

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

REGULAR SESSION
SEPTEMBER 9, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 9, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Alan Howze, Bridgette Cobbins; and Emerick Cross, Assistant County Administrators; Misty Brown, Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; Patrick Waters, Deputy Chief Counsel; SueZanne (Zee) Bishop, Assistant Counsel; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Maureen Mahoney, Chief of Staff in Mayor's Office; Lynn Melton, Assistant to the Mayor's Office; Matt May, Emergency Management Director; and James Bain, Assistant Counsel.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, commissioners and staff, are attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record of this meeting. The public also has an opportunity to provide brief comments in the lobby of the Municipal Office Building. I'd ask the Clerk to please call the roll.

Roll call: Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey.

Mayor Alvey said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor, there were no revisions tonight, sir.

MAYOR'S AGENDA

Item No. 1 – 211022...RESOLUTION: EXTENDING THE STATE OF LOCAL HEALTH EMERGENCY FOR THE COVID-19 PANDEMIC

Synopsis: A resolution extending the state of local health emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through December 16, 2021, submitted by Jeff Conway, Assistant Counsel.

Doug Bach, County Administrator, said I will recognize Jeff Conway, in our Legal Department, who has prepared the document for you this evening regarding our Emergency Health Order.

Jeff Conway, Assistant Counsel, said It's very simple. It's kind of a recitation of the previous extensions. This extension would go through December 16. December 16 is a commission meeting on that date so it would go through that date just in case we needed that date to do another extension. That's pretty much it. I think Matt May, the Emergency Management Director, was planning on being on this call, but if he's not, we have talked about the need for this. There he is. I won't steal his thunder.

Matt May, Emergency Management Director, said this is the exact same reasons we've had in the past. It maintains our ability to get reimbursement from federal programs like the Public Assistance Program. We want to continue to do that. Most of the state has maintained their status and being an emergency. Most of the counties have done it, but if not all of them, the vast majority have, and I believe most of them plan to continue to do that as well.

Mayor Alvey asked any members of the Commission have any questions or comments?

Action: **RESOLUTION NO. R-61-21**, “A resolution extending the state of local health emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through December 16, 2021.” **Commissioner Markley made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211026...RESOLUTION: AMENDING LOCAL HEALTH ORDER 8/05/21

Synopsis: A resolution amending LHO 8/05/21 to extend the mask mandate until November 18, 2021, submitted by James Bain, Assistant Counsel.

Doug Bach, County Administrator, said the item before you this evening is regarding the mask order. It continues what we had put in place previously. I will recognize James Bain, in our Legal Department, who has worked with our Health Department in drafting and moving forward the document this evening.

James Bain, Assistant Counsel, said the resolution you have in front of you extends the current mask mandate and all of the amendments you made on August 5 regarding exempting schools, exempting the cities of Bonner Springs and Edwardsville.

The current order expires next Thursday, September 16. The resolution you have in front of you has an expiration date of November 18. You heard earlier tonight from Dr. Corriveau that the Health Department is recommending a November 11 expiration of the extension. You certainly have the power to amend what is in front of you and adopt that or adopt this as it’s written with the November 18 expiration or make any other modifications you choose. Everything stays the same from that August 5 order except for the expiration date.

Mr. Bach said, Mayor, I will add the November 18 is in place because that is aligned with your Commission meeting date. So, if we were looking to do anything or extend from that point, it would be aligned or not take action and let it lapse at that point.

Mayor Alvey said the order that was passed previously is in the same form, same requirements, same exemptions. It's just—the only amendment is that it extends to November 18, correct? **Mr. Bain** said, that's correct.

Mayor Alvey opened the public hearing.

Mayor Alvey asked, is there anyone present wanting to speak on this item? **Mr. Deichler** said, Mayor, we are seeing none in the lobby. There is a Carla Kierns with her hand raised in the attendees. We could promote them, Terri. **Mayor Alvey** asked if there is anyone present on Zoom who would like to speak on this item just raise your hand to be recognized. Once you've been acknowledged we ask that you state your name and city of residency for the record, and you will be given up to one minute to state your comments. **Mr. Deichler** said, Mayor, Ms. Kierns has been promoted.

Carla Kierns, Jackson County, said this is Russell Dorn. We live in Jackson County, but Russell goes to school in Wyandotte County, and he wanted to tell you something about the mask mandate.

Russell Dorn said my grandpa died of COVID. **Ms. Kierns** said what do you think the commission should do? **Russell** said we should keep doing masks until kids have vaccines. **Ms. Kierns** said did you have any other things to tell us? **Russell** said that's about it. **Ms. Kierns** said can you say thank you. **Russell** said thank you.

Mayor Alvey asked any other comments. **Mr. Deichler** said, Mayor Alvey, the Clerk's Office did receive one short email in favor, if you'd like me to read that for the record. **Mayor Alvey** said please do.

Mr. Deichler said it's from a Mr. Jason Williams. He says "I support the resolution on the agenda to be considered for the full commission on September 9 permitting LHO until 11:59 pm. on November 18, 2021. Wyandotte County is vaccination rate remains below the national average and vaccination in the United States. The Delta surge has demonstrated the risk of communities with lower rates of vaccination. Universal masking is an effective way to mitigate the spread of

COVID-19. Extending the mask mandate through mid-November gives extra time for residents to be vaccinated, thus protecting them and the community.”

Mayor Alvey said I will close the public hearing and entertain a motion. Any comments or questions from the Commission first?

Commissioner Townsend said I wanted to thank the family that just spoke. Sorry for their loss and move to approve the resolution as submitted.

Action: **RESOLUTION NO. R-62-21**, “A resolution amending LHO 8/05/21.”
Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

CONSENT AGENDA

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

Commissioner Burroughs said I’m talking about Item #5, dealing with the minutes. I noticed that at the beginning it said I had dropped off. That was the evening I was having computer problems with getting disconnected throughout the evening and it’s reflected in the minutes where you continue to see drop off during the discussion. I would just like some kind of advice as to being recognized as being in attendance.

Mayor Alvey asked, do we need to pull that from the Consent Agenda or just direction for the minutes, Misty. **Misty Brown, Chief Counsel**, said, Mayor, we will need to pull it from the Consent Agenda and vote on the Consent Agenda, and then take the matter up and make a quick correction to the minutes. **Mayor Alvey** said, okay. Other than that, entertain a motion.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to approve excluding the set-aside.** Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

CONSENT AGENDA

Item No. 1 – 21981...REQUEST: HONORARY STREET SIGNS

Synopsis: Request for honorary street signs for Pandarama Pre-schools Inc. on Nebraska Ave., between 7th & 8th St., submitted by Jeff Fisher, Executive Director of Public Works. On August 23, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

Item No. 2 – 21982...RESOLUTION: SCHOOL RESOURCE OFFICERS

Synopsis: A resolution to authorize agreements between the Unified Government and Turner School District No. 202 and the Unified Government and Piper School District No. 203 for the Kansas City, Kansas Police Department to provide a School Resource Officer at each district, submitted by Casey Meyer, Senior Attorney. On August 23, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **“RESOLUTION NO. R-63-21, “A resolution authorizing the approval of agreements between the Unified Government of Wyandotte County/Kansas City, Kansas and Turner Unified School District No. 202 and Piper School District No. 203 for the provision of School Resource Officers.” Commissioner Johnson made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211021...ORDINANCE: SAFE ROUTES TO SCHOOL PHASE G, CARL B. BRUCE MIDDLE SCHOOL AND CARUTHERS ELEMENTARY SCHOOL PROJECT, CMIP 3037

Synopsis: An ordinance directing the Chief Counsel to institute proceedings to acquire land for the Safe Routes to School Phase G, Carl B. Bruce Middle School and Caruthers Elementary School Project, CMIP 3037, submitted by James Bain, Assistant Counsel. On December 3, 2020, the Commission unanimously adopted Resolution No. R-84-20, declaring the project to be a necessary and valid public improvement.

Action: **ORDINANCE NO. O-117-21**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Safe Routes to School Phase G, Carl B. Bruce Middle School and Caruthers Elementary School Project CMIP 3037, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211023...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination to Boards and Commissions:

Kendall McReynolds to the Law Enforcement Advisory Board, 9/9/2021-12/11/2023, submitted by Commissioner Markley

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

Item No. 5 - MINUTES

Synopsis: Minutes from special meeting of August 5, 2021; and special sessions of August 12, 19 and 26, 2021.

Mayor Alvey said Commissioner Burroughs asked that the minutes be amended to reflect that he was present for the meeting. Any comments or questions?

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

Item No. 6 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 26 and September 2, 2021.

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

PUBLIC HEARING AGENDA

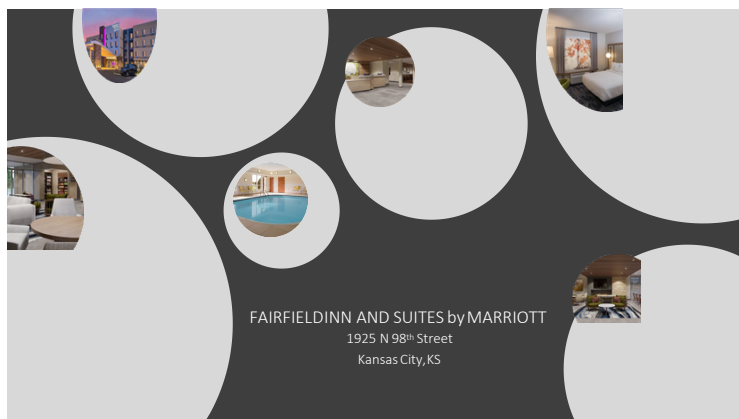
Item No. 1 – 21965...PUBLIC HEARING: CONSIDER ADVISIBILITY OF CREATING THE LEGENDS HOTEL CID

Synopsis: Conduct a public hearing to consider the advisability of creating the Legends Hotel CID, submitted by Katherine Carttar, Director of Economic Development; and Patrick Waters, Deputy Chief Counsel. On August 12, 2021, the Commission unanimously adopted Resolution No. R-53-21, setting the public hearing date of September 9, 2021.

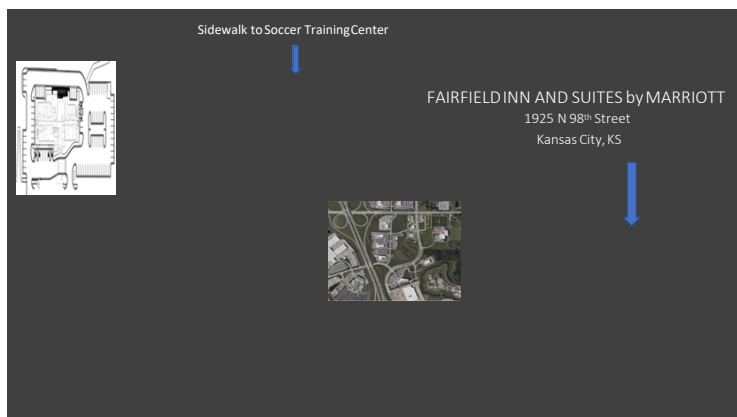
Patrick Waters, Deputy Chief Counsel, said I’ll take this item in Catherine’s place. On July 23, Legends Hotel LLC submitted a valid CID petition to the Clerk’s Office. Under state law, when a valid petition is submitted, we are required to hold a public hearing on that item. You’ll notice that this is a little bit different than most CID petitions that you see because there’s no development agreement attached to it. The reason for that is that currently staff and administration are not in support of the petition. The reason is, it’s been the Unified Government’s policy to not approve standalone CIDs for limited-service hotels that are out by the Legends. The development team believes that there are reasons why we should make an exception and they are here tonight to speak

to that. We would just ask if the Commission, if this is something that the Commission wants to pursue, that we be given time to work with the developer to formulate a complete development agreement because we don't have that at this time. But I will let the development team, I think Rubin is here, and he can speak to the proposed hotel, and what they are requesting.

Rubin Ranat said thank you Patrick and the commissioners. I appreciate your time today. I just want to make sure before we start off, hopefully, you guys were able to see the PowerPoint presentation that was provided to give you an idea of what we're looking to develop, the hotel. It's a Fairfield Inn Suites by Marriott. It is a limited-service hotel with a conference room component. One of the key drivers for us to develop the hotel is also that it will allow for additional conference space. Currently, there is no hotel, including within the limited-service space, that has such a large capacity. This will definitely drive additional meeting space within the area which will be much needed, especially once the Homefield Development comes on as well.



To give you an idea the presentation is the prototype of what our hotel's is going to look like. Of course, it has not been developed yet so it should be substantially similar to this, and the second page of the slide as well should show the location, the layout of it where we are.



We're right between Freddy's and adjacent next to the soccer training facility and Children's Mercy. One of the key things that we're also doing in order to attract more players and make it more convenient for people who will be visiting the medical center, is to have a pathway for them to walk from that area to our hotel. On the east side of I-435, you know, there's very limited development at this time, and we would like to encourage that development, and hotels have been a key driver in allowing development bringing in other economic investment as well as employment and increased tax revenues to the government.

Mayor Alvey asked, Mr. Ranat, can you explain the reasons why the CID is necessary for you to finance this project. **Mr. Ranat** said good question. One of the key considerations that we've looked at is, as we all know, COVID has really had an adverse impact on the economy in general, including hospitality and the development. To give you an idea of where we are at in terms of cost, the cost to build a hotel—construct the box of the hotel has gone up 40% at least. You know the bids we are seeing right now compared to comparable hotels that have been developed within the area, so we're looking at a 40% increase in cost to construct a building. So, that is going to have an adverse impact on—the increase in cost will affect the property taxes which are higher property taxes in Wyandotte County to begin with.

To give you an idea, a comparable property, a limited-service property in the area would be paying \$100,000 less than we would in property taxes just because of the cost of construction and development of this property. The \$100,000 more annually in property taxes we will be paying going forward; that really affects the consideration of whether or not this project is viable because the cost is really going to impact the bottom line. If you look at it based upon our analysis, we're better off investing our money in the savings account and that's how—that's not saying much in

time of what kind of return we would be getting in terms of developing this property at the current cost. One point to consider, which David or someone else on this call may consider, is you know costs have come down a bit, but you know we're looking at a pipeline where costs are not going to come down significantly enough and attract investment within the east side of the area near Homefield for at least a few years. Let's say you give it one year for the cost to come down, a hotel, another hotel group, for example, decides to come in and develop in that area, it'll be at least three years before another hotel is even probably going to consider even developing in that area due to the high cost and the high property taxes in the area.

Mayor Alvey said, Mr. Waters, if you would, if the development agreement has not been put together, is it possible that there would be some TIF or IRB on the property taxes that might fold into that, that would come into play or if the property tax is the issue, would those kinds of arrangements change that question? **Mr. Waters** said, Mayor, if we receive direction from the Commission that was something that you wanted us to explore, we would, of course go back and have those discussions. It's not a discussion that we've had as of yet. **Mr. Ranat** said we're looking forward to, you know, we'd love to move forward with this project as soon as we can. If it makes sense to explore other alternatives, we're definitely open to that. CIDs seemed to be the most reasonable and feasible for us to get approved on. It just makes the project more viable in terms of investment and growth.

Commissioner Bynum said a couple of clarification questions. The one for Legal, I guess both are for Legal. Is the term of a CID a 20-year item? **Mr. Waters** said 22, yes. **Commissioner Bynum** said on page 256 of our agenda under the proposed amount of sales tax it says "petitioner proposes the CID project be financed through levying of an add-on sales tax in the amount of 1% but then in periphrasis it says 1.25% so I just wanted clarification on what the sales tax amount percentage is? **Mr. Waters** said, Rubin, can I defer to what you have in your current proposal. **Mr. Ranat** said the proposal and the petition that was submitted has a sales tax of 1.5% so the one that was attached to the link. That was not a notarized or submitted, that was a draft earlier in the process that we had submitted. So, the actual proposal is for 1.5% due to the increase cost. **Commissioner Bynum** said thank you.

Commissioner Ramirez said, Patrick, these are clarifying questions. Have we ever approved a CID application or petition before having a development agreement? **Mr. Waters** said no, Commissioner. I would not recommend it because there are just various provisions such as what the ultimate CID cap would be and various conditions attached to receiving that money and conditions that the developer would have to accomplish that we would want to have in a development agreement. So, our request would be either—if you do not approve, I think the developer would probably like some certainty in knowing that either it's not going to happen, knowing that tonight, or requesting that we go back and work with the developer and we could come back at a later Commission date and we could work on a development agreement.

Commissioner Ramirez said I wouldn't support us going this route. I think we need to take the proper route. He goes through Planning Department, Legal Department, County Administrator's Office, our Economic Development Office going through the steps to create the development agreement, go through all the different alternatives that he has and then come through our process. He first goes to the committee and then he comes to us. I think that's just the proper way of doing it, well we should be doing it. **Mr. Waters** said I will say, Commissioner, he did go through the proper process. It's just we don't have a development agreement to propose to you tonight because staff has not been in favor of it, so we couldn't really bring something forward that was not we're in favor. He went through the proper process. It's just that it wasn't something that—unless we receive further direction from the Commission, it wasn't something that we felt we should spend time, you know, the time and money to put together a development agreement.

Mr. Ranat said the thought was, why I necessarily expend the government's resources until we know the proper direction. So, we have been working with Patrick and others in terms of the proper procedures in order to follow and so we're hoping—it is a favorable decision today to approve the CID and then we're happy to begin working with the UG and Patrick on the developer agreement and revisiting the agreement once it's in final form for your approval.

Commissioner Ramirez said thank you for that explanation, Patrick, that helps me. I would be in favorable of holding this over for a certain time a development agreement comes before us so that we have more information of what's going to happen, what the project is all of those things that you had mentioned, Patrick, that are in the development agreement that comes along whenever someone applies for our economic development tools. I would just ask that we hold this over until then.

Commissioner Kane said I don't know why we would even think about it if we don't have the plan in front of us. We have to have something solid so we can tell our constituents hey, this is what we have, because right now you want me to vote on something that I don't have much to go on. I'm not buying into that like Christian said. I would rather hold it over and I don't care if they like it or not. I'm not buying into something that somebody says, well I'll do the best I can. That's kind of like buying a used car and not knowing how many miles it has on it. I would definitely be opposed at working on this tonight. I think we should absolutely move it back until we have more information and we can make a solid decision.

Doug Bach, County Administrator, said I think the part—I'm seeing all the questions come from members of the Commission that are not on the Economic Development and Finance Standing Committee. This item did advance to them for consideration. I think maybe it might be good for members of the committee or the Chair to speak to it, but it is not advancing to you with a recommendation from that committee. It is advancing to you because the state law requires that if a petition is filed, then you must conduct a public hearing to consider this. We took it forward to the standing committee to work the item as we normally would. We did not receive direction from that committee to put together a development agreement to work through this. Staff noted, and as Mr. Waters has noted, such CID is not consistent with the policy that has been given to me as the County Administrator to work for limited-service projects. That is the conversation. Mr. Ranat did go through the proper process. I've had conversations with him. I informed him that would be our position from a staff prospective going forward, but we would advance it and give him his opportunity to have a public process to go through this. Now it sits in front of you today where you are. We are required, as a government, to have a public hearing and allow for this and then you to consider it based on that, but your standing committee or Economic Development, did not afford that information or with that direction.

Commissioner McKiernan said as a member of the Economic Development and Finance Standing Committee, I will reiterate what Mr. Bach just said, that we passed this forward as a statutory obligation to the full commission. Speaking for myself, based on what information I currently have about this project, I am not in favor of establishing a CID, but I am willing to go

through the process and consider any public input that may be gathered through this evening's meeting. Thank you.

Commissioner Bynum said I want to make sure that I understand, we don't—based on what Doug Bach has shared with us about the project, we don't necessarily approve the CID tonight, but we could request that our team continue to work with the gentleman to bring forward other possible ways to help move the project along, am I understanding this correctly? **Mr. Waters** said yes, Commissioner. **Commissioner Bynum** said the action that we take could be simply that we're requesting our Economic Development team to work with Mr. Ranat to possibly bring back some other mechanism then. **Mr. Waters** said yes, Commissioner. I think probably two options to give some certainty, would either be a motion to deny the petition if the Commission says, no, we are just not interested in having a CID out here in any way, shape, or form. Just an up or down denial or a motion to go back and work with staff and come back, if it is something that the Commission is potentially interested in. **Commissioner Bynum** said, okay.

Commissioner Townsend said speaking as a member also of the Economic Development Committee, Chairman of the Committee, Commissioner McKiernan, had already expressed what I thought was the case too. As a matter of law, we had no choice or no other option but to have this move out of committee, not with a recommendation, but just procedurally.

With regard to the options that Counselor Waters just mentioned, if there was a vote to just turn down the CID by us tonight, would that foreclose the opportunity for counsel to go back and work further with a proponent to develop an agreement? **Mr. Waters** said yes, for the time being. They would have to submit—they could always submit a new petition. There's nothing that prevents you from submitting multiple petitions, but for this specific one, it would be ended.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to have our Counsel and staff go back and work with the proponent to see if they work come to a development agreement. My understanding of this is not promoting the project, but just having staff go back and see if they could work to affect the development agreement.**

Mayor Alvey said we have a public hearing still. I want to be clear, Jane, Patrick, that if we vote not to approve the CID, they would have a time period if they wanted to present another request for a CID. There would not be a timeline to develop a development agreement that might include other ways to finance this. **Mr. Waters** said, that's correct, Mayor. **Mayor Alvey** said I just wanted to clarify that.

Commissioner Ramirez said let's say the action tonight is for you and staff to go back with developer, work with them, bring a development agreement to us. What happens to the petition if the final development agreement doesn't include a CID? What would happen with that petition? **Mr. Waters** said I think it would just become moot. I don't think we would have to take any action. **Commissioner Ramirez** said, okay, thank you. That was the only question I had.

Commissioner McKiernan said, Mr. Waters, correct me if I'm wrong. My understanding is the only thing we are procedurally obligated to do tonight is to hold the public hearing. **Mr. Waters** said that's correct. **Commissioner McKiernan** said there's no need to take any action beyond holding the public hearing. If after hearing the public hearing, any member of this Commission believes that it would be good to move forward with the creation of a development agreement that might include a CID, then we should inform the County Administrator, the Economic Development team, and yourself. You, will then work on those documents and would bring those back at a later date for action by this body, is that correct? **Mr. Waters** said, that's all correct.

Commissioner McKiernan said the only action we have before us tonight is to hold the public hearing and then follow-up with the Administrator's Office, Economic Development staff, and Legal staff after the public hearing, if we feel a development agreement should be created. **Mr. Waters** said I think we are hoping probably—the developer was hoping for some direction from the Commission tonight because you could just outright, after the public hearing, you could deny the CID petition outright tonight. There's no requirement that we bring the development agreement to you. **Commissioner McKiernan** said thank you very much.

Mr. Ranat said exactly as Mr. Waters said. We're looking for some direction in terms of whether or not the CID could possibly be approved and for us to move forward as next steps in terms of putting the development agreement in play. Drafting that in place, not finalizing, but drafting it with the thought that it would be voted on or considered in the future.

Commissioner Townsend said, well, based on what Chairman McKiernan said, I was about to withdraw my motion and then based on what Counsel Waters offered, I will let it stand, but I want to make sure my motion is not to guarantee that any development agreement would be formulated. The motion is only for counsel to go back and attempt to work with one. I did not intend for it to be a direction to come forward with one. It's merely a recommendation to go back.

Commissioner Philbrook said so, right now we've been dancing around the elephant in the room. My direct question to you sir, Mr. Ranat, is if you don't get that CID, does that mean you will not develop? **Mr. Ranat** said there's a very high likelihood that we would not be able to, just because economically it wouldn't be feasible. **Commissioner Philbrook** said I just wanted to get it right out there so we know exactly what we're saying. Does that also mean that if we go back to the drawing table with our development department, that you might be able to work something else out other than a CID? **Mr. Ranat** said yes, we're open to considering other proposals. **Commissioner Philbrook** said alright. Those are the two questions I wanted answered. I appreciate you being straight forward. **Mr. Ranat** said yeah, thanks, Commissioner.

Mayor Alvey opened the public hearing. Mr. Deichler, have you received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said, Mayor, we did. We have Mr. Kindle here tonight who wants to speak on this, and he has already been promoted.

Greg Kindle, President of Wyandotte Economic Development Council and resident of KCK, said Commissioners, I'm here in support of creating the Legends Hotel CID at 1925 N. 98th St. between Freddy's and the Compass Minerals National Soccer Performance Center. We've been working Raul Ranat and his team representing this more than \$10M hotel development since July 2018. The applicant made their interest in creating a CID very early in the discussions. It's my opinion that this was the only route for the applicant to move this request forward because of the UG's working policy around CID creation for standalone hotels. This project has been ongoing long before Homefield took place and before the pandemic forced the project into a holding pattering.

We appreciate that the Legend's Hotel team have worked with the National Soccer Performance Center to incorporate technology into the hotel that continues the soccer experience at the center while at the hotel and are building a sidewalk that connects the two facilities to create a connected area for guests, but those decisions do come at an expense.

Today, we're thrilled that the mall and the brand behind the Legend's Hotel want to move forward with the hotel despite the significant increased cost and construction. While there's still uncertainty in the market about the pandemic, the Legend's Hotel is the first hotel project to move forward. We support the request because the additional 1.25% sales tax is no burden to the UG General Fund like a property tax abatement would be. There's no impact to local taxpayers unless they're staying at the hotel, and it does not provide an advantage over other existing hotels. This is a tax on those who stay at the hotel for specific expenses. There are currently no other incentives being discussed for this project. If down the road, a larger Homefield CID is requested, we support language that allows this site to be incorporated into that larger CID so long as all parties agree.

We support a cap on the total amount of funding to be captured under the CID for the Legend's Hotel. The other option we would support is directing the UG staff to work with the applicant to create a development agreement that includes some form of incentive to help reduce the unforeseen costs to move the project forward. We see downside to allowing creation of the CID and ask for your support. Thank you for your consideration.

Mayor Alvey asked, is there anyone present on Zoom who would like to speak in favor of this item? **Mr. Deichler** said we are seeing none, Mayor.

Mayor Alvey asked is anyone present in the lobby? I see no one.

Mayor Alvey asked is there anyone present who would like to speak in opposition? **Mr. Deichler** said seeing no one as well.

Mayor Alvey said there is no one present in the lobby, there are no further comments from the public. I will now close the public hearing.

Commissioner Bynum said I really appreciate Greg Kindle's comments because I think they've given me a new perspective. One of the things that we appreciate when we renew our EMS and public safety and infrastructure sales tax at the ballot is the fact that when we have visitors to the Legends, they are helping to carry that burden and the part that Greg Kindle stated that I really keyed on was the fact that this financing mechanism is no burden on the UG, whereas others would be. This one is paid entirely by visitors. That is changing my perspective a great deal toward being in favor of this, plus the fact that it's three years in the works trying to bring it forward. I'm stating my position that I would be in favor of a CID for the project and further, as he stated, if other Homefield project items come forward, then they would work through those as well. I just want to clarify that I think I have new position.

Commissioner McKiernan said I would like to just echo what Commissioner Bynum just said and express my appreciation for Mr. Kindle and his presentation, his perspective, and his facts as it relates to this proposal.

Commissioner Kane said if we don't have a plan, I wouldn't want to move it forward. I would want to see something in writing that says here's what we're going to do. If we've never done it before, I don't know how we'd begin now.

Commissioner Philbrook said here I go again saying okay, so how do we make this happen legally, you know, to support this project, you know, without saying yes, you don't have to have a plan before we approve a CID. So, Patrick, talk to us. **Mr. Waters** said I think Commissioner Townsend's motion was appropriate if that's the direction. **Commissioner Philbrook** asked can you repeat it? **Mr. Waters** said, Commissioner, I believe I heard you say that you wanted us to go back and work with the developer to see if we can come to an agreement on a development agreement. You're not requiring that we come to terms, but you wanted us to meet to see if we could come to terms and bring something. **Commissioner Philbrook** said I can second that if it hasn't been. **Mayor Alvey** said, well to be clear, it could include the development agreement, could include a request for a CID. **Mr. Waters** said correct.

Commissioner Ramirez said I'll just second the words of Commissioner Kane. Overall, I don't have a problem if the final development agreement does include a CID, I have no problem with that. I just want to make sure that I have, as Commissioner Kane said, I need to have something in front of me and what exactly the project is and all qualifications and criteria. That's important. I'm in favor of Commissioner Townsend's motion.

Commissioner Burroughs said I'm real pleased with some of the public comments and plenty of the discussion this evening. We're setting precedence here should we move forward. I just want to remind our committee, as Chairman McKiernan, clearly stated. We could very well be setting precedence that we will be looking at all development agreements prior to any incentives before the development agreement is presented. I would ask us to error on the side of caution. It's not that we're out to kill the project, it's just talking about setting a precedence here that we need to be very mindful of.

Mayor Alvey said we do have a motion on the floor. Again, would you repeat the motion just so we're clear and we do have a second.

Mr. Waters said Commissioner Townsend please correct me if I misspoke. The motion is to have Economic Development staff and administration go back and work with the developer to see if we can come to terms on a development agreement that we would feel comfortable bringing back to the Commission. There's not a requirement that we bring one, but if we can come to agreed terms, we will bring back a development agreement for the Commission to consider. **Commissioner Townsend** said I think you succinctly caught the essence of it Counselor.

Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

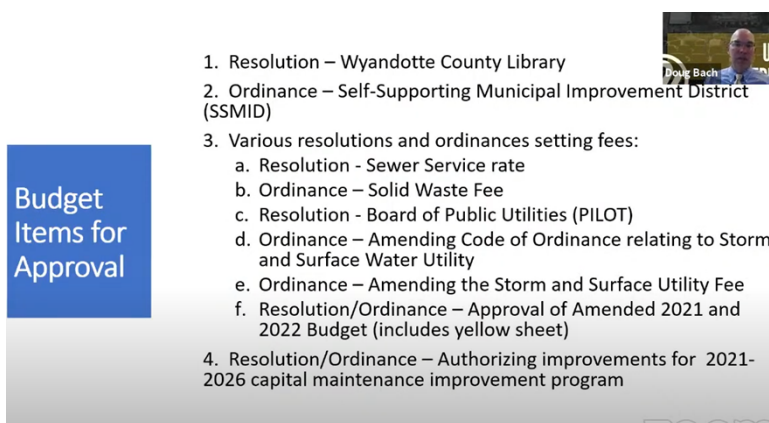
STANDING COMMITTEES' AGENDA

No items of business

ADMINISTRATOR'S AGENDA

Item No. 1 – 211024...Synopsis: Request adoption of the following resolutions and ordinances regarding the Wyandotte County Library, the Self-Supported Municipal Improvement District, the Sewer Service Charge, Solid Waste Fee, the KCBPU PILOT, 2021 Amended Budget, the 2022 Proposed Budget. Approve resolutions and ordinances authorizing public improvements contained in the CMIP and allowing debt financing to be issued to finance all or a portion of the costs and authorize the offering for sale of certain debt.

Doug Bach, County Administrator, said over the course of last year, and I'll ask Ms. VonAchen to go ahead and put the motions on the screen, so we have them for consideration. Over the course of last year, we've had several public hearings, six budget workshops, and also a couple of different special sessions to go over items that are being formulated in this year's proposed 2022 budget.



Budget Items for Approval

1. Resolution – Wyandotte County Library
2. Ordinance – Self-Supporting Municipal Improvement District (SSMID)
3. Various resolutions and ordinances setting fees:
 - a. Resolution - Sewer Service rate
 - b. Ordinance – Solid Waste Fee
 - c. Resolution - Board of Public Utilities (PILOT)
 - d. Ordinance – Amending Code of Ordinance relating to Storm and Surface Water Utility
 - e. Ordinance – Amending the Storm and Surface Utility Fee
 - f. Resolution/Ordinance – Approval of Amended 2021 and 2022 Budget (includes yellow sheet)
4. Resolution/Ordinance – Authorizing improvements for 2021-2026 capital maintenance improvement program

Doug Bach

There are several motions that are before you this evening that effect all parts of the budget. Commission went through in great detail on each one, so we put them out here so they'd be on screen so you would be able to see them as well as they are in your agendas and budget book. Happy to answer any questions about each one as we go through them, but each of the numbers and the number with a letter requires a motion and a second to advance all of the items related to this year's budget. Happy to take any questions or answer any others, otherwise we'd recommend to move forward with each one as they're listed on the screen.

Commissioner Ramirez said I have received emails and messages about this and I want to make it very clear about the utilities. I believe it's the wastewater and the sewer, correct me if I'm wrong.

September 9, 2021

We're raising it not because we want to, because we legally have to by a consent decree with the EPA. I just want to make sure that that's known. I wouldn't support it if I didn't have to. I just wanted to make sure the community knew of that.

Commissioner Kane said so, this is the stormwater staff? **Mayor Alvey** said we'll get to that. It will include—there are multiple items. The first item is the Wyandotte County Library budget. We're going through each one by one. **Commissioner Kane** said when we get to stormwater, please stick it out for me, will you please? **Mr. Bach** said sure.

1. Resolution:

Action: **RESOLUTION NO. R-64-21**, “A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2022 Annual Budget for the Wyandotte County Library, and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2022.”
Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.

Commissioner Burroughs said if I may, I would like to have any increases that are presented tonight in the resolution. Whatever the prior mill was, compared to the new mill, I would ask that we know what those mill rates were prior to moving on the resolution and/or the ordinance. I think it behooves us to let the public know what is being increased by mill, what is not being increased what fees are being increased and how much, what's not being increased. I think that's a little more transparent. That's all I would ask.

Commissioner McKiernan said I can clarify that the mill rate for the Wyandotte County Library is the same as it was, as it is in the current budget year at 6.129.

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

2. SSMID Ordinance:

Mayor Alvey said, Mr. Bach, I believe there is a change in that mill levy. **Mr. Bach** said, Mayor, I believe that is correct because evaluation in the area did change. **Commissioner McKiernan** said, Mayor, I do have that available if you'd like.

Action: **ORDINANCE NO. O-118-21**, "A ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing of the 2022 Annual Budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2022." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, that we approve Item No. 2, a resolution setting mill rate for the Self-Supporting Municipal Improvement District at 10.493 mills and approving, adopting, appropriating the budget for the Self-Supporting Municipal Improvement District with a note that the current year mill rate is 9.957.** Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and one "no," Burroughs.

3. VARIOUS RESOLUTIONS AND ORDINANCES SETTING UNIFIED GOVERNMENT FEES FOR SEWER SERVICE, SOLID WASTE, SETTING THE KCBPU PILOT, AND ADOPTING THE 2021 AMENDED BUDGET AND 2022 BUDGET

Mayor Alvey said the next is establishing the rate for sewer service charges. That is sanitary sewer, correct? **Mr. Bach** said that is correct, Mayor. **Mayor Alvey** asked, any change in that fee rate? **Mr. Bach** said yes. This is the one Commissioner Ramirez was referring to. We have a consent decree with the EPA that requires us to continue to invest in our sewer system at a higher rate each year to be dealing with combined overflow systems and such like that. The plan we have moved forward with EPA calls for us to do a 5% rate increase this year. **Mayor Alvey** said, thank you.

(a)Action: **ORDINANCE NO. O-119-21**, “A ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2022, as authorized by section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance at an amount that is 5% greater than the current fee.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and one “no,” Burroughs.

(b)Action: **ORDINANCE NO. O-120-21**, “A ordinance relating to the monthly fee on residential units in the city of Kansas City, Kansas, to fund the Unified Government's solid waste services, amending section 31-17(b) of the Unified Government of Wyandotte County/Kansas City, Kansas Code and repealing original Section 31-17(b).” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve at a contractually mandated amount of .25 cents per month greater than the current year.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and one “no,” Burroughs.

Commissioner Townsend said I had my hand up, had some difficulties trying to raise it before the vote. On the vote that was just taken, we’re talking about solid waste, this is the trash, our trash contract. **Mayor Alvey** said, yes. **Commissioner Townsend** said it would not change my vote, but I did want to state that we’ve gotten a lot of complaints. I know I have and I’m sure a lot of other Commissioners have about the quality of service that we’re getting. It seems like every week there are complaints about the service we’re not getting under the contract. I did not vote against it only because this is in litigation. I think our constituents should know that we’re not trying to stand still on it, but I certainly did not want to do anything that would jeopardize our legal position, but I recognize, and I think a lot of us do, we’re not getting the service that our constituents deserve including those of us who are citizens and getting our trash pickups missed as well.

(c) **Mayor Alvey** said there is no change in the PILOT fee.

Action: **RESOLUTION NO. R-65-21**, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2022 (the PILOT).” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve at the current rate of 11.9%.** Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and two “no’s,” Ramirez and Burroughs.

(d) **Mayor Alvey** said Mr. Bach, describe this one. **Mr. Bach** said what this does it allows for us to set a separate rate—or a different rate for residential units versus commercial units. This ordinance itself does not actually change or set any rates. It just provides for the ability—currently you have to make all uniform and this allows for the ability to separate those between the commercial and residential units. **Mayor Alvey** said the next motion would be an actual change to the fee. This is just changing the ordinance to allow us to treat commercial and non-residential property and not in residential properties differently. **Mr. Bach** said yes, sir.

Action; **ORDINANCE NO. O-121-21** “A ordinance amending the Storm and Surface Water Utility fee amending Section 30-324, 30-32, 30-229, 30-331, and 30-332 of Article CIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were eight “Ayes,”. Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and two “no’s,” Burroughs and Kane.

(e)**Mr. Bach** said, Mayor, this is a recommended fee change. We currently have a uniform \$4.50 fee that is applied against all units whether it be a large commercial structure or a small residential house every unit pays the same \$4.50 monthly fee. The recommended rate change to this is to move the residential units to \$6.00 a month and the commercial structures to \$14.00 a month. I believe I have it right with this ordinance.

Mayor Alvey said so, to be clear, so residential \$6.50 but, for instance, the Walmart at the Legends will pay \$14.50 a month for their storm water. **Mr. Bach** said that would be correct. I believe it's \$6 and \$14 isn't it, Debbie? **Debbie Jonscher, Deputy Chief Financial Officer**, said that's correct. **Mr. Bach** said \$6.14, and that is right. So, now there will be a difference between what a large commercial structure such as Walmart pays versus a residential structure.

Action: **ORDINANCE NO. O-122-21** “A ordinance amending the Storm and Surface Water Utility fee and providing an effective date.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve amending the storm and surface water utility fee to an amount of \$6 monthly for residential properties and \$14 monthly for non-residential properties.**

Commissioner Markley said I will also note that Commissioner Townsend has her hand up. Also, Commissioner Kane mentioned earlier that he might have a comment on this although he doesn't have his hand up, not to put you on the spot Mike.

Commissioner Townsend said my comment is even though I'm very aware of our need for additional revenue for major storm water projects that we get calls about all of the time. This particular version will impact a lot of residential people who would not have been impacted based on the amount of impervious or hard service that they had. For this year I will go forward, but I would not want to see that go forward in previous—in subsequent years, I'm sorry. I think there should be some consideration of how much impervious service. I note that with residents they have to pay the fee if there's an increase and so would commercial, but with commercial residents they can go to the bottom line and count this as a business expense where the average citizen, private residents cannot. Those are the comments I wanted to put forward.

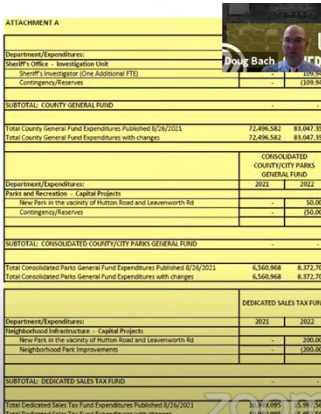
Commissioner Kane said what Commissioner Townsend just said, is exactly what I'm worried about. This is the first step. We'll do it this year, we'll do it next year, and it will go on, on, and on until staff gets what they want. They came across with some large numbers. I know we were on the bus route today and found all the doom and gloom you could possibly see right before you do the budget, which I didn't like. But here's the deal, when we do this, it's never going to stop.

Each year they're going to say we need more, and we're going to need more, and we're going to need more. Maybe we don't pay staff so much and we get some other stuff done.

Roll call was taken on the motion and there were seven "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan and three "no's," Ramirez, Kane, Burroughs.

(f) **Mayor Alvey** said we now move to the 2021 Amended Budget and the 2022 Budget to include an Attachment A.

Yellow Sheet



Mr. Bach said the proposed budget is a document submitted to the Commission back on the 19th. What you see in front of you, this yellow sheet, is Attachment A with amendments made to this where there was an addition of the Sheriff Investigator position from the County budget and then also in the Parks budget, we did an addition of specifically \$250,000 to a park or park-like improvements into the area on Hutton Rd. by our fire station in this area. This money is coming from our contingency reserves in the Parks Fund, as well as moving out of our Neighborhood Park Improvements to specifically go toward this effort. This action would approve the proposed budget with these amendments moving forward.

Commissioner McKiernan said Commissioner Walters has his hand raised. **Mayor Alvey** said we'll get to the comments.

Action: **RESOLUTION NO. R-66 AND ORDINANCE NO. O-123-21**, "A resolution and an ordinance approving, adopting, and appropriating the Operating and Capital

Maintenance Improvement Project Budgets of the Unified Government of Wyandotte County/Kansas City, Kansas, as submitted and amended by Attachment A, for the fiscal year beginning January 1, 2021; and the fiscal year beginning January 1, 2022; approving the Five-Year Capital Maintenance Improvement Program for fiscal years 2022 through 2026.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve for the Amended 2021 and 2022 Budget years, as submitted with attachment.**

Commissioner Walters said I have a couple of comments. I think I’ve made it pretty clear in previous meetings that I support a mill reduction this year. For perspective, I voted in support of 15 out of 16 city and county budgets that have been presented, 13 of those 15 that I supported did not change the mill levy. I have no problem voting to maintain an existing mill levy when it’s appropriate. This is not one of those times.

A few facts, 2020 actual expenditures resulted in a \$10M excess of what we had budgeted and approved. The portion of this federal stimulus ARPA money that we are recognizing in our budget has resulted in record reserves for the city and the county almost to the point where they have exceeded our maximum policy limits. Millions of ARPA funds are not being recognized in this budget document. Homeowners deserve a tax increase substantially less than the 8% average contained in this budget.

We’ve heard recently that some Commissioners believe that it is simply too late in the process to consider a mill levy reduction. While I disagree with that position, if true, it is a serious indictment of our process. Approving the budget, including setting the mill levy is the most important action the Commission undertakes, it affects everybody in the county.

In general, staff leads the Commission through the budget review. The basis of these presentations is naturally skewed towards the staff recommendations. In this case, no serious discussion of the mill levy was held until last Thursday night. Elected officials are more closely in touch with the residents than staff. We are in a great financial position due to increasing home values, government stimulus programs, and due to our actions in 2020 to curtail spending in response to uncertain conditions. For all of those reasons, the time is right to lessen some of the tax burden on our citizens. I would like to see a two-mill reduction on both city and county

budgets. Even at that lowered rate, most residents would be paying higher taxes, just not as high as presented in the budget. Sensing a lack of agreement by the Commission for such a big decrease.

Action: **Commissioner Walters made a motion, seconded by Commissioner Burroughs, to propose a one-mill reduction in the mill levy for the city and the county in the 2022 budget from that included in the budget under consideration.**

Commissioner Bynum said I'm so appreciative of Commissioner Walter's statements. At a minimum, I support a one-mill reduction on the county side of the budget. I know that we had the discussions about timing. I know that early in this process we did not give the County Administrator the direction to seek mill levy reductions, but our CFO has shown us, specifically, on the county side that I asked for, that we can make that mill levy reduction. It does not hurt our efforts at increasing money for infrastructure projects that we all understand are so desperately needed because that money comes off of the bottom line. I would likely stand in support of a one mill reduction on both the city and county side, but most definitely would support one mill on the county side of this budget.

Commissioner Ramirez said we all know our budgeting process is not perfect. It's not how it should be because we are the ones that appropriate. We are the ones that hold the purse. I know I've shared my thoughts of how we can change the budget process with our County Administrator, and I would like to see those changes brought to us. We've all been, these last several 15 so months, I've gone through a lot financially, emotionally, mentally. I agree with Commissioner Walters, the subject of a mill levy reduction wasn't brought up until the end. I personally think we are at a time where it is too late to talk about it.

Come January, as Commissioner Kane had mentioned, let's have the conversation. Let's have the year-long conversation of figuring out a way to do it. I don't want my constituents or the people or residents watching think I don't support a mill levy reduction. I completely, 100% do. Here in Wyandotte County, as Commissioner Burroughs said, you are taxed but where do you see that money, where do you see it? We don't see it in our parks. Our parks need improvement. Our infrastructure needs improvement, but all of that needs to be taken into account when we talk

about the mill levy, and I think that's a conversation we need to start January 1 and not wait until budget season come spring. The budget should always be a continuous conversation, not only in the summer and into fall. I just want that to make known, I do support a mill levy rate reduction, but not until we've had a thorough strategic long-term conversation to ensure that when we do reduce it, that in 2023, we don't have to raise it because we prematurely lowered it.

Commissioner Kane said and this is what I talked about last week. Some people forget were in a pandemic. We do have a little bit of money and the budgets always brought to us with what staff wants. I think Commissioner Walters had a good point. January 1, our first Commission meeting January 1, we should focus on lowering the mill levy then. Give the staff the guidance to say this is what the commissioners want and give them guidance to get it done and then not come back last minute and say, well, we wanted to, but we can't. Pushing this budget through with some language there that says January we start talking about that mill levy reduction.

Commissioner Philbrook said I appreciate everything that's been said tonight. I would be more than ready to admit that I dropped the ball on not pushing forward on talking about how we can talk about reducing the mill levy. I do not want to do that this moment. I want us to figure out a long-term strategy. I want us to know what the heck we're doing when we start decreasing the mill levy because it's a lot easier to decrease it than it is to increase it, as we all know. Nobody wants an increase in a mill levy. For me, I think that I have to accept responsibility of not pushing this appropriately earlier on in our discussion. I have to go along with Mike and Christian on that and say, I have to see things, I have to use the expression, cuss and discuss it, work it over before I can just say, yeah, I want a decrease in the mill levy. I'm for a decrease, but not at this budget.

Commissioner Burroughs said I remember the discussions a little differently, I guess. I do know that there have been some Commissioners advocating for a mill levy decrease the last couple of budgets. I do know those that made the motion this evening and the second have advocated for a mill reduction budget, a cut, over the last year or so. I will say that I have stated no, this evening on fee increases because of the increased valuation of our properties in Wyandotte County, which is a good thing.

However, the increase in those valuations also raise additional dollars above and beyond our revenue neutral point. I guess my comment would be that there has been advocacy from members of the Commission to lower the mill and putting it off for another year, or two years or three years is just what I would consider discussion for the fact of passing a budget. I could have very well voted on the fee increases had we had an opportunity to lower the mill so it was a less burden on the taxpayers of Wyandotte County, but not when we see a PILOT that will increase, not by the percentage point, but the amount of money that will be raised should BPU raise rates, and/or should we have an increase in power usage and/or utility usage in the city. I am still advocating along with my fellow Commissioner Walters for a reduction on a mill on the county and on the city. Our budget has been able to absorb it and I believe we can absorb it again this year. Thank you, committee, I appreciate the opportunity to voice my opinion.

Commissioner Townsend said I just wanted to say, while I really don't think there are any of us that wouldn't want to be able to go back and tell our constituents we decreased the mill rate. As I've said before in special sessions and other public meetings, our decrease of the mill rate will not necessarily equate to a lowering of the check that our constituents write to the tax appraiser because we are only one small component of that. Having said that, though, I still think it's right to look at can we do it, but I would want to know where we are going to get money from that may already be in the budget to correct problems that our constituents call about. Stormwater issues, just a myriad of other things. Additional help with code enforcement inspectors and I do know that this budget does take into account an increase in that and some other things. Parks improvements. You heard several of the constituents came forward during the community development public hearing and asked about park development on the northeast end of town. Those are the part of the discussions we need to have before we, in my opinion, reduce the mill levy so that we don't have to go back and raise it a subsequent year and still not provide the level of services that our constituents want.

Commissioner Kane had also mentioned about the foresight or being unable or inability to know the future about what may happen as we go through this pandemic. With the last budget, we were able to get through before ARPA funds came in because we went to the reserve. If we have extra reserve money laying around, then that may be the answer to some of the things our constituents want and then look at reducing the mill levy.

Mayor Alvey said I'm going to ask, Misty, where do we stand? We have the motion to pass the budget and then I think we've had a motion for amendment so just to clarify where we stand. **Misty Brown, Chief Counsel**, said my notes reflected that we had a motion by Commissioner McKiernan to approve the budget as presented, with a second by Commissioner Markley. Commissioner Markley can you confirm that my notes are correct? **Commissioner Markley** said correct. **Ms. Brown** said so we had a motion and a second on the floor for consideration. There could be a motion to amend the motion though it's typically not directly contrary to the original motion. You now have a motion by Commissioner Walters and Burroughs to decrease the mill levees. Typically, you would take action on the first motion, or we could continue to debate or consider a motion to amend. **Mayor Alvey** said we already had a motion on the floor, and then so does that have to be voted on first? **Ms. Brown** said that is the way it is usually done.

Commissioner Walters said Mayor, if I might, I believe it is proper to vote on the amendment first and then vote on the original resolution. **Ms. Brown** said I've been looking at the Rules of Procedures on this. We had a motion and a second to approve which in a typical situation you would take action on that motion, but I do believe Commissioner Walters and Burroughs motion could be seen as a motion to amend. It says in our Rules of Procedures, motions to amend shall be debatable providing the original motion was a debatable motion. So, were left with is, it debatable whether or not to approve the budget as subjected. I would agree with Commissioner Walters at this point, what we have is a motion to amend the original motion, that should be voted on.

Mr. Bach asked, Mr. Clerk, do you see the Mayor on? **Mr. Deichler** said let me take a look here. I do not see him on either side. **Mr. Bach** said we can pause for moment commissioners to see if the Mayor can rejoin. I just received a message from him. He had a computer issue, he is rejoining us from his laptop. **Commissioner Markley** said he's in the attendee list.

Mayor Alvey said, okay, sorry about that, terrible timing. **Commissioner Markley** said, Mayor, you're muted. **Mayor Alvey** said sorry about that. Terrible timing. Commissioner Walters, it cut out right as you were speaking. **Commissioner Walters** said I think the way to proceed is to vote on the amendment and if it passes, then you vote on the original resolution as amended. If

the amendment does not pass, then you vote on the original resolution as initially moved and seconded. **Ms. Brown** said if I may, Mayor, add a little bit of clarity to this. I do know we are in a confusing situation. I'm looking at our Rules of Procedures 7-20. It says in order to amend motions previously made, the motion to amend shall be in order providing the motion for amendment shall be made with the consent of the maker and the second of the original motion and providing further that the motion can only be amended once before a vote is taken. In order to consider this motion to amend, it would need to be at the consent of Commissioner McKiernan and Markley. I do apologize for putting you both on the spot. There can only be one motion to amend. After that, if that motion fails, there's no more amending of the original motion to approve this budget. **Mayor Alvey** said thank you for that clarification. Is there any inclination Commissioner McKiernan or Commissioner Markley? **Ms. Brown** said, both Mayor, would have to approve amending the motion, they moved and seconded on.

Commissioner Burroughs said a substitute motion is always in order. You vote on the substitute motion. If the substitute motion fails, it goes back to the original motion. A substitute motion is always in order.

Mayor Alvey said I think, Misty, I want to clarify. This is our Rules of Proceedings? **Ms. Brown** said correct. I'm looking at it and it is understandably a bit of a question, is it a substitute motion or is it an amendment. A substitute motion is not supposed to be directly in opposition to the original motion. It appears to me that it is more an amendment to the motion. **Mayor Alvey** said the implications are to be clear. **Ms. Brown** said the implication on your motion to amend is that both Commissioner McKiernan and Commissioner Markley would have to agree to amend the motion and then there could be a vote on the amended motion by Commissioner Walters, seconded by Burroughs to decrease the mill levy. **Mayor Alvey** said thank you.

Commissioner McKiernan said I made my motion; I stand by my motion. Having said that, I am willing to allow a vote on amendment. **Commissioner Marley** said I feel the same, I don't necessarily want to amend my motion, but I think we can vote on the amendment either way. I think we kind of know where everybody stands. Whatever order we want to take it in, let's just vote on something.

Mayor Alvey said we have consent, the two who brought the motion, any further discussion? Seeing none, roll call please.

Commissioner Kane said which motion are we voting on? **Mayor Alvey** said we are voting on the motion with the amendment to reduce the mill levy on the county side and the city side two mills, correct? **Commissioner Walters** said one mill each. **Mayor Alvey** said, thank you, one mill each. **Mr. Bach** said to just to clarify Misty, this is a motion to amend the original motion. **Ms. Brown** said correct, Doug. **Ms. Brown** said a motion to amend—I believe what Commissioner Walters motion was to approve a budget with a one mill decrease in the county and the city. Commissioner Walters, if I’m misstating that. **Commissioner Walters** said that’s all right.

Commissioner McKiernan said I was just going to clarify. My understanding is that the original motion to approve the budget would stand, but with the amendment that mill rates would be decreased by one mill county, one mill city. That is what we are voting on now. **Mayor Alvey** said right.

Roll call was taken on the motion and there were three “Ayes,” Walters, Bynum, Burroughs and seven “no’s,” Ramirez, Johnson, Kane, Markley, Philbrook, Townsend, McKiernan. Motion failed.

Mr. Deichler said is that correct, Misty? **Ms. Brown** said that’s correct and now we have the original motion to approve the budget on the floor which has been moved and seconded. It cannot be amended anymore, and it now would require a vote.

Roll call was taken on the motion and there were seven “Ayes,” Ramirez, Johnson, Kane, Markley, Philbrook, Townsend, McKiernan and three “no’s” Walters, Bynum, Burroughs.

Action: **RESOLUTION NO. R-67-21 AND ORDINANCE NO. O-124-21**, “A resolution and an ordinance authorizing various public improvements contained in the 2022-2026 Capital Maintenance Improvement Program; authorizing the issuance of

General Obligation Bonds and/or temporary notes to finance a portion of the costs of such improvements; authorizing the issuance of Utility System Revenue Bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease purchase agreements to finance the acquisition and installation of certain equipment.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the resolution.** Roll call was taken and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211025...RESOLUTION: COLONIAL CLUB SPECIAL EVENT

Synopsis: A resolution allowing the Colonial Club, LLC, to furnish alcohol and allow patrons to drink and consume alcohol within the portion of N. 6th St., immediately in front of the Colonial Club, from 4:00 PM until 10:00 PM on September 11, 2021, submitted by SueZanne Bishop, Assistant Counsel.

Doug Bach, County Administrator, said we had a special request put forward to us regarding a club for a special use permit. I will recognize Ms. Bishop in our Legal Department for comment on this matter.

SueZanne Bishop, Assistant Counsel, said the resolution before you right now is a resolution that would give permission for a special event in advance of the Chiefs home opener. That event will be held this Saturday, September 11, 2021, by Colonial Club. Colonial Club has applied for and received a right-of-way permit, and the plan would be for them to be allowed to serve alcohol in the right-of-way. Now, this Commission did approve a similar resolution for a similar event back in 2019. The resolution language is the same as that language was two years ago, but for of course, the change in the dates.

Now, my understanding is that Mr. Troy Shaw from Public Works was planning to be here tonight as was Mr. Blake Lostal from Colonial Club. I’m unaware of whether they are in fact

present tonight. I did provide the links and instruction to be here to answer your questions. I'm happy to answer any questions that I may be able to as you consider this.

Mr. Deichler said Mr. Shaw is available. **Commissioner Walters** said I believe Mr. Lostal is here as well. He was earlier.

Mayor Alvey said this is coming before us because there was something gone wrong in the process or there was something in the process. Ms. Zee, could you speak to that? **Ms. Bishop** said I can Mr. Mayor, and I apologize for not bringing that forward in the beginning of my presentation. The regular process for this would have been for Colonial Club to bring their request for resolution before the standing committee. My understanding in talking with the folks from Public Works is that they were given, Colonial Club was given the information in time to bring this before the standing committee and then there was a period of time where, perhaps, there was a lack of communication. At any rate, our office did not receive any information on this until after the standing committee meeting. We did not have time to get this on a standing committee meeting and so were asked to bring this forward to the full commission and that's what we've done.

Mayor Alvey said just to be clear, I allowed this to come forward to try to accommodate this, but I would like Mr. Lostal to please tell us what he's asking for. Is Mr. Lostal still on the call? **Commissioner Bynum** said Mr. Mayor, I don't see him anymore. He's on the attendee's side. **Carol Godsil, Deputy UG Clerk**, said, Mr. Lostal, if you'll unmute yourself, you'll be able to speak. **Commissioner McKiernan** said Mr. Lostal just text me and said he was currently in the attendee's list, but under the name John Stoner. **Ms. Godsil** said right now we have Blake Lostal and he has his mic open so let's see if he's there? **Commissioner Markley** said John Stoner has had his hand up all this time in the attendee list so I would suggest we try him. **Mayor Alvey** asked can we promote Mr. Stoner? **Mr. Deichler** said we're working on it. Mayor, Mr. Stoner has been promoted.

Blake Lostal, KCK, said in 2019 we were trying to start a tradition in Wyandotte County because we are gigantic Chiefs fans, and we have a huge following in the tailgate, and we want everybody to know that Wyandotte County is a huge Chiefs supporter. Our bar/restaurant is a part of that. In

2019, we threw a big bash where it's a start off to the Chiefs season and, of course, COVID hit, so we had to suspend our annual festivities. We we're just really honestly, guys, just confused how everything worked. It has been a year. The first one was hard. I spoke to Lori in the Business Development, and we now know what to do in the future for these parties. What we would like to do is to show, yes, as Wyandotte, Colonial, we promote the Chiefs. We love them and we're just trying to have a great time, some great food, have people out and know that Strawberry Hill and Wyandotte County is a great area to be a part of and come out and support the Chiefs.

Mayor Alvey said I believe, Mr. Lostal, that it has been communicated to you by staff that we do expect in the future that this will not—you will have things in place to come through standing committee because that's an opportunity for residents to weigh in if they would like to on this proposal. **Mr. Lostal** said absolutely. We figured that out. Lori, in the Business Department, has clearly outlined what we have to do and Andy in Public Works, we've kind of figured it out. This really doesn't happen that often. We figured out with these two UG employees that we figured out the road map to get this done properly. **Mayor Alvey** said thank you, sir.

Commissioner Bynum said, sir, I appreciate the enthusiasm for the party you're trying to throw and that you have successfully navigated the process so that in the future it can be more timely, and because in 2019 you held this party and we did win the Super Bowl, as a result of your party, I move that we approve the resolution allowing the Colonial Club to furnish alcohol and allow patrons to drink and consume alcohol within the portion of N. 6th St. immediately in front of the club. Mr. Lostal said thank you, everybody.

Action: **RESOLUTION NO. R-68-21**, "A resolution that the Board of Commissioners hereby approves the aforementioned special event that will allow the Colonial Club, LLC to furnish alcohol and allow patrons to drink and consume alcohol within the enclosed area of the Use of Right-of-Way Permit from 4:00 p.m. until 10:00 p.m. on September 11, 2021. The Colonial Club, LLC must obtain all necessary state and local licenses to sell, serve and allow the drinking and consumption of alcohol for the special event." **Commissioner McKiernan** said I'm just going to reiterate what Mr. Lostal has said and what Commissioner Bynum has said. There is a

process so to everybody out there, we have a process. Sometimes that process takes time. My strong encouragement to everyone is when you want to do something like this start early, start communicating. You can find the route through the City Hall hierarchy. It can be done. Mr. Lostal has certainly proven that it can. My recommendation is please remember that there is a process and that process typically takes time so start early and we can make it happen and a Super Bowl would be nice.

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

COMMISSIONERS' AGENDA

No items of business

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items of business

PUBLIC ANNOUNCEMENT

No items of business

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:45 P.M.

SEPTEMBER 9, 2021

Brett A. Deichler, PMP|CPM
Interim Unified Government Clerk

tk

September 9, 2021