities and cash held in the Escrow Fund pursuant to the terms of the Escrow Agreement. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal,

interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

(Facsimile Seal)

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas does hereby certify that the within Bond has been duly registered in my office according to law as of March 17, 2016.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

RON ESTES, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of Taxable General Obligation Refunding Bonds, Series 2016-C, of the Unified Government of Wyandotte County/Kansas City, Kansas described in the within-mentioned Bond Resolution.

Registration Date: _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

By: _____

Registration Number: _____

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Staff Request for Commission Action

Tracking No. 16467

Full Commission Meeting Date: 2/25/16

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/19/2016	<u>Contact Name:</u> Joe Connor, Assistant County Administrator	<u>Contact Phone:</u> x6724	<u>Contact Email:</u> jconnor@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Attached for approval are two Amendments to Memorandums of Understanding (MOU) and one MOU between the UG and The Service Employees International Union, Local #1 (formerly represented by SEIU Local No. 2000) and a Memorandum of Understanding.

- Amendment No. 1, period commencing retroactively on June 1, 2009 through and including May 31, 2012
- Amendment No. 2, period commencing retroactively on June 1, 2012 through and including May 31, 2015
- Memorandum of Understanding, period June 1, 2015 through December 31, 2017. This is the 6th of 13 labor contracts to be ratified which represents 52% of the union workforce under contract.

Action Requested:

to adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

RESOLUTION-SEIU, Amendment No. 1-SEIU, Amendment No. 2-SEIU, Amendment No. 3-SEIU

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Amendment No. 1 to the Memorandum of Understanding between the Unified
Government of Wyandotte County/Kansas City, Kansas, and the Service
Employees International Union, Local #1, effective June 1, 2009, to May 31,
2012;
- (2) Amendment No. 2 to the Memorandum of Understanding between the Unified
Government of Wyandotte County/Kansas City, Kansas, and the Service
Employees International Union, Local #1, effective June 1, 2012, to May 31,
2015; and
- (3) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Service Employees International Union,
Local #1, effective June 1, 2015, to December 31, 2017.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2016.**

Mark Holland, Mayor/CEO

ATTEST:

Unified Government Clerk

**AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING BETWEEN

THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

AND

THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL #1

JUNE 1, 2009 THROUGH MAY 31, 2012

**AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS AND THE SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL #1
JUNE 1, 2009 THROUGH MAY 31, 2012**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter referred to 'The Employer') and The Service Employees International Union, Local #1 (formerly represented by SEIU Local No. 2000) (hereinafter referred to 'The Union'), entered into a Memorandum of Understanding (hereinafter "Agreement" for the purpose of establishing rates of wages, hours of work, working conditions, health and safety measures and procedures for the settlement of differences; and

WHEREAS, the parties now wish to amend this Agreement, attached hereto and incorporated by reference to cover the period of June 1, 2009 through May 31, 2012; and

WHEREAS, said Agreement contains a provision that allows the Agreement to self renew unless either party requests negotiations; and

WHEREAS, the parties each requested additional negotiation for the purpose of a new Agreement;

WHEREAS, the parties have now agreed to retain the existing language of the Agreement entered into by the parties for the period April 1, 2006 through March 31, 2009, except as may be provided herein: and

WHEREAS, SEIU Local 2000 transferred its representation rights to SEIU, Local No. 1 by letter dated November 17, 2010;

NOW, THEREFORE, the parties do agree as follows:

Section 1. The term of this Amendment No.1 shall be for a three (3) year period commencing retroactively on June 1, 2009 through and including May 31, 2012.

Section 2. During the term of this Memorandum of Understanding, the parties agree that the employees covered by this Amendment No. 1 to the Memorandum of Understanding shall not receive a wage increase of any amount. The employees covered by this Agreement shall receive the same wages that were in effect on May 31, 2009. These wages shall be the same throughout the term of this three (3) year Amendment.

Section 3. The Agreement (marked Exhibit "A") is hereby incorporated by reference and attached hereto as if fully set out herein.

Section 4. All language in the Agreement not in conflict with or amended by this Amendment No.1 shall remain effective for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2016.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

THE SERVICE EMPLOYEES
INTERNATION UNION, LOCAL #1

By: _____
Doug Bach,
County Administrator

By: _____
Lindsey Walker,
City Director, Kansas City

Renee Ramirez,
Director of Human Resources

Tom Balanoff,
SEIU President

ATTEST:

Unified Government Clerk

Nancy Cross,
SEIU Vice President

Approved as to form:

Ken Moore,
Chief Counsel

**AMENDMENT N0. 2 TO
MEMORANDUM OF UNDERSTANDING BETWEEN

THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

AND

THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL #1

JUNE 1, 2012 THROUGH MAY 31, 2015

**AMENDMENT NO.2 TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS AND THE SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL #1
JUNE 1, 2012 THROUGH MAY 31, 2015**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter referred to 'The Employer') and The Service Employees International Union, Local #1 (hereinafter referred to 'The Union'), entered into a Memorandum of Understanding (hereinafter "Agreement" for the purpose of establishing rates of wages, hours of work, working conditions, health and safety measures and procedures for the settlement of differences; and

WHEREAS, the parties now wish to amend this Agreement, attached hereto and incorporated by reference to cover the period of June 1, 2012 through May 31, 2015; and

WHEREAS, said Agreement contains a provision that allows the Agreement to self renew unless either party requests negotiations; and

WHEREAS, the parties each requested additional negotiation for the purpose of a new Agreement; and

WHEREAS, the parties have now agreed to retain the existing language of the Agreement entered into by the parties for the period June 1, 2012 through May 31, 2015, except as may be provided herein.

NOW, THEREFORE, the parties do agree as follows:

Section 1. The term of this Amendment No. 2 shall be for the period commencing retroactively on June 1, 2012 through and including May 31, 2015.

Section 2. During the term of this Memorandum of Understanding, the parties agree that the employees covered by this Amendment No. 2 shall receive the following wages:

	6/1/12	1/1/13 – 12/31/15
Wage Rate	\$30.05	\$30.95

Section 3. The Agreement dated April 1, 2006 to March 31, 2009 and marked Exhibit "A" is hereby incorporated by reference and attached hereto as if fully set out herein.

Section 4. All language in the Agreement not in conflict with or amended by this Amendment No. 2 shall remain effective for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2016.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

THE SERVICE EMPLOYEES
INTERNATION UNION, LOCAL #1

By: _____
Doug Bach
County Administrator

By: _____
Lindsey Walker
City Director, Kansas City

Renee Ramirez
Director of Human Resources

Tom Balanoff,
SEIU President

ATTEST:

Unified Government Clerk

Nancy Cross,
SEIU Vice President

Approved as to form:

Ken Moore, City Attorney

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

AND

THE SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL #1

June 1, 2015 thru December 31, 2017

MEMORANDUM OF UNDERSTANDING

ARTICLE I

THIS MEMORANDUM OF UNDERSTANDING. dated the ____ day of January. 2016. by and between the Unified Government of Wyandotte County/Kansas City. Kansas. Hereinafter referred to as "the Employer" and Service Employees International Union, Local No. 1, hereinafter referred to as "the Union," entered into for the purpose of establishing rates of wages, hours of work, working conditions, health and safety measures, and procedures for the settlement of differences.

ARTICLE II

RECOGNITION

Employer agrees to recognize the Union as the sole and exclusive bargaining agent pursuant to the Public Employer Employee Relations Act for Building Engineers by the Unified Government Department of Buildings & Logistics.

ARTICLE III

EMPLOYER'S RESPONSIBILITY

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the Employer of any of its vested management rights or as delegating to others the authority conferred by law on the Employer, or in any way abridging or reducing such authority.

Section 2. In the case of promotions, the Unified Government agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of lay off the Unified Government shall use seniority as the determining factor in

selecting the employees to be laid off. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the Employer, except that Union members shall not be discriminated against as such.

Section 3. The Employer may adopt reasonable rules and regulations and amend the same from time to time, and the Employer and the Union will cooperate in the enforcement thereof. To the extent practical, the Employer will give prior notification of such rules and regulations to the Union.

Section 4. This Memorandum of Understanding shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the Employer by law.

ARTICLE IV

Section 1. Employees shall be paid the following wages:

	6/1/15	1/1/16	7/1/16	1/1/17
Wage Rate	\$30.95	\$31.42	\$31.89	\$32.53

The Apprentice wage rate shall be at ninety percent (90%) of the above identified wage rate. An employee shall be deemed an Apprentice within the first two years of their employment. At the end of the initial two years of employment, the employee shall be paid the full wage rate provided that the employee is not at that time on a performance improvement plan. If the employee is on a performance improvement plan, the employee shall remain at the Apprentice wage rate until they have successfully completed the performance improvement plan.

ARTICLE V

FRINGE BENEFITS

Each employee shall be entitled to vacations, paid holidays, health benefits, pension, sick leave, family medical leave, funeral leave, military leave, personal leave, jury duty, and any other benefits in accordance with the Human Resources Guide of the UG as amended from time to time.

ARTICLE VI

STRIKES AND LOCK OUTS

There shall be no stoppage of work either by strike or lock out because of any dispute over matters relating to this Memorandum of Understanding, whether such matters are drafted within this Agreement.

ARTICLE VII

NONDISCRIMINATION

The Employer and the Union agree that there shall be no discrimination against any employee or applicant because of race, creed, sex, age, national origin, physical handicap or union activities.

ARTICLE VIII

WORKING CONDITIONS

All working conditions including discipline, discharge, equal opportunity in employment harassment in the workplace, workers' compensation and injury leave, unemployment compensation, responsible use of technology, and all other matters constituting working conditions shall be subject to and regulated by the policies of the

UG as expressed in the Human Resources Guide and amendments thereof except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE IX

HOURS' OF WORK

The standard work week for full time employees shall be forty (40) hours within a consecutive seven (7) day period with two (2) consecutive days off except where operational needs require otherwise. Employees shall be advised of any changes in the beginning of their standard work week.

A standard work day for full time employees shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, except for a thirty (30) minute intermission for lunch.

Employees will be allowed not to exceed two (2) fifteen minute breaks (one in the morning and one in the afternoon) per normal working day. Designation of rest breaks, times, and locations shall be at the supervisors discretion. Rest breaks shall not be taken in conjunction with the employee's lunch period, except at the mutual agreement of each employee and supervisor.

ARTICLE X

OVERTIME

All employees shall receive one and one-half (1½) times their actual hourly rate of pay for work performed in excess of eight (8) hours in a day. Overtime shall only be time actually worked and approved by the UG. Provided that for purposes of overtime calculations, the UG holidays are considered to be time worked. Employees designated

to be "on-call" on a weekend day (Saturday or Sunday) or on a holiday shall receive two hours "on-call" pay at the overtime rate in addition to any hours actually worked.

ARTICLE XI

HEALTH AND SAFETY

The UG is committed to providing a work place that is free from recognized safety and health hazards.

All employees covered by this Memorandum shall comply with all safety rules, manuals and regulations of the UG and safety rules relating specifically to their respective department/division.

ARTICLE XII

SENIORITY

Each full time employee shall accrue seniority, retroactive to the latest date of hire, upon completion of his or her probationary period. Part time employees shall accrue seniority on the basis of hours of continuous service during the employee's most recent employment with the Employer. Full time employees are those employees regularly scheduled for forty (40) hours per work week. Part time employees are those regularly scheduled for less than forty (40) hours per work week.

"Employer Seniority" is an employee's total length of service since his or her latest date of hire. When the term seniority" is used in this Agreement it shall mean Employer seniority, unless the context clearly indicates otherwise. Employees transferred or promoted to positions with the Employer shall retain their Employer's seniority.

ARTICLE XIII

SAVINGS

In the event any part of this Agreement is judged to be unlawful or unenforceable by a court of law or administrative agency having jurisdiction of the subject matter and of the parties, then the remainder of this Agreement shall continue in full force and effect.

ARTICLE XIV

GRIEVANCE AND ARBITRATION

Section 1. Both parties to this Memorandum of Understanding recognize that most grievances involve misunderstandings and every attempt should be made to resolve the grievance informally. Grievances should immediately be reported to the Employer by the employee or Union within 7 calendar days of when the situation became known or reasonably should have been known.

Section 2. In the event a grievance cannot be informally settled such grievance shall be reduced to writing and provided to the Human Resource Director within 7 calendar days of the resolution of the informal step.

Section 3. If satisfactory settlement of a grievance which involves the interpretation or application of the terms of this Memorandum of Understanding is not obtained under Section 1 or 2 hereof, the Union may request that the matter be submitted to arbitration. If the parties cannot agree on the selection of an arbitrator, a seven-person panel will be requested from the Federal Mediation and Conciliation Service with the Arbitrator selected by alternate striking of names.

Section. 4. The expenses and fee of the arbitrator shall be split by the parties. The arbitrator shall be limited to the particular dispute in question and shall be bound and

governed by the provision of this Memorandum of Understanding and restricted to its application to the facts presented. The arbitrator shall not have jurisdiction or authority to add, to modify, detract from, or alter in any way the provisions of the Memorandum of Understanding or any amendment or supplement thereto. The decision of the arbitrator shall be binding on the parties and employees involved.

Section 5. When it shall be necessary to reprimand and/or discipline an employee, the same shall be done in the privacy of the management supervisor's office or other private area.

ARTICLE XV

DURATION

THIS MEMORANDUM OF UNDERSTANDING shall be in full force and effect from June 1, 2015, and shall remain in force and effect until the 31st day of December, 2017, and shall continue in force and effect from year to year thereafter unless either party shall notify the other in writing at least sixty (60) days prior to December 31, 2017 or December 31st of any successive year of a desire to terminate or amend this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2016.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

THE SERVICE EMPLOYEES
INTERNATION UNION, LOCAL #1

By: _____
Doug Bach
County Administrator

By: _____
Lindsey Walker
City Director, Kansas City

Renee Ramirez
Director of Human Resources

Tom Balanoff,
SEIU President

ATTEST:

Unified Government Clerk

Nancy Cross,
SEIU Vice President

Approved as to form:

Ken Moore, City Attorney



Staff Request for Commission Action

Tracking No. 16466

Full Commission Meeting Date: 2/25/16

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/19/2016	<u>Contact Name:</u> Joe Connor, Assistant County Administrator	<u>Contact Phone:</u> x6724	<u>Contact Email:</u> jconnor@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

A resolution requesting the authorization of the County Administrator to execute the following documents:

1. Amendment No. 3 to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Painters District Council No. 3 effective January 1, 2013, to December 31, 2015; and
2. Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Painters District Council No. 3 effective January 1, 2016, to March 31, 2017. This is the 7th of 13 labor contractors to be ratified which represents 52% of the union workforce under contract.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

RESOLUTION, Amendment No. 3, Painters MOU 1116. 33117, Wage spreadsheet

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Amendment No. 3 to the Memorandum of Understanding between the Unified
Government of Wyandotte County/Kansas City, Kansas, and the Painters District
Council No. 3 effective January 1, 2013, to December 31, 2015; and
- (2) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Painters District Council No. 3 effective
January 1, 2016, to March 31, 2017.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2016.**

Mark Holland, Mayor/CEO

ATTEST:

Unified Government Clerk

**AMENDMENT N0. 3 TO MEMORANDUM OF
UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND
PAINTERS DISTRICT COUNCIL N0. 3
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES
JANUARY 1, 2013 THROUGH DECEMBER 31, 2015**

**AMENDMENT NO. 3 TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS AND THE
DISTRICT COUNCIL NO. 3
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES
JANUARY 1, 2013 THROUGH DECEMBER 31, 2015**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter referred to 'The Employer') and District Council No. 3 International Union of Painters and Allied Trades (hereinafter referred to 'The Union'), entered into a Memorandum of Understanding (hereinafter "Agreement" for the purpose of establishing rates of wages, hours of work, working conditions, health and safety measures and procedures for the settlement of differences; and

WHEREAS, the parties now wish to amend this Agreement, attached hereto and incorporated by reference to cover the period of January 1, 2013 through December 31, 2015; and

WHEREAS, said Agreement contains a provision that allows the Agreement to self renew unless either party requests negotiations; and

WHEREAS, the parties each requested additional negotiation for the purpose of a new Agreement; and

WHEREAS, the parties have now agreed to retain the existing language of the Agreement entered into by the parties for the period January 1, 2013 through December 31, 2015, except as may be provided herein.

NOW, THEREFORE, the parties do agree as follows:

Section 1. The term of this Amendment No.3 shall be for the period commencing retroactively on January 1, 2013 through and including December 31, 2015.

Section 2. During the term of this Memorandum of Understanding, the parties agree that the employees covered by this Amendment No. 3 to the Memorandum of Understanding shall receive the following wages:

	1/1/13 (3%)	5/1/15 (1.5%)
Wage Rate	\$25.30	\$25.68

Section 3. The employer shall be obligated to pay 100% of the fringe benefits specified in the agreement with the exception of the following: CISAP, STAR and Market Dues. The health and welfare rate shall be \$5.18/hr.

Section 4. The parties agree that in the event the current bargaining unit member of District Council 3 is no longer employed by the Employer as a bargaining unit member, the contract will be reopened. In the event that the current bargaining unit member is no longer employed as a bargaining unit member for disciplinary reasons, the contract will not be reopened until any grievance is resolved. If the grievance results in the current bargaining unit member being reinstated, then the contract remains in effect. If not, then the contract will be reopened.

Section 5. The Agreement dated January 1, 2006 to March 31, 2009 and marked Exhibit "A" is hereby incorporated by reference and attached hereto as if fully set out herein.

Section 6. All language in the Agreement not in conflict with or amended by this Amendment No. 3 shall remain effective for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of _____, 2016.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

DISTRICT COUNCIL NO. 3
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO

By: _____
Doug Bach
County Administrator

By: _____
Todd Doree, Business Manager

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk

Approved as to form:

Ken Moore, City Attorney

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

AND

**PAINTERS DISTRICT COUNCIL NO. 3
INTERNATIONAL BROTHERHOOD OF PAINTERS
AND ALLIED TRADES**

JANUARY 1, 2016 – MARCH 31, 2017

MEMORANDUM OF UNDERSTANDING

ARTICLE I – INTENT AND PURPOSE.

This **MEMORANDUM OF UNDERSTANDING**, dated this ____ day of _____, 2016 by and between the Unified Government, Wyandotte County, Kansas City, Kansas, and the Painters District Council No. 3, International Brotherhood of Painters and Allied Trades, and vicinity, is entered into for the purpose of establishing rates of wages and specified working conditions. The Local Union Working Agreement or “Agreement” (Joint Agreement between Builder’s Association of Missouri and the Union, marked exhibit A and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE II – RECOGNITION.

The Unified Government of Wyandotte County, Kansas City, Kansas, (hereunto the U.G.) recognizes and acknowledges the above-stated Painters District Council (hereunto the “Union”) as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all Painters employed by the Building and Logistics Department of said U.G.

ARTICLE III – EMPLOYER’S RESPONSIBILITY.

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the U.G. of any of its management rights vested by the Kansas Public Employee Relations Act or as delegating to others the authority conferred by law on the U. G. or in any way abridging or reducing such authority.

Section 2. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the U.G., except the Union member shall not be discriminated against due to their Union membership. Persons subject to this agreement shall be considered as employees of the U.G. and subject to all policies, orders, and directives, written or oral, of the Unified Government, Wyandotte County, Kansas City, Kansas, the Commissioners, the County Administrator and such other persons designated as supervisors of said employees except as modified or provided elsewhere herein. In the case of promotion, the U.G. agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of layoff the U.G. shall use seniority as the determining factor in selecting the employees to be laid off.

Section 3. The U.G. may adopt additional reasonable rules and regulations and amend the Human Resources Guide and other policies, orders and directives from time to time, and the U.G. and the Union will agree that any such changes, additions or amendments not in conflict with this Memorandum of Understanding shall be in full

force and effect. Disputes concerning the application or interpretation of any changes, additions or amendments as provided in this section may be submitted by the Union to arbitration as provided hereunder. To the extent practical, the U.G. will give prior notification of such rules and regulations to the Union.

Section 4. This memorandum shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the U.G. by law.

ARTICLE IV – FILLING OF VACANT POSITIONS.

When a permanent job vacancy exists in a bargaining unit position, the U.G. may determine within forty-five (45) days from the declaration of the vacancy by the U.G., whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within sixty (60) working days from the determination to fill it or within a reasonable time thereafter. However, even if the U.G. initially determines not to fill a position, the U.G. expressly reserves the right, at any time, to determine that such a position should be permanently filled and then post the same for bid.

If the U.G. determines that a position is to be filled, the following procedure shall govern:

- (a) Such job vacancies shall be posted for ten (10) working days along with the information related to the qualifications required for the position and the department to which the position is assigned. The affected bargaining unit local will be sent a copy of the job vacancy posting.
- (b) Applicants desiring to apply for a job vacancy may do so by being qualified and/or certified. In order for an applicant to be considered, a U.G. employment application and related application materials must be submitted to Human Resources within the specified guidelines.
- (c) Such vacancies shall be awarded to the best qualified applicant considering the applicants training, education, experience, ability and past performance as long as such selection does not contravene any affirmative legal responsibility placed upon the U.G. and the applicants successful completion of a drug screen and physical examination.

ARTICLE V – WAGES.

Section 1. During the term of this Memorandum of Understanding, the employees covered by this MOU shall receive the following wages in lieu of those wages provided for under the Agreement:

	1/1/16	7/1/16	1/1/17
Wage Rate	\$25.68	\$26.06	\$26.58

Section 2. In addition to the wage rate above, the U.G. will pay for the entire term of this Memorandum of Understanding one hundred percent (100%) of the fringe benefits specified in the Agreement, with the exception of the following: CISAP, STAR and Market Dues. The health and welfare rate shall be \$5.18/hr. provided that such program is qualified under the Affordable Care Act. Employer shall not be required to obtain a surety bond under Article VI of the Agreement.

Section 3. As wage rates change under the Agreement, the craft shall obtain from the contracting association a written statement of changes and the effective date thereof, and shall provide by registered mail, to the County Administrator and the Human Resources Department a copy thereof.

Section 4. No person subject to this Memorandum shall be eligible to purchase, receive or participate in any health insurance contract, program or benefit provided to other U.G. employees, including all preferred provider organizations, health maintenance organizations or indemnity policies and coverage unless said person bears the cost of said insurance or coverage without any U.G. contribution. All such persons shall be eligible to participate, receive or purchase any dental insurance provided by the U.G.

ARTICLE VII – WORKING CONDITIONS.

All working conditions including vacations, paid holidays, sick leave, jury duty, maternity leave, injury leave, discharge, discipline and all other matters constituting working conditions shall be subject to and regulated by the policies of the U.G. as expressed in the Human Resources Guide, and amendments thereof except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE VIII – STRIKES AND LOCKOUTS.

Section 1. There shall be no stoppage of work either by strike or lock out because of any dispute over matters relating to this Memorandum.

Section 2. There shall be no work stoppage in the event of any construction industry strike or problems or lockouts.

ARTICLE IX – UNION SECURITY.

Notwithstanding any provisions of the attached Agreement and specifically Article IV of said agreement, to the contrary, the Union recognizes and acknowledges that the Kansas Constitution at Article 15, Section 12 and K.S.A. 75-4324 provide and guarantee and employee the right to work regardless of union membership or affiliation

and the parties hereto are bound thereby. Under the provisions of said law, the Union recognizes that the U.G. cannot require as a condition of employment that all employees of the U.G. covered by the attached Agreement will be members of the Union in good standing while so employed by the U.G.

Article X – FRINGE BENEFIT PROGRAM.

If it is held by a Court of competent jurisdiction that the U.G. is prohibited from entering into or becoming a party to the provided trust agreements or funds set out in the Agreement at Article V, then the U.G.'s obligation to continue its commitment hereunder shall cease.

Article XI – WORKING RULES.

Paragraphs 1,2,4,5,6,7,8,11,13,14,15,17,19,21 of Article IX of the Agreement are deleted and the subjects expressed therein shall be governed by the provisions of the U.G.'s Human Resources Guide.

Article XII – PAYDAY AND PAYROLL CHECKS.

The U.G. has adopted a bi-weekly payroll system. Represented employees are paid each two weeks, as opposed to weekly. This practice shall in no way modify the amount of compensation to be received by the represented employees as provided herein.

Article XIII – GRIEVANCE AND ARBITRATION PROCEDURE.

In the event of any dispute or grievance arising under the terms and provisions of the Memorandum or of any difference between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. The parties shall make sincere and determined efforts to settle meritorious grievances at the voluntary steps of the grievance procedure and to keep the procedure free from any unmeritorious grievances. A union representative may be present during any step of the grievance procedure.

Step 1: Within ten (10) days of the occurrence or events giving rise to the grievance or dispute, or within ten (10) days of when the affected employee or employees became aware of such occurrences or event, whichever is longer, the matter must be taken up between the involved employee or employees and their supervisor. First, the employee shall verbally explain to his supervisor the nature of the grievance. The supervisor must communicate his decision to the grievant verbally within five (5) days of the Step 1 meeting.

Step 2: If the grievance is not satisfactorily adjusted under step 1, a written grievance shall be submitted to employee's supervisor within five (5) days after the supervisor has provided his verbal decision pursuant to Step 1. Within five (5) days thereafter, the supervisor must submit a written answer to the grievance.

Step 3: If the supervisor's written answer does not resolve the matter, a written appeal shall be made to the division head within five (5) days after the U.G. receives the supervisor's written report pursuant to step 2. The division head shall attempt to resolve the matter, and shall give a written answer within five (5) days after receiving the written appeal.

Step 4: If the division head's written answer does not resolve the grievance, a written appeal shall be taken to the department head within five (5) days after the receipt of the division head's written response. The department head shall attempt to resolve the matter in a meeting of the concerned parties, and shall give a written answer within five (5) days after the receipt of the written appeal of the division head's decision.

Step 5: If the matter has not been resolved in Steps 1-4, it may be submitted to the County Administrator within five (5) working days after receipt of the department head's written decision. The County Administrator shall render a decision in writing within ten (10) days thereafter.

Step 6: If the County Administrator's decision is not satisfactory to the Union, or if the parties are otherwise unable to satisfactorily resolve the dispute, arbitration may be requested by the U.G. or the Union, in the following manner:

- (a) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 5.
- (b) Within fifteen (15) calendar days after the notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), and the parties will alternately and independently strike unacceptable arbitrators from such a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS panel request is served fails to execute and send such request within fifteen (15) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.
- (c) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on all parties.

- (d) Once an arbitrator has been selected by the parties, the parties shall act with all deliberate speed to schedule a hearing for the arbitration.
- (e) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- (f) The cost of the arbitrator shall be shared equally by the U.G. and the Union.

Article XIV – SUBCONTRACTING.

Article XV of the Agreement related to subcontracting is hereby deleted.

Article XV - NEW EMPLOYEES.

The parties agree that in the event a current bargaining unit member of District Council 3 is no longer employed by the Employer as a bargaining unit member, the contract will be reopened. In the event that the current bargaining unit member is no longer employed as a bargaining unit member for disciplinary reasons, the contract will not be reopened until any grievance is resolved. If the grievance results in the current bargaining unit member being reinstated, then the contract remains in effect. If not, then the contract will be reopened.

Article XVI – DURATION.

This Memorandum shall be in full force and effect from January 1, 2016, (effective date), to and including December 31, 2017, (expiration date), and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Memorandum is served by either party upon the other not less than thirty (30) and not more than ninety (90) days prior to December 31, 2017, (expiration date) or January 1 of any subsequent contract year. The attached agreement shall be deemed a part of this Agreement.

When no such cancellation or termination notice is served and the parties desire to continue said Memorandum, but also desire to negotiate changes or revisions in this Memorandum, either party may serve the other a written notice not less than thirty (30) and not more than ninety (90) days prior to December 31, 2017, (expiration date) or January 1 of any subsequent contract year, advising that such party desires to revise or change terms or conditions of such Memorandum.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2016.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS

DISTRICT COUNCIL NO. 3
INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES,
AFL-CIO

By: _____
Doug Bach
County Administrator

By: _____
Todd Doree, Business Manager

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk

Approved as to form:

Ken Moore, City Attorney

PAINTERS WAGE BASE SCALES 2016		
RANGE 1		
TITLE	OCC CODE	STEP 1
Effective 1/1/16	4114	
Building Trades		
Painter	CURRENT	\$24.56
	1/1/2013	\$25.30
	5/1/2015	\$25.68
	7/1/2016	\$26.06
	1/1/2017	\$26.58



Staff Request for Commission Action

Tracking No. 16469

Full Commission Meeting Date: 2/25/16

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/19/2016	<u>Contact Name:</u> Joe Connor, Assistant County Administrator	<u>Contact Phone:</u> x6724	<u>Contact Email:</u> jconnor@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

RESOLUTION: A MOU WITH WYANDOTTE COUNTY SHERIFF'S DEPARTMENT AND TEAMSTERS LOCAL NO. 955

- Memorandum of Understanding, period January 1, 2015 through December 31, 2017. This is the 8th of 13 labor contractors to be ratified which represents 53% of the union workforce under contract.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Sherriff's and Teamsters Local 955

MEMORANDUM OF UNDERSTANDING

BETWEEN

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/

KANSAS CITY, KANSAS

THE WYANDOTTE COUNTY SHERIFF'S DEPARTMENT

AND

TEAMSTERS LOCAL NO. 955

January 1, 2015 - December 31, 2017

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DEFINITIONS

Administrator	Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas
County	The County of Wyandotte County, Kansas
Department	The Wyandotte County Sheriff's Department
Gender	The male shall include the female and the female shall include the male
Immediate Supervisor	The person directly above the employee in supervision
Memorandum	The Memorandum of Understanding
Sheriff	Sheriff of Wyandotte County, Kansas
Employee	An employee of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Sheriff's Department within the bargaining unit
Employer	Wyandotte County Sheriff's Department and/or the Unified Government of Wyandotte County/Kansas City, Kansas
Unified Government ("UG")	The Unified Government of Wyandotte County/Kansas City, Kansas
Union	Teamsters Local No. 955

MEMORANDUM OF UNDERSTANDING

WHEREAS, the parties hereto desire to maintain a harmonious relationship, to advance mutual interests in the provision of services to the public and to preserve public safety, law and order, to promote standards and conditions of employment for all employees of the Wyandotte County, Kansas Sheriff's Department employed within the bargaining unit, as set forth herein; to achieve harmonious and peaceful adjustment of differences which may arise; and to establish standards of wages, hours, benefits and other conditions of employment.

NOW, THEREFORE, in consideration of mutual covenants and agreements hereinafter contained, the County, the Department and the Union hereby agree as follows:

ARTICLE 1: RECOGNITION

The Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter the "UG") and the Sheriff's Department of the County (hereinafter the "Department") recognize and acknowledge the Teamsters Local No. 955 (hereinafter the "Union") as the exclusive bargaining representative for all Wyandotte County Sheriff's employees as set forth in Kansas Public Employer-Employee Relations Board Unit Determination Case No. 75-UDC-3-1992, dated February 7, 1994, as amended, or as otherwise agreed by the parties, employed by the Department for the purpose of negotiating collectively with the UG and Department pursuant to the Public Employer-Employee Relations Act of the State of Kansas, with respect to conditions of employment, as defined by that Act. The recognition herein afforded extends only to those classifications of Classification Clerk, Clerk, Mail Clerk, Receptionist, Records Clerk, Senior Utility Clerk, Mortgage Foreclosure Clerk, Transportation Clerk, Programs Clerk, Civil Clerk, Offender Registrations Clerk and Warrants Clerk. Excluded from the representation herein afforded are the Administrative Assistant to the Sheriff, Administrative Assistant to the Jail Administrator, Purchasing Agent, the Programs Coordinator, Administrative Assistant to the Office of Professional Standards, the Planning and Research Coordinator and all confidential and supervisory employees and all other UG or Department employees not listed.

ARTICLE 2: PAYROLL DEDUCTION OF UNION DUES

The UG agrees to deduct, once each month, dues in an amount certified by the Union and authorized in writing by the employees who individually request (Dues Deduction Authorization Form), that such deductions be made. Employees may revoke the authorization by giving thirty (30) days written notice of such termination or revocation. The total amount of such authorized deductions shall be remitted by the Employer to the Treasurer of the Union.

ARTICLE 3: UNION STEWARDS

Section 3.1 Union Stewards. Employees selected by the Union to act as employee representatives shall be known as "Stewards." The names of employees selected as Stewards who may represent employees shall be provided to the UG and the Department every six (6) months (January 1 and July 1) by the Union. The UG and the Department shall be notified, in writing, of any changes in the above names that may occur.

Section 3.2 Number of Stewards. There may not be more than one (1) Steward and one alternate Steward.

Section 3.3 Prohibited Conduct of Union Officers or Stewards. The Stewards have no authority to encourage, incite, or condone work action against the Department or UG. In the event of such action by any Steward, he/she shall be subject to immediate discipline.

ARTICLE 4: UNION COOPERATION – MANAGEMENT RIGHTS

Section 4.1 Union Cooperation. The Union, UG and the Department have entered into this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency and to the end that the bargaining unit employees, UG, the Department and the general public may mutually benefit. Consistent with this general purpose, the Union recognizes that an obligation rests upon each bargaining unit employee to render honest, efficient and courteous service to UG and its citizens. The Union agrees to cooperate with UG in its efforts to strengthen the good will between the Sheriff's Department, UG, and the general public.

The Union recognizes the need for improved methods in providing law enforcement services to the citizens of UG and agrees to cooperate with UG and Department in the installation of such methods, in suggesting improved methods, in the education of its members and the necessity for such changes and improvements.

Section 4.2 Management Rights. It is the intention of the parties hereto that the Employer retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations for full time clerks. Excluded are temporary and part time employees.

The exclusive rights of the Employer shall include, but are not limited to its right to determine the qualifications of its employees: to establish or continue policies, practices and procedures for the conduct of the Employer and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities, to discontinue processes or operations or to discontinue their performance by employees; to select, determine and schedule the number and type of employees required; to assign work to such employees in accordance with the requirements determined by the Employer; to establish and change work

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schedules; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to discipline, suspend or discharge employees for just cause; to maintain the efficiency of the governmental operation; to lay off or furlough employees; to take actions as may be necessary to carry out the mission of the Employer in emergencies; to determine the methods, means and personnel by which operations are to be carried on; to develop Standard Operating Procedures, Rules of Discipline and Rules and Regulations not in conflict with this Memorandum; to establish and maintain reasonable gender appropriate standards for wearing apparel and personal grooming and all other prerogatives and responsibilities normally inherent in management of the Employer which are not in conflict with the specific provisions of this Memorandum.

All management rights, powers, authority and functions other than those relinquished by the Employer in this Memorandum shall remain vested exclusively in the Employer.

ARTICLE 5: PROBATIONARY EMPLOYEES

New bargaining unit employees shall be considered Probationary Employees for the first six (6) months of their employment. Any interruption of employment (leave, sickness, injury, etc.) during the probationary period in excess of five (5) working days shall not be counted as part of such probationary period. Probationary Employees may be discharged or disciplined at the sole discretion of the Employer without recourse to the provisions of this Memorandum.

Probationary Employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employees' seniority date will be measured from their date of hire as provided in Article 6.

ARTICLE 6: SENIORITY

Section 6.1 General. Seniority shall be measured by continuous service as an employee of the Wyandotte County Sheriff's Department from the date of last hire, unbroken by other than vacation, military leave or other authorized leaves of absence of not to exceed ninety (90) days, and lay-off not in excess of two (2) years. Seniority shall be broken by discharge, resignation, retirement, lay-off in excess of two (2) years, permanent disability, or if the employee is called back to work from layoff and does not report for work within fourteen (14) calendar days of receipt of written notice by certified mail. In cases of disputes concerning seniority, the Department's records shall govern. Temporary or part-time employees shall not accumulate nor exercise any seniority rights. Department seniority shall be utilized as indicated in this Memorandum.

Section 6.2 Seniority Roster. The Employer will maintain an up-to-date seniority roster containing names and length of service of employees. Such rosters will be available to the Union Stewards and notice will be given when new hires are added.

Section 6.3 Senior Utility Clerk.

- a. If the Unified Government elects to fill the position of Senior Utility Clerk, the position shall be filled in accordance with the existing terms and conditions of this Memorandum of Understanding.
- b. The Senior Utility Clerk shall be responsible for supporting all clerical positions within the bargaining unit including civil clerks, warrant clerks, tax sale clerk, mailroom clerks and any similar position. The Senior Utility Clerk shall be responsible for and have knowledge of the duties and functions of each position and have capacity to fill that position as directed when vacated permanently or temporarily for any reason as directed by the Sheriff or his designated supervisor. The Senior Utility Clerk shall be available to work varying hours, shifts and days when a need exists for coverage outside the regular schedule for this position on Monday through Friday from 8:00 a.m. through 5:00 p.m. The Senior Utility Clerk shall receive such benefits the same as other members of the bargaining unit as provided in this Memorandum of Understanding.
- c. Compensation for the position shall be as provided within this Memorandum of Understanding.

ARTICLE 7: WORK PERIODS

Section 7.1 General. The Employer has the management right to change the hours of work shifts or work periods and to institute new work shifts or periods or discontinue existing work shifts or periods. The employer shall give reasonable notice, not less than five (5) working days, in advance of permanent modifications of employees work shifts or work periods.

Section 7.2 Standard Work Week. The standard work week shall be forty (40) hours, except during shift or job change periods, and normally consist of five (5) consecutive days of work with two (2) consecutive days off. Employees will not be forced to work more than nine (9) consecutive calendar days without being offered a day off. Employees' standard work week may consist of four (4) consecutive ten (10) hour work days, with three (3) consecutive days off, or other variations, but still containing forty (40) hours. The standard work week and work day for a Senior Utility Clerk includes varying hours, shifts and days when a need exists for coverage outside the regular schedule for this position on Monday through Friday from 8:00 a.m. through 5:00 p.m.

Section 7.3 Standard Work Day. Except during shift or job change periods, a standard work day shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, or may consist of ten (10) consecutive hours in a twenty-four (24) hours period, except for an intermission for lunch as provided in Sec. 7.4.

Section 7.4 Meal Period. Each employee shall be entitled to a thirty (30) minute meal period or sixty (60) minute meal period at a time during his regular work day designated by the employee's work schedule and the needs of the Department. If an employee is required to work through their meal period, they shall be compensated for such meal period.

Section 7.5 Breaks. Each employee working eight (8) consecutive hours shall be entitled to two (2) fifteen (15) minute breaks. Employees working ten (10) consecutive hours shall be entitled to three (3) fifteen (15) minute breaks. Breaks may occur during the employee's regular work day and designated by the employee's supervisor.

ARTICLE 8: OVERTIME

Section 8.1 Overtime. All employees shall receive one and one-half (1 ½) times their actual hourly rate of pay or compensatory time, up to a maximum of two hundred forty (240) accumulated compensatory hours, for work performed in excess of forty (40) hours in a given work week. (Provided, that, no employee shall have accumulated more compensatory hours on the books than that allowed by Federal law and/or regulation which hours have been accumulated subsequent to April 15, 1986). Compensatory time may be earned in lieu of overtime payment if the employee so elects. For purposes of overtime calculations, the hours taken by an employee as a holiday, vacation, compensatory time, unspecified paid leave described in Article 16.2 and jury duty, shall be considered as hours worked.

Section 8.2 Duty to Perform. Employees are required to work reasonable amounts of overtime when requested by the employer. In cases of emergency, as determined by the Sheriff, Undersheriff, Jail Administrator, or UG Administrator, employees are required to work overtime as requested not to exceed 4 hours per daily shift and are subject to discipline for any refusal to so work. Bargaining unit members may volunteer for additional overtime.

Section 8.3 Overtime Distribution. When the employer determines that overtime work is necessary then the overtime shall be offered in the following fashion:

Offered first to qualified employees within the Division where the overtime works occurs by seniority as set forth in Article 6.

If there are not enough qualified employees who accept the overtime work requests by seniority within the Division where the work occurs, then the overtime work shall be offered to qualified Bargaining Unit employees outside the Division by seniority as set forth in Article 6.

If there are not enough qualified employees who accept the overtime work requests, as set forth in paragraphs (a) and (b) above, then the Unified Government may force the least senior qualified employees within the Division where the overtime work occurs to work that overtime.

Section 8.4 Holidays. When an employee is required to work on a designated holiday (See Article XII), at the direction of the employee's supervisor and such holiday is not a regularly scheduled work day for that employee, the employee shall be paid at one and one-half (1 ½) times his regular hourly base rate for the hours actually worked. These overtime hours shall not be pyramided for pay purposes.

ARTICLE 9: DISCIPLINE

Section 9.1 Authority to Discipline. The Union recognizes that the Employer has the responsibility for maintaining discipline and the efficient and orderly operation of the Department. Accordingly, the authority to discipline employees is vested exclusively in the Employer or its designees. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause. Discipline or discharge for just cause shall include, but not be limited to, discipline or discharge for violation of the Department's or UG's Rules and Regulations, General and Special Orders, and Standard Operating Procedures. The Department's or UG's Rules and Regulations, General and Special Orders, and Standard Operating Procedures may be modified from time to time by the Department unilaterally.

Section 9.2 Imposing Discipline. The severity of the discipline imposed shall be consistent with the offense committed. Discipline may be preceded by counseling or warning. Discipline may include the following:

1. Verbal Warning
2. Written Warning
3. Suspension
4. Discharge

Whenever it is recommended that an employee is to receive a formal counseling, disciplinary suspension or is to be discharged, that employee shall be provided notice of such recommendation and shall be provided an opportunity to show cause why they should not be disciplined. The employee may be entitled to a union representative at the show cause stage. As a result of the show cause proceeding, a recommendation to issue or not issue discipline shall be made to the appropriate supervisor. If a disciplinary suspension or discharge is issued, then the disciplined or discharged employee shall have the right, within fourteen (14) calendar days of the issuance of the discipline, to grieve the discipline commencing the process at step two of the grievance procedure set forth in Article Ten (10) herein.

Section 9.3 Forfeiture of Benefits and Rights. Employees who are terminated for just cause shall forfeit all employment benefits and rights, except accumulated compensatory time, vacation days, sick days as provided in UG Human Resources Guide, retirement benefits in accordance with applicable law and any accrued wages. UG shall provide a copy of the UG Human Resources Guide to the Union's business representative.

Section 9.4 On-the-Job Injury. An employee who fails to report to his superior any on-the-job injury within forty-eight (48) hours of knowledge of such injury may be disciplined. On the job injuries shall be governed by the Human Resources Guide concerning workers compensation policies and benefits.

Section 9.5 Separation from Employment. Upon separation from employment within the Unified Government, the Department, all Unified Government and Department equipment or materials provided the employee by the Unified Government or Department shall be returned. Failure to do so shall result in the employee's final paycheck(s) being reduced by the amount of seventy-five percent (75%) of the replacement cost of all missing items which have not been returned or replaced by the employee. Such withholding shall not be in violation of federal or state law and shall in no event reduce the employee's earnings to a pay rate under either the State or Federal minimum wage.

ARTICLE 10: GRIEVANCE PROCEDURE

Section 10.1 General. The term "grievances" as used in this Memorandum shall be any dispute, disagreement, or difference between one or more employees and the Employer as to the meaning of any terms and provisions of this Memorandum. Any impasse in any negotiations for any Memorandum of Understanding or Agreement shall not constitute a grievance. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of Public Employer-Employee Relations Board, the employee involved may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employer-Employee Relations Board. If a grievance is processed beyond Step 2 of the grievance procedure, the employee(s) and the Union shall be deemed to have waived any action or right to file or proceed with such action before Public Employer-Employee Relations Board.

Section 10.2 Grievance Procedure. Grievances by an employee or a group of employees shall be handled in the following manner:

- A. Time Limits. Management and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being disposed of in favor of the party not in default, i.e. if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the Employer's favor and if the Employer fails to meet the grievance procedure time limits, the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all of the time limits prescribed herein by mutual written agreement.

B. Commencing Grievance Procedure. This grievance procedure must be commenced within fourteen (14) calendar days from the time that the event giving rise to the grievance occurred or became known, or reasonably should have been known. Otherwise, it need not be considered.

C. Appeals and Responses.

- 1) If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.
- 2) All appeals must be in writing, either on a regular grievance form or otherwise suitably and clearly stated.
- 3) All written answers on grievances shall be given to the employee and the appropriate Union Steward.
- 4) All appeals by employees shall be delivered by hand or by mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the proper party at his regular office address.
- 5) Answers and appeals may be delivered by hand or by mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the proper party at his regular office address.
- 6) If a grievance cannot be answered within a specified time in any step because of circumstances beyond the Employer's or the Union's control, a time extension may be granted by mutual agreement.

D. Grievance Procedure Steps. The steps in the grievance procedure are as follows:

Step 1: All employee grievances, except those relating to discipline or discharge, first shall be presented in writing by the employee or employees concerned to the immediate supervisor within the time limits set forth in Section 10.2(B) of this Article. The supervisor shall give his answer in writing to the employee or employees not later than the fourteenth (14th) calendar day after the day on which the grievance was so presented.

Step 2: If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal, the grievance shall be stated in writing and shall be delivered to the Undersheriff or his designee within fourteen (14) calendar days after the supervisor's response to Step 1. The appeal shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum it is alleged were violated or misinterpreted or the discipline being grieved.

Grievances appealed to the second step shall be discussed within fourteen (14) calendar days of the appeal. At such meeting, the Employer will be represented by the Undersheriff and/or his designee and the employee or employees will be represented by the appropriate Union Representative and Union Steward and the grievant. All employee grievances relating to discipline and discharge of an employee will originate at the second step. The Employer will answer the grievance in writing after the second step within fourteen (14) calendar days, unless such time is extended.

Step 3:

Arbitration: If no settlement is reached by the procedure outlined, through Step 2, either party may request arbitration. Any request for arbitration must be made as follows:

- (1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fourteen (14) calendar days of the Undersheriff's decision. The notice shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted or the discipline being grieved. If notice of intent to arbitrate is not delivered within fourteen (14) calendar days of the Undersheriff's decision, the issue shall be deemed abandoned.
- (2) Within fourteen (14) calendar days after the above notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service, and the parties will alternately and independently strike unacceptable arbitrators from a list with the last remaining arbitrator being selected.
- (3) Employees shall not be paid for time spent in attending arbitration proceedings other than as a witness on behalf of the Employer.
- (4) The jurisdiction and authority of the arbitrator shall be governed by the following:
 - (a) The arbitrator shall have authority to determine the procedural rules of arbitration and shall have the authority to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence and his decision shall be final and binding on both parties.
 - (b) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.

- (c) In the resolution of disputes between the parties to this Memorandum, the arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum.
- (d) The cost of the arbitrator shall be shared equally by both parties.
- (e) The arbitrator shall tape record the proceedings and make a copy of the tape available to both the Employer and the Union, upon request.

ARTICLE 11: STRIKES

The Union, on behalf of its membership, recognizes that the protection of the public health, safety and welfare are of paramount importance to itself and the Employer. Therefore, during the life of this Memorandum, the Union will not condone nor encourage nor instigate any work slowdowns, stoppages or strikes, or any actions that are detrimental to the operations of the Employer.

Any violation of this Article may be the subject of disciplinary action, including discharge. The Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein, take all reasonable affirmative action to terminate such conduct.

ARTICLE 12: VACATIONS – HOLIDAYS – PERSONAL DAYS – FUNERAL LEAVE – MILITARY LEAVE – JURY DUTY – LEAVE OF ABSENCE – SICK LEAVE – MATERNITY LEAVE – FAMILY MEDICAL LEAVE

Each employee shall be entitled to vacations, holidays, personal days, funeral leave, military leave and jury duty leave, leave of absences, sick leave, maternity leave and family medical leave in accordance with the Human Resources Guide of UG, as amended from time to time. Provided that, the applicable benefits provided in the Human Resources Guide may not be diminished without discussions and written agreement with the Union. For purposes of determination of employees' rights with respect to vacation and sick leave under the Human Resources Guide, bargaining unit employees hired before January 1, 2016 shall be deemed to be "Category 1" employees and employees hired on or after January 1, 2016 shall be deemed to be "Category 2" employees. Each employee shall be entitled to five (5) personal days.

ARTICLE 12: SAFETY

The Sheriff, Union and Unified Government support implementing such reasonable measures as to protect the safety and health of the employee. Without precluding or limiting the rights of management, the Sheriff agrees that employees desiring a telephone headset may have one for use in their job upon written request. The Unified Government agrees to provide adequate parking spaces near or adjacent to the primary jail entrance of the parking facility for employees of the bargaining unit that work between the hours of 3:00 p.m. and 7:00 a.m.

Nothing herein shall constitute a guarantee by the Sheriff or the Unified Government of the safety or benefits to any employee beyond or in addition to that required by State or Federal law or this Memorandum. The parties agree to meet and confer about issues of safety as may be needed from time-to-time. Bargaining unit members shall not be required or permitted to escort prisoners. The Unified Government shall provide safety training to employees who are in direct contact with prisoners.

ARTICLE 13: LAYOFF/RECALL

Section 13.1 Layoffs. Layoffs are involuntary separations made because of lack of work or reduction in force. Layoffs shall be made in the inverse order of seniority within the Department.

An employee shall maintain his recall rights for two (2) years from the date of his layoff. When employees are recalled, they must be recalled in the order of seniority, i.e. the most senior laid off employee must be recalled first.

Section 13.2 Recall. The term recall shall apply only to employees who were separated from Unified Government employment by layoff. Re-employment after resignation, discharge or two (2) years after the layoff date shall not be considered a recall.

The Human Resources Department shall have the prime responsibility for administering the recall policy. The Department shall have the responsibility for maintaining its recall file.

Accepting any Department position within two (2) years constitutes a recall and automatically removes the laid-off employee's name from the recall file.

If the Department calls employees back, the call back shall be in the inverse order of the layoff. An employee recalled to a Department position shall report to work within fourteen (14) calendar days of notice of his recall or he shall forfeit all seniority rights and all future recall rights. Notice of recall shall be provided by certified mail, return receipt requested, to the employee's last address furnished to the Employer.

Section 13.3 Furloughs. If management determines that furloughs are necessary, the parties shall meet and confer regarding implementation of such furloughs.

ARTICLE 14: PROMOTIONS AND BIDDING

Section 14.1 General.

- A. It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including ability, education, experience, and performance of bidding employees for a vacant position.

- B. In order to qualify for a permanent promotion, an employee must be able to perform the job and must have been properly tested or certified where necessary.
- C. Any change in the job description of any bargaining unit position shall be in writing and notice given to the Union Stewards and the person or persons holding the job.

Section 14.2 Permanent Vacancies.

- A. When any permanent job vacancy exists in a bargaining unit position, the Employer may determine within ninety (90) days from the declaration of the vacancy by the Employer, whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within sixty (60) working days from the determination to fill it or within a reasonable time thereafter. However, even if the Employer initially determines not to fill a position, the Employer expressly reserves the right, at any later time, to determine that such position should be permanently filled and may then post the same for bid.
- B. If the Employer determines that a position is to be permanently filled, the following procedure shall govern:
 - 1) Such job vacancies shall be posted internally not less than seven (7) calendar days along with information relating to the qualifications required for the position. The Department is not required to internally post entry level records clerk vacancies before soliciting applicants for such positions who are not then employed by the Unified Government.
 - 2) Employees desiring to apply for a job vacancy may do so by being qualified and/or certified and by submitting a letter of interest with any supporting documentation as required by the Employer and submitting same to the Undersheriff within the job posting period. No employee shall be required to submit an application for employment as required for new employees.
 - 3) Such vacancies shall be awarded to the best qualified applicant considering the applicant's training, education, experience, performance and ability as long as such selection does not contravene any affirmative legal responsibility placed upon the Employer, and if all qualifications are equal, then Department seniority shall control in selection of the employee to fill the job vacancy.

Section 14.3 Filling Vacancies. Nothing herein shall prohibit the Employer from advertising for applicants for bargaining unit positions, which positions, within the Employer's determination, require special education, training, ability, experience or certification, or for

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positions which have been posted and remain unfilled due to lack of bidders or lack of qualified bidders.

ARTICLE 15: MEDICAL INSURANCE

During the term of this Memorandum, the UG agrees to offer the employees of the bargaining unit the same medical plans which are made available to the UG's employees generally. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Prior to January 1, 2016, UG agrees to pay for one hundred percent (100%) of the insurance premium for each covered employee for the employee's cost of coverage elected under either the Single or Family coverage offering. Beginning on January 1, 2016 and for the remainder of the term of this Agreement, each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected according to the following schedule:

Annual Base Pay	Monthly Premium Contribution
\$30,000 or less	\$10.00 per month
\$30,001 - \$60,000	\$20.00 per month
\$60,001 or more	\$30.00 per month

For purposes of the foregoing schedule, "Base Pay" is calculated solely upon an employee's then applicable hourly rate of pay or monthly salary as projected over the course of a year assuming full time employment. "Base Pay" shall not include any overtime, out of class, longevity or interpreter's pay. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium cost discussed in subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should the UG offer a more expensive medical plan and an employee(s) should select to be covered by the same, then the employee shall be responsible to pay any and all additional premiums.

D. Plan Modification.

The plan and coverage may be modified by the Unified Government in order to keep costs of the medical plan lower.

ARTICLE 16: COMPENSATION

Section 16.1 Wages. Employees shall be entitled to receive the compensation as set forth in Appendix "A" attached hereto for the calendar years 2015-2017.

Section 16.2 Step increases shall accrue to bargaining unit members on the first (1st), second (2nd), fifth (5th), tenth (10th), fifteenth (15th) and twentieth (20th) year anniversaries of the employee's date of hire as provided in Appendix "A." No employee shall receive any additional compensation including longevity pay, except as provided herein.

Section 16.3 Bilingual Employee Certification. Employees may be selected to serve as Certified Bilingual Employees by the Sheriff. There shall be three (3) Certified Bilingual Employees from the bargaining unit who will receive a monthly special duty pay of fifty dollars (\$50.00) per month for the full year. The Department shall choose the specific language it determines is needed and number of needed employees for each language that is chosen. The Department shall reimburse employees a one-time certification fee upon proof of the successful completion of the certification process and confirmation by the Kansas City Kansas Community College, up to a maximum one-hundred dollars (\$100.00). Although the Department shall pay those employees selected as Certified Bilingual Employees, any use of Certified Bilingual Employees will be at the discretion of the Department. If a Certified Bilingual Employee declines a request to assist, then that employee may be removed from eligibility as a Certified Bilingual Employee and shall not be paid or allowed to be on any Department list as such. If the Department determines that an off duty Certified Bilingual Employee is needed for duty, Certified Bilingual Employees shall be offered the assignment in the order of their seniority. If insufficient off duty employees are obtained, the Department may force an employee for the specific language needed, in reverse order of seniority. This list shall not be affected by employees who were first assigned for such use on duty. If an off duty, paid, Certified Bilingual Employee, not on an approved leave, declines to be called in for duty three (3) or more times in any consecutive twelve (12) month period, not including approved leave periods, then that employee may be removed from eligibility as a Certified Bilingual Employee for a period of time not to exceed twelve (12) months.

Section 16.4 Shift 3 Shift Differential Pay. Employees working on Shift 3 (with hours currently set at 10 p.m. to 8 a.m. however subject to change) who have at least two (2) years of bargaining unit experience who expresses a preference to work and are actually assigned to work Shift 3 shall receive an additional \$1.50 per hour in shift differential pay.

Section 16.5 Underpayment of Payroll. If an employee's regular pay is short in an amount that exceeds one hundred fifty dollars (\$150.00), the employee shall be issued a separate check or direct deposit for that regular pay within three (3) working days of the pay period and notification of the error. If the amount is less than one hundred fifty dollars (\$150.00) then the sum shall be paid in the employee's next regular payroll.

ARTICLE 17 – ALCOHOL AND DRUG FREE WORKPLACE TESTING

17.1 General. "All employees" shall be subject to the provisions of the Drug-Free Workplace Act of 1988, as amended, and subject to the Unified Government Human Resources Guide on Substance Abuse and Drug and Alcohol Testing as amended from time to time.

ARTICLE 18 – SMOKE-FREE WORKPLACE

18.1 General. The Union and UG agree to be governed by policies and procedures concerning the Smoke-Free Workplace. Smoking by employees upon the Department's or UG's premises or in a Department or UG owned, operated and controlled vehicle is prohibited, except in listed designated smoking areas. Any violations may subject employees to discipline.

ARTICLE 19 – CLOTHING

19.1 General. Beginning with this contract, upon successful completion of the probationary period, employees will be issued 5 uniform shirts and 2 uniform slacks. Current employees will be issued 2 uniform slacks. The uniform shirts and slacks must be worn while at work. Employees may opt out of wearing uniform slacks, but not shirts, so long as the slacks worn are Navy, Khaki or Black slacks. Employees must opt out of the uniform slacks in writing. Replacement of uniform shirts and slacks will be provided as needed in the judgment of the employer. Employees are able to purchase additional uniform shirts and slacks from the employer's vendor at their own cost if they so choose.

ARTICLE 20: ENTIRE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding supersedes and cancels all previous agreements and all existing unwritten practices between UG or Department and the members of the bargaining unit and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG Policies or Resolutions. The parties expressly acknowledge that this contract supersedes and cancels the prior Memorandum of Understanding entered into by the parties covering the contract years of 2013 through 2015. The

parties also recognize that this contract supersedes and cancels any right of the parties pursuant to Section 16.1 and Article 22 of the 2013-2015 MOU to reopen negotiations for 2014 and 2015 for the purpose of negotiating compensation for those years. Any conflict which may exist between existing or future UG Policies or Resolutions and provisions of this Memorandum of Understanding shall be determined in favor of this Memorandum of Understanding. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto. The parties further acknowledge that during the negotiations which resulted in this Memorandum each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, UG, Department and the Union for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may, if mutually agreeable with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 21: SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon UG or the Wyandotte County Sheriff, except UG Ordinances and Resolutions, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of the Memorandum shall not be affected thereby. The parties shall then enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 22: DURATION AND REOPENER

This agreement shall become effective on January 1, 2015 and shall terminate at the close of business on December 31, 2017. The UG and the Union agree they will attempt to begin discussions on or about October 1, 2017 to attempt to arrive at a new Memorandum of agreement to be effective January 1, 2018.

This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2017.

IN WITNESS WHEREOF, THE COUNTY, DEPARTMENT AND THE UNION
has hereunto set their hands this _____ day of _____, 2016.

FOR THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

FOR THE TEAMSTERS
LOCAL NO. 955



FOR THE SHERIFF OF WYANDOTTE COUNTY

Director of Human Resources

Approved as to form:

Kenneth J. Moore, Chief Counsel

ATTEST:

Unified Government Clerk

TEAMSTERS WAGE BASE SCALES 2016

TEAMSTERS WAGE BASE SCALES 2016								
RANGE 1								
TITLE	OCC CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Current		0-23 MO.	2 YEARS	5 YEARS	10 YEARS	15 YEARS	20 YEARS	25 YEARS
Effective 1/1/16	0115	0-12 MOS	1 YEAR	2 YEARS	5 YEARS	10 YEARS	15 YEARS	20 YEARS
CLERK	CURRENT	\$13.15	\$13.60	\$14.14	\$14.96	\$16.06	\$17.70	\$19.64
	5/1/2015	\$13.35	\$13.80	\$14.35	\$15.18	\$16.30	\$17.97	\$19.93
	1/1/2016	\$13.80	\$14.30	\$14.86	\$15.18	\$16.30	\$17.97	\$19.93
	7/1/2016	\$14.01	\$14.52	\$15.08	\$15.41	\$16.55	\$18.24	\$20.23
	1/1/2017	\$14.29	\$14.81	\$15.39	\$15.72	\$16.88	\$18.61	\$20.63
RANGE 2								
PROGRAM ASSIST.	1402							
	CURRENT	\$13.82	\$14.27	\$14.81	\$15.63	\$16.72	\$18.35	\$20.37
	5/1/2015	14.03	14.48	15.03	15.86	16.97	18.63	20.68
	1/1/2016	14.03	14.48	15.03	15.86	16.97	18.63	20.68
	7/1/2016	14.24	14.70	15.26	16.10	17.23	18.91	20.99
	1/1/2017	14.53	14.99	15.56	16.42	17.57	19.29	21.41
RANGE 3								
CLASSIFICATION TECH	5307							
WARRANT CLERK	0114							
	CURRENT	\$14.19	\$14.64	\$15.18	\$16.01	\$17.10	\$18.74	\$20.80
	5/1/2015	\$14.40	\$14.86	\$15.41	\$16.25	\$17.36	\$19.02	\$21.11
	1/1/2016	\$14.40	\$14.86	\$15.41	\$16.25	\$17.36	\$19.02	\$21.11
	7/1/2016	\$14.62	\$15.08	\$15.64	\$16.49	\$17.62	\$19.31	\$21.43
	1/1/2017	\$14.91	\$15.39	\$15.95	\$16.82	\$17.97	\$19.69	\$21.86

TITLE	OCC CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Current		0-23 MO.	2 YEARS	5 YEARS	10 YEARS	15 YEARS	20 YEARS	25 YEARS
Effective 1/1/16	0115	0-12 MOS	1 YEAR	2 YEARS	5 YEARS	10 YEARS	15 YEARS	20 YEARS
RANGE 4								
SENIOR UTILITY CLERK	0116							
	CURRENT	16.47	17.00	17.63	18.58	19.85	21.75	24.14
	5/1/2015	16.72	17.26	17.89	18.86	20.15	22.08	24.50
	1/1/2016	16.72	17.26	17.89	18.86	20.15	22.08	24.50
	7/1/2016	16.97	17.52	18.16	19.14	20.45	22.41	24.87
	1/1/2017	17.31	17.87	18.52	19.53	20.86	22.86	25.37



Staff Request for Commission Action

Tracking No. 16470

Full Commission Meeting Date: 2/25/16

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/22/2016	<u>Contact Name:</u> Joe Connor, Assistant County Administrator	<u>Contact Phone:</u> x6724	<u>Contact Email:</u> jconnor@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

UG-Hollywood Casino/SVV 2016 Grant Guidelines, submitted By Joe Connor, Assistant County Administrator.

Information forthcoming.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 16350

Full Commission Meeting Date: 2/25/16

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 2/1/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/04/2016	<u>Contact Name:</u> Chris Slaughter, Management Analyst	<u>Contact Phone:</u> x8977	<u>Contact Email:</u> cslaughter@wycokck.org	<u>Department/Division:</u> Land Bank
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Item Description:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration.

Item (1) - Transfers from Land Bank (2)

Item (2) - Transfers to Land Bank (25)

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Transfers from Land Bank, Transfers to Land Bank

TRANSFERS FROM LAND BANK

Recipient	Land Bank Address	Comments	Standing Committee Recommendation
CHWC	1124 Armstrong Ave	Construction of Duplex	APPROVED
CHWC	1126 Armstrong Ave		APPROVED

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TRANSFERS TO LAND BANK

Owner	Property Address	Comments	Standing Committee Recommendation
UNIFIED GOVERNMENT WY CO/KCK	720 Everett Ave	Per the December 2014 N/CD Standing Committee presentation, property controlled by the Unified Government (UG, City of KCK & Board of County Commissioners) that are delinquent; will be transferred to the Land Bank to have delinquent property taxes abated.	APPROVED
UNIFIED GOVERNMENT WY CO/KCK	629 Franklin Ave		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	631 Franklin Ave		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	633 Franklin Ave		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	1522 Pacific Ave		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	1524 Pacific Ave		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	642 Parallel Pkwy		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	646 Parallel Pkwy		APPROVED
UNIFIED GOVERNMENT WY CO/KCK	1903 N Tremont St		APPROVED
CITY OF KANSAS CITY KS	731 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	733 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	735 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	747 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	749 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	751 Barnett Ave		APPROVED
CITY OF KANSAS CITY KS	1972 Glendale Ave		APPROVED
CITY OF KANSAS CITY KS	1009 Nebraska Ave		APPROVED
CITY OF KANSAS CITY KS	1027 Nebraska Ave		APPROVED
CITY OF KANSAS CITY KS	740 Tauromee Ave		APPROVED
CITY OF KANSAS CITY KS	746 Tauromee Ave		APPROVED
CITY OF KANSAS CITY KS	748 Tauromee Ave		APPROVED
CITY OF KANSAS CITY KS	750 Tauromee Ave		APPROVED
CITY OF KANSAS CITY KS	2942 N Thompson St		APPROVED
CITY OF KANSAS CITY KS	418 Walker Ave		APPROVED
CITY OF KANSAS CITY KS	2920 Washington Ave		APPROVED

* indicates property has an improvement