

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

**PLANNING & ZONING AND
REGULAR SESSION
DECEMBER 2, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, December 2, 2021, with ten 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; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Assistant County Administrator; Misty Brown, Chief Counsel; James Bain, Dan Kuhn, and Jeff Conway, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning; Jeff Fisher, Executive Director of Public Works; Sarah Shafer, Public Works; and Katherine Carttar, Director of Economic Development.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via Zoom by phone or on-site. 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 that 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. The public also has the opportunity to provide brief comments from the lobby of the Municipal Office Building. I'd ask the Clerk to please call the meeting to order and call roll.

Brett Deichler, Unified Government Clerk, said before I call tonight's roll, I need to make mention that Commissioner Kane is unavailable tonight due to the passing of a family member.

Roll call: Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Alvey.
(Commissioner Townsend was having technical problems.)

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

Mayor Alvey asked, Clerk, are there any revisions to tonight's agenda?

Mr. Deichler said, Mayor, there were. A blue sheet was issued modifying the Administrator's Agenda for this evening. Three separate labor agreements were added for consideration including the Labor's Local No. 1290 Agreement, the Carpenter's Labor Agreement, and the Local No. 1 Labor Agreement. Those were all the changes to tonight's agenda, Mayor.

MAYOR'S AGENDA

Item No. 1 - 211228...PROCLAMATION: JOHN "TINY" MCTAGGART

Synopsis: Proclamation recognizing John "Tiny" McTaggart's 30+ years of public service, community leadership, and civic involvement with the City of Edwardsville, KS, Wyandotte County, KS, the metropolitan region and the State of Kansas.



Mayor Alvey said I would like to recognize Mayor John McTaggart. Mayor McTaggart does not know why he was invited here today. As many of you know, Mayor McTaggart is ending his term of service as Mayor of Edwardsville in January. I would like to offer this proclamation in honor of John McTaggart.

Mayor John "Tiny" McTaggart, Edwardsville, said, David, I want to thank you and the Unified Government so much for this honor. It really is an inspiration for me too for the service I made and the commitment I had made to my community. When I say my community, I consider all of Wyandotte County my community. I always have and I've always maintained that. It has been a real honor to serve in all the capacities that I have in over the last nearly 30 years. I really want to say how much I appreciate this. I really do and thank you very much, all of you. **Mayor Alvey** said you're welcome.

Mayor Alvey said Mayor McTaggart, we just want to say thank you. Your example of leadership is an inspiration to all of us. Your long standing commitment has benefited so many people throughout our community and our state. We're just here to say thank you and we wish you the very best in your years beyond public service, which probably won't end, but officially.

Action: **The Proclamation was presented.**

Item No. 2 - 211225...RESOLUTION: 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 April 1, 2022, submitted by Jeff Conway, Assistant Counsel. Action maintains our local ability to apply for federal assistance for efforts we continue to make to prevent the spread of the virus and to improve our community health.

Jeff Conway, Assistant Counsel, said I just wanted to say that this is typically extended 90 days. This time it's 90 days plus 2 more weeks. The reason is the Feds issued a statement that they're looking at April 1st. The word that I had received originally was that April 1st was probably the termination of the federal emergency, but, as you know, things are moving kind of quickly now.

Really, what it is, is a statement by the Feds that April 1st is a guarantee that they will pay through April 1st at the very least.

In the past, Matt May, who wanted to be here tonight, Director of Emergency Management, there was a death, and he was attending the visitation tonight. He said, in the past, that the Fed's sometimes give a date and then retroactively back off of that so we're left hanging maybe a few weeks with paying our own bills. But, in this case, April 1st is the definite date and it may be extended past that. We're aligning our deadline with the federal deadline. There is no state emergency, but the primary benefit of this is that the federal money could flow to the locals, as long as the locals have an emergency in place.

Mayor Alvey said can, again, just explicate that a little bit more that the reason we are considering this is to allow us to access federal monies. **Mr. Conway** said that's the primary benefit. It's really not tied up with masks and all of that. It's just a way for the federal money to flow to the locals. **Mayor Alvey** asked, any members of the Commission have any questions or comments? Seeing none, I'd entertain a motion.

Action: **RESOLUTION NO. R-86-21**, "Extending the state of Local Health Emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through April 1, 2022." **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Alvey said tonight, we have two distinct parts to our meeting, Planning and Zoning first, followed by Regular Commission. I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. Commissioner McKiernan disclosed contact with proponents and opponents of the Non-Consent Agenda Item B1, CA2021-019. Commissioner Bynum disclosed contact with proponents and opponents of Non-Consent Item B1, CA2021-019. Commissioner Philbrook disclosed proponents and opponents of CA2021019. Commissioner Johnson disclosed contact with proponents of CA2021-19.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

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

Mayor Alvey asked the Clerk if we received any requests from the public to set-aside an item. **Mr. Deichler** said none were received, Mayor.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve all items as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

CHANGE OF ZONE APPLICATIONS

Item No. 1 - 211195...CHANGE OF ZONE APPLICATION COZ3241-DANA BLAY WITH DBL ARCHITECTURE, INC.

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District to add a fuel island for a fueling station/convenience store rebuild at 4732 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Dana Blay with DBL Architecture, Inc., is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District on behalf of their client in order to add

additional gas pumps to a currently operating convenience store and gas station. The property will continue with these uses, but with more gas pumps. The subject property has two unresolved Notice of Violation associated with the property, NOV #1821600097 and NOV #19216-00042, both issued December 31, 2019, for excessive temporary signage in the right-of-way, on fences, and on poles. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3241, subject to:

- 1) Renovations and additions to the subject property shall comply with the plans submitted by the applicant;
- 2) The subject property meets the minimum parking requirement, but any use that requires additional parking will exceed the number for parking spaces available. If the use of the subject property changes or is added to, and additional parking spaces are required, then either the number of parking spaces will need to be expanded or a variance from the parking requirement will need to be granted;
- 3) An oil-water separator must be installed on the property in order to prevent and mitigate liquid chemicals such as oil and gasoline from leaking into the groundwater;
- 4) Downspouts shall be internalized;
- 5) The trash enclosure shall be comprised of the same materials as the primary building. Junipers and shrubs shall be planted around the perimeter of the enclosure;
- 6) All shade trees shall be 2 1/2" caliper. Shrubs around the perimeter of the property shall be at least five gallons when planted. Shrubs that are interior to the property shall be at least three gallons when planted;
- 7) Sec. 27-577(d)(1), at least 75 percent of the length of the 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;
- 8) Parking lot islands east of the building shall have plantings installed in them;
- 9) All landscaping shall be irrigated;
- 10) All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building, including, but not limited to gas meters, electrical panel boxes, piping, etc.;
- 11) BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. The gate shall have louvers or have 3/8" gap in the pickets. If this cannot be accomplished, relocation of the transformer may be necessary;
- 12) Rooftop mechanical equipment shall be screened from public view on all four sides;
- 13) Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;

- 14) Per the Staff Comments and Suggestions, a Final Plan Review may be required in the future;
- 15) When conducting site visits Staff noted that signage on the subject property continued to exceed signage code regulations. The property had previously been issued Notices of Violation, NOV #18216-00097 and NOV#19216-00042, for excessive temporary signage in the right-of-way, on fences, and on poles. As of October 20, 2020, neither NOV has been resolved. Violations were most noticeable on the windows of the convenience store, on the fence at the northeast border of the property, and in the green space along State Avenue. The applicant must comply with the sign code, most notably Section 27-727. The applicant should work with Staff and Zoning Code Officer to ensure compliance;
- 16) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 17) The current lighting scheme on the property is not in compliance and needs to be changed. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 18) No ribbon lighting shall be installed around the interior or exterior of the window frame as an attention attracting device;
- 19) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 20) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 21) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
- 22) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ #3241, subject to the stipulations.

Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211196...CHANGE OF ZONE APPLICATION COZ2021-028 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from AG Agriculture (WYCO) District to R-1 Single Family District to create one single-family residential lot at 13310 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a request for Change of Zone from AG (WYCO) Agricultural District to A-G Agriculture (Lots 1-3) and R-I Single Family Residential Districts (Lot 4) for a rural parcel along Leavenworth Road. The applicant is requesting a Preliminary Plat for four single-family parcels totaling 38.38 acres, to be subdivided from one larger parcel. These requests were heard simultaneously with two variance requests to address all aspects of the Preliminary Plat that do not comply with the Zoning Code. After the replat, the property owner wishes to sell the vacant parcels, with each newly created parcel retaining the agricultural and rural characteristics of the area while reserving the future owner's ability to still build a Single Family Residence on each lot. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-028, subject to:

- 1) The appeal has been filed in conjunction with BOZA2021-025, a Variance request to exceed the maximum depth-to-width ratio and a Variance request to allow for less than the required minimum acreage on a Major Street. (Variance approved.)
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 3) The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval.
- 4) The plat shall be revised, corrected, amended, or otherwise adjusted to meet the comments provided by the Surveyor and Geospatial Departments.
- 5) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- 6) Any new approaches off Leavenworth Road must be constructed with a concrete curb and

apron per UG Standards. Driveways may be made of gravel to maintain character and permeability.

- 7) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 — Sect. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
- 8) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.
- 9) This City Planning Commission case is being heard in conjunction with BOZA-2021-006. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case BOZA2021-006 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.
- 10) A Right of Way Permit is required prior to future construction. Please contact the public works information prior to construction for guidance.
- 11) A Deed Restriction is executed that would prohibit manufactured homes on all the subject properties.
- 12) This City Planning Commission case is being heard in conjunction with BOZA2021-025. The following are conditions for BOZA2021-025 and are stated here for reference only, as CPC case is solely for COZ2021-028 for the Change of Zones from AG(WYCO) for Lots 1-3 to AG and Lot 4 from AG(WYCO) R-1:
 - a. All comments pertaining to related cases COZ2021-028 and PLAT2021-017 shall be addressed as a condition of approval. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case(s) COZ2021-028 and PLAT2021017 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-028, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, McKiernan, Johnson.

Item No. 3 - 211200...CHANGE OF ZONE APPLICATION COZ2021-033 – MICHAEL BERENBOM WITH HUDSON APARTMENTS LLC

Synopsis: Change of Zone from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District for a new 228-unit apartment building at 3600 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Korb Maxell on behalf of Milhaus Properties LLC, wants to rezone 3600 Rainbow Boulevard from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District to demolish a three-story apartment complex to build a 228-unit, five story over two story parking garage apartment building on 2.66 redeveloped acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-033, subject to:

- 1) This City Planning Commission case is being heard in conjunction with BOZA2021-016. The following are conditions for BOZA2021-016 and are stated here for reference only, as CPC case is solely for a change of zone to build an apartment complex:
 - a. Preserve the existing tree stand along the west property line and cliff edge to comply with the landscape requirement for site trees. Seven trees must be preserved, which the applicant has agreed to do;
- 2) The applicant seeks a deviation from the Rosedale Urban Multi-Family Residential Design Guidelines in order not to build a fence abutting University of Kansas Health System parking lot, along the south property line. The Developer proposes to install landscaping in place of a five-foot wrought iron fence;
- 3) Subject to approval, a Final Development Plan is required to be submitted prior to publishing the Change of Zoning ordinance;
- 4) Sec. 27-638(c)a. 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;
- 5) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6) Applicant will provide the following amenities:
 - a. Enclosed and landscaped courtyard with grill area, fire pit and seating;
 - b. Swimming Pool;

- c. Rooftop Patio; and,
 - d. Enclosed bike storage will also be provided on the ground level garage with additional access to a bike area.
- 7) All amenities shall be built within the first phase of the development;
 - 8) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
 - 9) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lighted without creating glare to the surrounding neighborhood;
 - 10) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty percent transparency between three and eight feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass;
 - 11) At least one decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances;
 - 12) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty feet and must be broken via setbacks or offsets;
 - 13) The proposed garage doors shall match the adjacent exterior building façade color;
 - 14) All exterior-facing downspouts shall be internalized;
 - 15) Add a deed restriction or other legal restriction that the trees and the cliff be preserved in perpetuity;
 - 16) The applicant will use the existing free stands to count towards the overall tree requirement for the RP-6 landscaping requirements;
 - 17) All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted;
 - 18) All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
 - 19) All electrical meter banks, typically on the side of the building shall be screened from public view;
 - 20) BPU transformer pad shall be completely screened on three sides with 6-foot Junipers set back three feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;

- 21) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot evergreens or an architectural wall constructed from the same materials as the main building;
- 22) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 23) Shall comply with the sign ordinance;
- 24) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 25) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 26) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-033, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211201...CHANGE OF ZONE APPLICATION COZ2021-035 – MARICELA ZAMORA

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to build accessory structures and farming activity at 449 North 86th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Maricela Zamora, is requesting a Change of Zone for the subject property at 449 North 86th Street. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been

requested so that the applicant may begin utilizing the land for farming activities and for its associated accessory structures for farming equipment storage. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-035, subject to:

- 1) Any accessory dwellings erected shall be for a permitted accessory use only. Any usage such as storage of construction or building materials, automotive-related use, etc., shall require a separate Special Use Permit.
- 2) The existing tree strand and drainage channel on the southwest corner of the property shall be maintained.
- 3) A landscape buffer shall be planted along the west of the property where the property borders the Stoney Point Trails Subdivision. Contact the Conservation District for guidance.
- 4) A landscape buffer shall be planted along the southwestern property line where the property meets the easement of Interstate I-70. Contact the Conservation District for guidance.
- 5) A conservation plan was not evaluated for livestock use and shall be obtained prior to the introduction of livestock onto the property.
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 7) Any property owner or business owner keeping fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property' owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.
- 8) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
- 9) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the

issuance of the Land Disturbance Permit, a grading permit is required and issued . by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-035, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211202...CHANGE OF ZONE APPLICATION COZ2021-036 – DOUGLAS STRAND

Synopsis: Change of Zone from C-O Non-Retail Business District to R-2 Two Family District for a single-family residence at 2211 North 13th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Doug Strand, is requesting a Change of Zone for the subject property at 2211 North 13th Street from C-0 Nonretail Business District to RP-2 Planned Two-Family District. The applicant is rehabilitating a legal non-conforming, one-story building that was formerly used for non-retail offices in order to operate single-family residence. The proposed single-family residential use under the requested Change of Zone has triggered several zoning code violations that are being addressed simultaneously in Appeal BOZA2021029. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-036 to RP-2 Planned Two Family District, subject to:

- 1) The current building was constructed in 1965, which makes the subject property eligible for historic status, so long as the exterior facade and footprint are maintained. Historic status could make the subject property eligible for historic preservation funding. Therefore, any proposed alterations to the exterior façade must be submitted to Staff as part of the review for Appeal BOZA2021-029 and Petition COZ2021-036;
- 2) All proposed exterior work, such as stabilizing the canopies, removing pavement, and landscaping, shall follow the submitted elevations and site plans;
- 3) The applicant must submit a revised site plan demonstrating a paved pedestrian access from the sidewalk on North 13th Street to the front door;
- 4) The sidewalks adjacent to the subject property along North 13th Street and Waverly Avenue must be repaired and maintained, especially at the access points along Waverly Avenue that will be closed or otherwise closed. The artistic renderings of the proposed site work and landscaping still show two curb cuts and two small driveway inlets adjacent to Waverly Avenue. The site plan, however, does demonstrate the removal of the driveways and the curb

cuts. Therefore, future work shall comply with the site plan and the following conditions must be met:

- a. Removal of all curb cuts that access Waverly Avenue,
 - b. Removal of all driveways that access such curb cuts (but excluding any paved area that shall remain as a patio),
 - c. Extension of the buffer between the sidewalk and the street, including reseeding with grass, and
 - d. Restoration of the sidewalk and repair of any portion damaged either by proposed work or general weathering;
- 5) The proposed use of the subject property is a single-family residence. Any commercial uses on the subject property will require a change of zone to a commercial (C-prefix) district;
- 6) This City Planning Commission case is being heard in conjunction with BOZA2021-029. The following are conditions for BOZA2021-029 and are stated here for reference only, as COZ2021-036 is solely for a Change of Zone from C-0 Nonretail Business District to RP-2 Planned Two-Family District:
- a. Any proposed alterations to the exterior facade must be submitted to Staff as part of the review for Appeal BOZA2021-029 and Petition COZ2021-036;
 - b. All proposed exterior work shall follow the submitted elevations and site plans;
 - c. The sidewalks adjacent to the subject property along North 13th Street and Waverly Avenue must be repaired and maintained, especially at the access points along Waverly Avenue that will be closed or otherwise closed;
 - d. Any commercial uses on the subject property will require a change of zone to a commercial (C-prefix) district;
 - e. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Petition COZ2021-036 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
 - f. No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit;
 - g. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward; and,
 - h. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 7) If the property will not be owner occupied, the applicant must keep a current annual Rental License;
- 8) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign

permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;

- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 11) A building permit is required for a change of occupancy. Please contact the Building Inspection Division at (913) 573-8620 to begin that process; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application to RP-2 Planned Two Family District, COZ2021-036, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 - 211203...CHANGE OF ZONE APPLICATION COZ2021-042 – RACHEL BICHARA WITH GOOD NEWS RENTALS LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to bring existing non-conforming duplex into compliance at 731 Tenny Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Rachel Bichara, is requesting a Change of Zone for the subject property at 731 Tenny Avenue. The Applicant is requesting a Change of Zone from R-1 (B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the legal non-conforming use becomes conforming. The subject property was originally constructed as a duplex with a carriage-house style garage and third living unit above the garage. The previous owner has demolished the carriage house garage, leaving only the duplex and driveway. The Applicant desires the rezone to complete appropriate renovations and to obtain a rental license, which requires the zoning to reflect the building's physical condition. Additionally, the driveway access was at some time subdivided from the subject property and

adjacent parcel to grant right-of-way utility access, leaving the subject property without access to the parking in the rear parcel and without the use of the intended shared drive with the adjacent parcel (731 H Tenny). A separate Vacation Application and Right of Way access agreement shall be filed as part of the conditions of approval. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-042, subject to:

- 1) If approved, rental licensing shall be obtained once renovated;
- 2) If approved, the applicant shall apply for a Vacation of the adjacent alleyway to regain the driveway access to the property to provide for proper off-street parking as required. Should the vacation not be approved, an additional application for a parking variance shall be required;
- 3) If approved, the applicant shall make repairs to the front sidewalk, curb, and driveway approach in accordance with UG Standards;
- 4) If approved, the applicant shall replace the undersized window on the front upstairs to match the adjacent front window;
- 5) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 6) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc., that are now or may hereafter be installed in the tract of land hereby vacated;
- 7) Provide curb and five-foot-wide public sidewalk in accordance with UG standards and criteria. see UG detail i.e., UG 4100-0;
- 8) Applicant shall maintain erosion control practices during construction;
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 10) The applicant has filed and maintained a current business occupation tax application; and,
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-042, subject to the

stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATION

Item No. 1 - 211204...SPECIAL USE PERMIT APPLICATION SP2021-046 – MAYRA HERNANDEZ

Synopsis: Special Use Permit for two horses on residential property at 1315 North 86th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Mayra Hernandez, is requesting a Special Use Permit to keep two horses on a residential property at 1315 North 86th Street, the applicant's primary residence. The subject property is 4.84 acres. The horses will be kept in the rear yard, where they will graze and be stabled. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit SP2021-046, for two years, subject to:

- 1) Only two horses may be stabled on the subject property;
- 2) All recommendations from the conservation plan by the Wyandotte County Conservation District must be met, including:
 - a. Construction of a second, wintering stable for the two horses. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center by November 24, 2021;
 - b. Production of a manure plan that includes the following elements:
 - (1) Immediate removal of the manure presently observed on the subject property;
 - (2) Construction of a structure to hold the on-site manure. Construction of this structure will require a variance, which the applicant must apply for and successfully be granted. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center as part of the variance process;
 - (3) Creation of a sediment basin to the east of the existing horse stable in order to catch runoff from the bare area in the front of the stable;
 - c. Erection of a fence in the rear yard of the subject property, in order to allow the horses to freely roam and graze, thus providing more exercise and reducing the amount of hay required to feed the horses;
 - d. Areas of the subject property need to be designated for grazing, and such designated areas must be weeded and reseeded;
 - e. A five- to ten-foot buffer along the south boundary of the subject property much be preserved as a filter strip;
 - f. After the pasture has improved, work with the Wyandotte County Conservation District to create a sustainable rotational grazing plan;

- g. Removal of the two goats observed by Conservation District Staff during the site visit, and removal of the on-site manure accumulating in the goat pen; and,
 - h. Creation of a sacrifice lot to allow for the future rotational grazing;
- 3) Aerial imagery from 2020 shows some large, unidentified items in the rear yard of the property. Any vehicles, scrap/junk, or other materials must be removed from the property in order to create a suitable environment for the horse. All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 5) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 - 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 7) The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 - 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Special Use Permit SP2021-046 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 - 211210...ORDINANCE

Synopsis: An ordinance rezoning property at 626 North 47th Street (COZ2021-013) from MP-1 Planned Light Industrial and Industrial Park, CP-1 Planned Limited Business and R-1 Single Family Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-149-21**, "An ordinance rezoning property hereinafter described located at approximately 626 North 47th Street, in Kansas City, Kansas, by changing the same from its present zoning of MP-1 Planned Light Industrial and Industrial Park, CP-1 Planned Limited Business and R-1 Single Family Districts to NIP-2 Planned General Industrial District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211211...ORDINANCE

Synopsis: An ordinance rezoning property at 2948 South 69 Street (COZ2021-009), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-150-21**, "An ordinance rezoning property hereinafter described located at approximately 2948 South 65th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District." **Commissioner Philbrook made a motion, seconded by**

Commissioner Markley, to approve the ordinance. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211212...ORDNANCE

Synopsis: An ordinance rezoning property at 3726 North Terrace (COZ2021-012) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-151-21**, "An ordinance rezoning property hereinafter described located at approximately 3726 North 47th Terrace, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211213...ORDNANCE

Synopsis: An ordinance rezoning property at 2332 South 14th Street, from R-1 (B) Single Family District to CP-O Planned Nonretail Business District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-152-21**, "An ordinance rezoning property hereinafter described located at approximately 2332 South 14th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-O Planned Nonretail Business District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211214...ORDINANCE

Synopsis: An ordinance rezoning property at 1625 South 86th Street from IMP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-153-21**, "An ordinance rezoning property hereinafter described located at approximately 1625 South 86th Street, in Kansas City, Kansas, by changing the same from its present zoning of NIP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 - 211215...ORDINANCE

Synopsis: An ordinance rezoning property at 218 North 12th Street (COZ2021-031) from R1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-154-21**, "An ordinance rezoning property hereinafter described located at approximately 218 North 12th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 (B) Single Family District to R-2(B) Two Family District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 7 - 211216...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-062) for live entertainment in a drinking establishment/neighborhood bar at 614 Reynolds Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-155-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for live entertainment in a drinking establishment/neighborhood bar located at 614 Reynolds Avenue." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 8 - 211217...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-065) for a Short-Term Rental at 4138 Lloyd Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-156-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a short-term rental at 4138 Lloyd Avenue." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 9 - 211218...ORDINANCE

Synopsis: An ordinance authorizing a Home Occupation Special Use Permit (SP2021-066) to operate a dog day care and boarding facility at 4001 North 74th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDNANCE No. O-157-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a Home Occupation Special Use Permit to operate a dog day care and boarding facility at

4001 North 74th Street.". **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 10 - 211219...ORDNANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-067) to operate a skate park and skate school at 230 South 65th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-158-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas to operate a skate park and skate school at 230 South 65th Street." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA



A.1. LANDMARKS ORDINANCE AMENDMENT

Item No. 1 - 211206...MPL2021-026 - GUNNAR HAND WITH PLANNING AND URBAN DESIGN

Synopsis: Consideration of amendments to the Kansas City, Kansas Landmarks Ordinance, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said before you is an update to our historic landmarks and historic district ordinance, together our historic preservation ordinance for the Unified Government. This was part of the original zoning code update that started a couple of years ago. They got a little sidetracked during COVID-19.

When we began the process to develop a downtown historic district and multiple listings for historic churches in downtown Kansas City, Kansas, the Landmarks Commission asked us to pull that piece of the zoning code overhaul out and move forward so that we would have the best available data during the outreach process that will happen for that project, which should get started here in another couple of weeks, days maybe.

But, within that ordinance, there are a couple of changes that we'll review. There's three primary ones that I would note tonight. I'm happy to answer any questions at the end of this presentation regarding any others. But primarily, we are reducing the environs buffer from 500 feet to 200 feet. The environs buffer surrounds all historic districts and historic landmarks. Anything within that buffer has to go through an administrative review through the Department of Planning and Urban Design. Reducing that down to 200 feet, that was a big push by the Landmarks Commission so, we wanted to see that through.

Secondly, we've added the notification requirement to our certificate of appropriateness projects. Moving forward, they will match all other notification requirements of our entitlements, just like a change of zone, master plan amendment, special use permit, and so on. You will have to do a 200-foot notice to adjacent properties. We'll publish it in the newspaper, and we'll push it out to the notice list as well moving forward, if approved.

Third, I think just generally, we took the opportunity to go through the ordinance and do as much as we could to provide additional clarity and we will leave transparency to the ordinance. There's a bit of confusion around what is or is not in environs review, what is or is not a certificate of appropriateness, and so we added some definitions and provided some clarity in the process. We believe we'll have a better ordinance in front of you tonight.

Again, the Planning Commission last month unanimously approved the recommendation and the Landmarks Commission did the same thing. Happy to take any questions.

Mayor Alvey asked are there any questions from the Commission? There were none.

Mayor Alvey asked the Clerk, is there anyone from the public who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You will have three minutes to state your comments. **Mr. Deichler** said seeing none.

Mayor Alvey asked the Clerk if we received any notification from the public who would like to express comments in opposition. **Mr. Deichler** said we did not, Mayor. **Mayor Alvey** said I see no one in the lobby. **Mr. Deichler** said we do not, Mayor.

Mayor Alvey closed the public hearing. Again, any questions from the Commission? There were none.

Action: **ORDNANCE NO. O-159-21**, "An ordinance amending language in order to clear ambiguities, clarify procedures and processes, and to add definitions for historic landmarks and historic districts within Sections 27-80 - 27-169, Chapter 27, Article IV, Divisions 1 - 4 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

CERTIFICATE OF APPROPRIATENESS APPLICATION

Item No. 1 - 211205...CERTIFICATE OF APPROPRIATENESS APPLICATION CA2021-019 - DR. GREG MOSIER WITH KANSAS CITY, KANSAS COMMUNITY COLLEGE (KCKCC)

Synopsis: Certificate of appropriateness for demolition of the Seventh Street Methodist Episcopal Church South Historic Landmark for the construction of the downtown campus of the Kansas City, Kansas Community College (KCKCC), located at 1101 North 7th Street Trafficway, listed as a Kansas City, Kansas Landmark (8/8/1986), and within the Huron Place Historic District environs,

a Kansas City, Kansas Historic District (9/1/1983) and within the Huron Indian Cemetery (Wyandot National Burying Ground) Historic Landmark environs, listed in the Huron Place Historic District, a Kansas City, Kansas Historic Landmark District, Register of Historic Kansas Places (7/1/1977) and National Register of Historic Place (9/3/1971), submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Dr. Greg Mosier with the Kansas City, Kansas Community College (KCKCC), is requesting a certificate of appropriateness at 1101 North 7th Street Trafficway for Demolition. The applicant proposes the following Scope of Work:

A) Demolition

- 1) Demolition of the existing structure on the subject property, the Seventh Street Methodist Episcopal Church South, a Historic Landmark.

B) Incorporation of the Landmark's features and material into the proposal construction.

- 1) Foundation stones – some will serve as the foundation of a 12-14' based on which a pre-selected sculpture will be displayed, while others will be reused for interior purposes, which will be further explained by the applicant's presentation at the November 1, 2021 Landmarks Commission meeting;
- 2) Pews – due to design of the pews, only an estimated six (6) to eight (8) will be preserved and relocated to high-traffic areas of the first floor of the building for use by students and guests;
- 3) Stained glass – the stained-glass elements measuring 10' wide by 9' tall, as well as six (6) to seven (7) stained-glass pieces each measuring three feet and eight inches (3'8") wide by ten feet and six inches (10'6") tall, are to be displayed in the new community facility, other specific stained-glass elements will be salvaged and incorporated into the new building;
- 4) Timber beam – while the timber beam previously identified for recovery has been inspected and proven to be a recent addition for structural purposes and thus will not be salvaged, two (2) decorative trusses have been identified to be salvaged and placed within the boundaries of the art gallery, and;
- 5) Red bricks – the applicant's submitted plans identify red bricks from the original building as material to be incorporated into the new design. Further inspection by the historic preservationist hired by the applicant has resulted in the estimate that only 20%, or about 1,420 square feet, of the building's red brick façade can be salvaged.

The Landmark's Commission voted to approve 8 to 1 the Certificate of Appropriateness CA2021-019. Subject to:

- 1) The foundation stones ones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;
- 2) As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety

of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;

- 3) No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;
- 4) Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;
- 5) The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:
 - a. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;
 - b. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - c. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - d. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - e. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building;
- 6) The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
- 7) The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and

existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made.

Mayor Alvey asked staff to describe what a certification of appropriateness entails.

Case	
Historic Property Owned by Public Agency Determination	
Petitioner	Address
Dr. Greg Mosier, with Kansas City, Kansas Community College (KCKCC)	1101 North 7 th Street Trafficway, Kansas City, Kansas 66101
Synopsis	
<u>Sec. 27-148. Property owned by public agencies.</u> The unified government, or any subdivision thereof, or any other public agency which may own or acquire property in the city shall not undertake any project which will encroach upon, damage or destroy any real property designated as a historic landmark or as part of a historic district or the environs of such property until the landmarks commission has been given notice and an opportunity to review and comment upon the proposed project. If the landmarks commission determines that such proposed project will encroach upon, damage or destroy any real property designated as a historic landmark, or as part of a historic district or the environs of such property, such project shall not proceed until: 1. The unified government board of commissioners has made a determination, based on prudent consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such real property resulting from such use; and 2. Five-day notice of such determination has been given to the landmarks commission. Such review and determination shall be in addition to any similar review and determination that may be required by the Kansas Historic Preservation Act (K.S.A. 75-2713--75-2725).	
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Gunnar Hand, Director of Urban Planning and Design, said just a quick point of clarification. Before you tonight is not a certificate of appropriateness. That passed the Landmarks Commission at our November meeting. A certificate of appropriateness is what we call the permit, if you will, to do the work proposed on a historic structure or historic landmark on its exterior. Our ordinance only applies to the exterior appearance of historic structures and sites, not anything on the interior. If they become state- or federal-historic designated properties, then the interior of the property becomes a part of the review process for the State Historic Preservation Office. We do have a mish-mash of all of those things. Some of them are local, some of them are local and state. Some of them are local, state and federal. It's a bit of a mixed bag in terms of each one is unique in terms of what we have to do. Sometimes we have to send it to SHPO and sometimes we don't.

Again, a certificate of appropriateness specifically one for the church at 7th & State, the Seventh Street Methodist Episcopal Church, which is the site of the Kansas City, Kansas Community College Downtown Campus proposal, was, again, approved last November. The applicant has not appealed that decision to the Board of Commissioners.

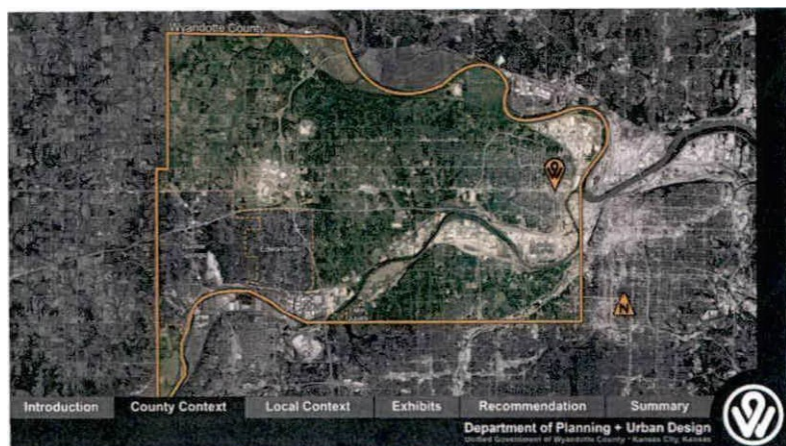
Instead, what we're considering tonight is another portion of the ordinance, and it's right down here on the screen for you, Section 27-148 Property Owned by Public Agencies. When this ordinance was originally written, we knew that we would have a situation just like this. So, this specific section of the ordinance requires the Board of Commissioners to make a determination that

we did everything we could, essentially, to save or augment or restore said historic structures. Again, it applies to all public agencies. It just so happens that this proposal includes two public agencies; us, who currently own it, and the community college, who is requesting it from the Land Bank, currently.

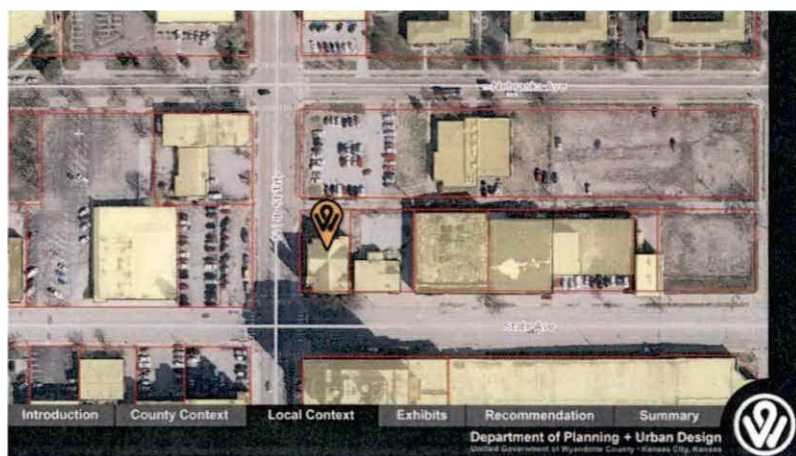
So, again, we're not here to hear anything about the certificate of appropriateness. That is technically a separate matter. Instead we're here to make a determination. So, tonight, I just wanted to go over quickly, we've had a lot of conversations about the value of the property and it's history architecturally, culturally as well. Then I'll kind of go over sort of some of the thoughts that staff has in terms of making that determination. So, again, if you read the code section in front of you, it's somewhat specific in particular for, again, minimizing the harm to such real property. In this case, the Landmarks Commission approved the certificate of appropriateness to demolish that structure.

Mayor Alvey said, Gunnar, again, if I look at the agenda item the purpose is demolition of the Seventh Street Methodist Church South Historic Landmark for the construction of the downtown campus of the Kansas City, Kansas Community College. What action will we be asking the Commission to take tonight? **Mr. Hand** said tonight, we're asking the Commission to make the determination that we did everything that we could to find an alternative to demolishing the structure.

Mayor Alvey said this comes under Item No. 1, Unified Government Board of Commissioners has made a determination based on prudent consideration of all relevant factors that there is no feasible and prudent alternative to the proposal, and that the program includes all possible planning to minimize harm to such real property resulting from such use. So, specifically, Item 1. **Mr. Hand** said, correct.



Mr. Hand said I think a lot of us know this church. It's right down the street from City Hall, but just to give us a little bit of background, I'll quickly run through that.

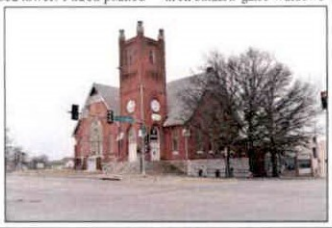


This is the site of it at 7th & State. The Community College also received five other certificates of appropriateness for the other properties that you can see adjacent to the church on State Avenue for their demolition. They were also granted certificates of appropriatenesses to do that as well.

From the State Historic Preservation Office's (SHPO) Kansas Historic Resources Inventory (KHRI) profile for the Seventh Street Methodist Episcopal Church, South Historic Landmark:

"The one-story building has a stone foundation, brick cladding, and an asphalt -shingled cross gable roof. Its primary elevation faces west. The three-bay front gable wing occupies the northwest corner of the building; a three -bay cross gable wing projects south of the front gable. A three -story bell tower ornamented with stone finials projects from the center bay of the side gable wing on the primary elevation. One -story brick pilasters with stone capitals define the edges of the front gable wing, side gable wing, and bell tower. Paired pointed -arch stained-glass windows and a circular window with six -pointed star fill the large pointed-arch opening in the center bay of the front gable wing. Small pointed -arch stained-glass windows fill the outer bays of the front and side -gable wings. Two doors with stained-glass transoms and pointed -arch and circular stained glass windows fill the pointed -arch entry in the first story of the bell tower. An infilled circular window with inset six-pointed star fills the second -story opening; a louvered vent in a pointed -arch opening pierces the third story." (2016)

<https://khri.kansasgis.org/index.cfm?in=209820-00012>

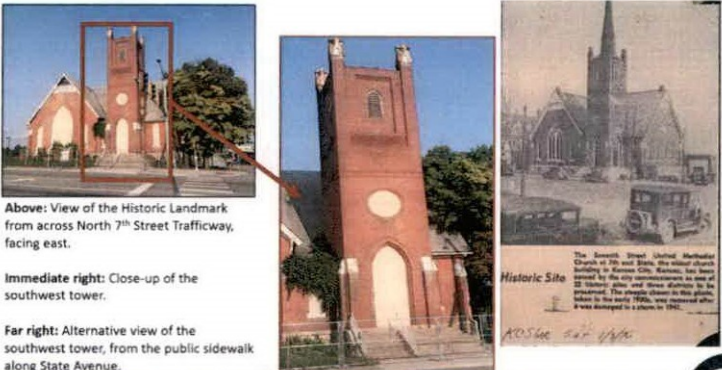


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Just a little bit of background about the church historically and what it is. Again, I think that this is one of the last pieces of high-Gothic architecture in Kansas City, Kansas. I think it might be one of the last ones in all of Kansas City, and Unified Government. It's one of the last few in the entire metropolitan region.

This congregation included members from Armstrong, as well as the Conley family. One of the congregation's last big efforts was the protection and ultimately the saving of the Huron Cemetery. You may all have heard some of the stories about Conley sisters sitting up there with shotguns, for instance; but over time, it's deteriorated.



Above: View of the Historic Landmark from across North 7th Street Trafficway, facing east.

Immediate right: Close-up of the southwest tower.

Far right: Alternative view of the southwest tower, from the public sidewalk along State Avenue.

Historic Site

The Seventh Street United Methodist Church at 10th and State, the oldest church building in Kansas City, Kansas, has been named by the city government as one of 25 historic sites and three districts to be preserved. The church shown in this photo, taken in the early 1940s, was damaged after a fire in 1941.

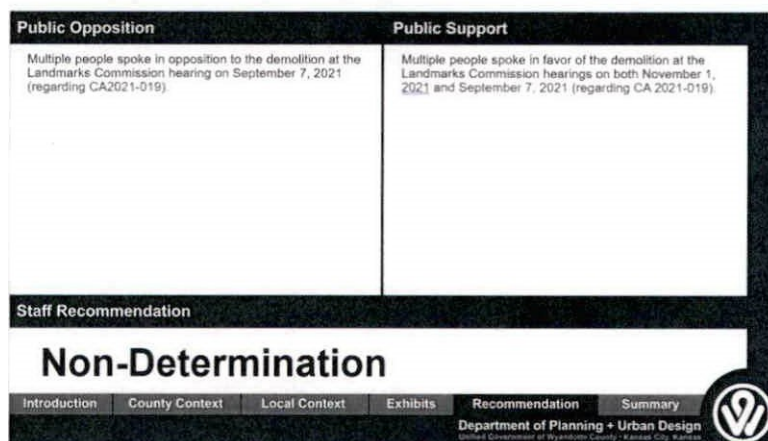
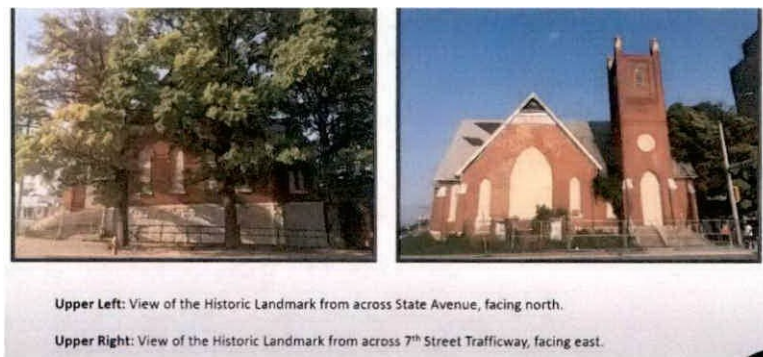
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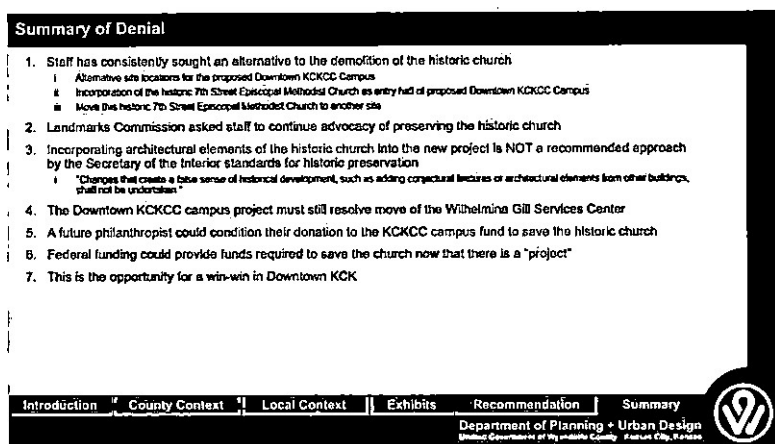
It's been through a couple of different hands since the last congregation. It's been owned by the Land Bank for the last couple of years. In 1941, there was a large storm that damaged the steeple in this historic picture and it has been removed. The removal of that steeple has caused a significant amount of water damage, specifically in that spire, if you've ever been into the structure.



It's in pretty bad shape.



With all of that aside and the background, again, we find ourselves asking the question, specifically to that ordinance section. I will note for the CFA, specifically, we did get a lot of community feedback both pro and against.



In terms of staffs' position on that determination, we do believe that we could have done more to preserve the structure.

We do believe that there still is an opportunity for what we would call a win-win situation here.

Early on, the Landmarks Commission asked staff to work with the community college to do really three primary things. First and foremost, to find an alternative site so we didn't have to potentially demolish the church knowing that was a large leap based on the efforts the community college had already gone through for a site selection. The second request was to figure out a way to incorporate the historic church into the design of the downtown campus. The third sort of tiered recommendation, if you will, was to move the church somewhere else and preserve it in that fashion if the community college wanted to move forward. Essentially, none of those came to fruition.

The CFA included some conditions of approval to include pieces, architectural historical pieces of the church into the new design. It's important to understand that that proposal in and of itself is against the Secretary of Interior Standards of Historic Preservation. Ultimately, staff believes that we still could find potentially a win-win solution.

There are issues of the site that still need to be resolved by the community college. There is still funding that needs to be obtained to reach the funding goals. To execute the project, we believe that we have a very philanthropic community. If we did more to communicate the value of the church, there could potentially be somebody out there. Again, that's pretty far off, but we do believe that that's a potential alternative.

Then, again, I think before you tonight, staff is asking the Commission to think about this as a win-win situation. There was a lot of conversation around the CFA about we've let it deteriorate for this long. Somebody could have come along with a project to fix it. This is the

project. This is our opportunity to save this church, in staff's opinion. I know that that's a little bit confusing. I know that this code section is a little obtuse. If anybody has any questions, I'd be happy to work through them the best I can. We do have Legal Counsel on as well who can assist me if needed.

Mayor Alvey said to be clear, the staff is recommending denial of the request of the certificate of appropriateness for demolition. **Mr. Hand** said that is incorrect. The certificate of appropriateness has been approved. We are not hearing a certificate of appropriateness. If the applicant wanted to appeal the decision, i.e., the approval to demolish the church to the Board of Commissioners, that would be the conversation tonight. But because this historic property is owned by a public agency, we are beholden to this section of code which basically asks the Commission to make the determination that we did everything we could to save the church. Staff does not believe we can make that determination.

Commissioner Ramirez said I think I'm not the only one here in this room that is about to ask this question. I think, Mr. Mayor, you're trying to get there, but I'm still confused. What exactly are we—if you're asking us to deny, because that's where I'm confused. **Mr. Hand** said it will, I mean, I think the motion technically would be a determination that we did do everything we could to find an alternative to save this church or that we did not. I think, again, I apologize for misleading with some of my slides here. It's not an approval or denial necessarily. It's simply the recognition that we did or did not do everything that we could to save this property.

Commissioner Ramirez said I think I'm just going to have to forget the word deny and just use the words determine or not determined is what I think I need to get into my head. This church and this project and everything has been very talked-about within the community. I will say, I support staffs saying, we have not done everything we could. I cannot—I don't have the faith in me to vote to say we have.

As I am working with ACA Melissa Sieben to save another historic monument in our community, I can't say that we haven't done, because unfortunately, we as a community, as a governing body, as a government, we don't do everything we can to save our historic monuments. It is part of our history. I'm very passionate about it because I lost one already.

If, staff and community members, if we can find a way to preserve it and save it and really say, we did everything we could, then let's do that. I'm a person that I cherish history. It was bred into me as I grew up. I learned where I came from, my family came from, and that's why any historic monument, any time I see the words demolish, it hurts me because then that's a piece of us that's being taken away. Yes, we have stories, yes, we have pictures, yes, we have video, but it's different when you can actually experience it. Especially, the church where in my district, I had family, friends, who got married in that church, who have memories, and who wanted to save it, but we did nothing to help with it.

I thank Melissa Sieben for working with the community for trying to save and continuing to work with them to save Sauer Castle. Thank you to the Planning staff for all your doing and for trying to find how to preserve this.

Commissioner Markley said I guess my question may go to Gunner, but maybe more to the Commission, what happens if we follow staff's recommendation because no one's come along in all this time to make or spent the effort to work on this building. We certainly do not have the budget or the capacity to work on this building. The sentiments are, I'm not saying the sentiments aren't there. I appreciate Commissioner Ramirez's passion, but at the same time, unless we have some resources we're willing to put towards this, what are we saying if we say we didn't do everything we could, we think we're going to do more. What is the more we think we're going to do because we do not have the budget or capacity to fix this building? If we had the budget or capacity, we probably wouldn't have let it get into as deep to begin with. I have concerns about saying we're going to take this on when we really don't have the ability to take this on.

Mr. Hand said if I may. I think there's three things: 1) it's still our property. It may have a CFA for demolition. It doesn't have a demolition permit and it's still a Land Bank property. It is still controlled by the Unified Government. 2) They haven't fully funded the whole project. I think that we could potentially, with our partners at community college, go out and actively, intentionally try to find a philanthropist who is going to potentially give them money and see if they would give us more money to save the church. Through their work, the community college determined it would cost maybe about \$5M to save the church. I don't know if that's a valid number or not, but \$75M instead of \$70M isn't a large leap when you're talking about a big old project like this. 3) There are billions of federal dollars coming down and a lot of that could be used for this project.

A lot of that is being proposed currently for potentially the community college. We could potentially get money from the federal government to fill that gap and potentially cause a redesign of the project.

Again, we are supportive. The Master Plan is supportive of the idea of this thing in downtown. We just really had hoped that we could save this church, and we do still feel strongly that this is our opportunity to do it.

Commissioner Markley said following up on Gunnar's comments. Gunnar, are you saying that the community college is interested in doing fundraising? Regardless of what we said, couldn't the community college, I mean they're not going to demolish it tomorrow. I guess I'm confused again about what our role is and why it has to be done right now, why something needs to be done right now. **Mr. Hand** said the community college wants to move forward as fast as possible with the project.

Commissioner Markley asked, they want to move forward with the project or they want to move forward with the demolition? I think a second ago, you made it sound like they were interested in potentially fundraising to do something different with this church as part of their project. **Mr. Hand** said I am not speaking for the community college at all. What I am saying specifically is that they are in the process of raising money. If we work in partnership with them, we could change the direction of that fundraising and ask specifically if there's anybody out there who would be willing to save the church. It's a possibility is simply all I'm saying. But the conditions apply to the certificate of appropriateness, which was approved to demolish the church included that they have to go through essentially meet their fundraising goals first, then go through the entitlement process second before they can receive the demo permit. It's not outside of anything we would ask of any other project.

Commissioner Bynum said my question is about the process here in front of us. We are on a Planning and Zoning Non-Consent Agenda item. Normally in our meetings for Planning and Zoning items, we hear from staff, then we hear from the applicant, and then we hear from the commissioners. I have a process question as to why we're not doing that right now.

Mayor Alvey said I don't think that we consider the community college as the applicant here. I think this is coming from staff, is that correct, Gunnar? **Mr. Hand** said I defer to Legal Counsel.

I mean, technically yes, this is our agenda item.

Mayor Alvey said there will be an opportunity, obviously, for us to hear from the public. **Misty Brown, Chief Counsel**, said so my understanding of this process that we're in today, is the Landmarks Commission had made this determination that everything that was feasible and prudent had been done to save this building, to proceed with the demolition. In this one, it does seem confusing with the process that you would hear from the community college, but it's the Commission's determination to decide tonight, did we do everything that was feasible and prudent to save the building and we proceed with the demolition; or in the alternative, we have not done everything that was feasible and prudent to not demolish the building. Therefore, we want them to go back and either save the building or take these other steps before we make the determination and we wish to save the building. That is something, by ordinance, the Commission has to decide.

Mayor Alvey said just to be clear this is not an application brought forward by the community college. **Ms. Brown** said that's correct.

Mayor Alvey said I'm going to open this up to public comment. Commissioner Ramirez, if you would wait until we go to—unless you have questions of Mr. Hand, I would prefer rather than comments, only questions.

Commissioner Ramirez said I believe you said we would continue with the public hearing first and then—**Mayor Alvey** said yes, unless you have questions of Mr. Hand.

Commissioner Ramirez said I do, but let's hear from the public, and then we can get back to the discussion.

Commissioner Johnson said, I agree. I have questions, but I'll wait for the public as well.

Mayor Alvey opened the public hearing and asked the Clerk if we received any notification from the public who wish to express their comments in favor of this item, which is, again, denial. Gunnar, correct me. Give me the right language here. **Mr. Hand** said it's a determination on whether we did everything or we didn't do everything. Again, as Legal Counsel noted, that if the determination is that we did not do enough, we could have conversation about what we could do.

Mayor Alvey said staff has said we have not done everything we could do. **Mr. Hand** said, correct.

Mayor Alvey said anyone who would like to speak in support of that opinion from staff?

Brett Deichler, UG Clerk, said, Mayor, if I may. Our office did receive a response or a request to read in favor for this from Ms. Rosalyn Brown. I think this is where that goes in favor if you would like me to read that now? **Mayor Alvey** said yes. **Mr. Deichler** said I'll read the way it is exactly written. It says: I would like to support the Kansas City, Kansas Community College Education Center proposed for the downtown Kansas City, Kansas area. I believe this is what our community needs to bridge the education divide in our community. There have been a lot of promises made to make a difference in our community, to this date, only parts of our community have benefited. The opportunity to make a difference in people's lives is what the Kansas City, Kansas Community College is proposing. Giving people the tools to provide for themselves and their family is a benefit to the entire community. As Lao Tsu said that if you give a hungry man a fish, you feed him for a day, but if you teach him to fish, you feed him for a lifetime. Please support this opportunity to make a difference in the entire community.

Mayor Alvey said let's be clear. We're asking first of all, those in support of a determination that we have not done enough. So actually the comments from Ms. Brown would be an opposition so there'll be opportunity for that. Let's just add these to the comments in opposition to staff's statement we have not done.

Is there anyone present who would like to speak in favor of staff's determination that we have not done enough? Anyone with their hands up? **Mr. Deichler** said we don't see any, Mayor.

Mayor Alvey asked the Clerk if we received any notification from the public who wish to express their comments in opposition to the findings from staff that we have not done enough. I think this is when Dr. Mosier would weigh-in.

Dr. Greg Mosier, KCKCC President, said first, I have to express a lot of confusion on what is going on tonight. If you read the agenda item, it's for the certificate of appropriateness of

application for this project for the demolition of the church on 7th Street and State Avenue. What I'm hearing tonight is not anything that has been discussed prior and it's not in the agenda.

We were informed that this is an application that would go to the full Commission to support the Landmarks Commission to allow the college to carefully deconstruct the church and spend a significant amount of money, about \$500K, to very carefully and purposefully integrate elements of the church into the new facility. It will be about \$5.5M to restore the church.

I believe earlier Director Hand said that we had done, that the staff had done everything to look at options to save the church in it's current form and now I'm hearing the opposite. To clarify the college's position on this, the college has no intent and we will not go further to seek funding from other sources to restore, or actually it has to be rebuilt, it's in such bad shape, to rebuild that church in it's current form. It is not the mission of the community college to do this. Our mission is to provide education and training to better improve the employee-ability and the socio-economic status of our community, so we have no desire and no intent to do that. That has been clearly communicated.

The project, as we talked about, is an economic development package. It's not just the community college, it is in combination with the YMCA, Wyandotte Behavioral Health, Slope Healthcare, and Community America Credit Union to offer a holistic solution to help solve some of the socio-economic disparities that have occurred in downtown KCK and northeast Kansas City, Kansas, for over 30 years.

The church has been boarded up for more than 25 years. The Unified Government has not owned this church for several years. It just took possession of the church in one of the most recent land sells.

So, we are here to provide opportunities for economic development, for social mobility for downtown Kansas City, Kansas. The conversation that is taking place tonight is not in alignment with what is on the agenda or what we have been informed.

Our motion, our request is that this certificate of appropriateness that the Commission moves it forward, that everything has been done and we have done that, and the Landmarks Commission has agreed to that, and that's why they approved it 8 to 1. Thank you very much. I appreciate everyone's time tonight.

Mayor Alvey asked, Ms. Brown, would you clarify where we are legally? **Ms. Brown** said I do want to clarify that Dr. Mosier is correct. What's on the agenda tonight is that the Landmarks Commission recommended approval of issuing the certificate of appropriateness to proceed. So, it is staff's recommendation that is contrary to Landmarks, but that recommendation that's on the agenda was for approval.

Mayor Alvey said so we are voting to approve the Landmark's recommendation, correct? **Ms. Brown** said a resolution could go either way; but when we were talking about pro's and con's JL what's on the agenda was for approval. When you're asking for those who are in favor, it would be in favor of going ahead and recommending the certificate of appropriateness. The Commission could choose not to do that and make a different motion, if they like.

Mr. Hand said if I may, Mayor. A decision by the Landmarks Commission only goes to the Board of Commissioners if it is appealed to the Landmarks Commission. The certificate of appropriateness is itself, and I apologize for the confusion on the agenda. That's my fault.

Mayor Alvey said so, again, I want to be clear because I'm now—do we have anybody else who would like to speak in opposition? **Mr. Deichler** said yes, we were just verifying. We have Mr. Kindle.

Greg Kindle, President of the Wyandotte Economic Development Council, 727 Minnesota, Kansas City, KS, and a Resident of KCK, said we believe all has been done to preserve the Seventh Street Methodist Church. It is time to move forward. In a perfect world, the former church would not have been largely left abandoned and left to decay. This site has not had maintenance in decades. A small tree grows out of the bell tower; its steeple long removed. Today the site is locked and falling farther and farther into disrepair. It is a safety and fire hazard to the downtown, not just to itself, but to the downtown itself I wish there was a perfect resolution where there was a user and the money needed to restore this church to the former glory or to relocate them to a different location, but that hasn't happened. And I don't believe the UG has the resources to do it either.

The last potential user we had that went to that church some years back, explored it for use as a brewery, but the costs were way too far then even to consider renovations, and there were parking concerns. It is time to move forward. What is left today is barely a shell of a building.

Our community college who wants to build a \$70M downtown campus on this site that will preserve key elements of the church and its history for thousands of students, patrons, and guests. It is an investment in our community for our residents.

We support KCK Community College's vision of incorporating the past in this new facility to continue investing in our downtown, generate pride in our community, bring people from diverse backgrounds into the downtown to learn and engage in a community's future, and support the larger socio-economic growth of the area.

I thank you for consideration and ask that we move forward with the demolition of this facility.

Again I would concur with Dr. Mosier. This was a very confusing process and seems a bit unusual the way in which this has come forward based on what was on the agenda. **Mr. Deichler** said you have one minute. **Mr. Kindle** continued this has been a disappointing process to be honest. I would just note it doesn't seem quite fair, frankly, to the community college that the UG Staff is working against the project, but then has to live with all of the staff recommendations. I would request that there would be some review of this however it moves forward. I feel like the community college has done everything in their way that they could to follow the process and do the right thing, but they keep getting stymied and this is, once again, one of the situations where it seems very confusing. Thank you and I appreciate your time.

Randy Colstrom, President and CEO of Wyandotte Behavioral Health Network, 757 Armstrong, said we are one of the partners in this project along with the community college, the YMCA, Swope Health, and Community America. The vision that Dr. Mosier has laid out for a comprehensive, education, health and wellness campus in downtown KCK is, in my view, critical to the future of the community.

As a mental health professional, over the last 30 years serving Wyandotte County, we have worked with individuals, adults, children, and families who have struggled with generational poverty, with trauma, or with mental illness and substance abuse. The common thread in that is the loss of hope. Not to sound overly dramatic, but hope is essential for anyone's future and it's

essential for a community's future as well. That's what I think this downtown campus can bring. It's hope for the community and the individuals and the families who live there.

I would simply ask, in terms of the denial that is being proposed tonight, to consider are there viable options? Are there viable alternatives to what could be done in a cost-effective, cost-efficient way and in a timely way as well? I strongly urge you to vote not in support of the proposed denial.

Mayor Alvey asked, Mr. Deichler, is there anyone else? **Mr. Deichler** said we don't see anyone at this time, Mayor.

Mayor Alvey asked, is there anyone in the lobby who would like to speak? **Mr. Deichler** said seeing none as well.

Mayor Alvey said I'll now close the public hearing. We'll now return to Commission questions and comments.

Commissioner Ramirez said the phrase we've been hearing a lot, to clarify. Misty, when this goes to a vote, what does a yes mean? What does a no mean? **Ms. Brown** said Commissioner, that is going to depend on how the motion is structured, on whether you're going to vote on it. If it would be helpful, Dan Kuhn is the UG Attorney who's been advising on the Landmarks. He is here. I think it would be helpful if everyone could hear from Dan, to hear about the standard that we need to consider when we're making these votes.

Dan Kuhn, Assistant Counsel, said, Commissioners, the Ordinance UG Code 27148 requires that you make a determination based on prudent consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal, that would be the certificate of appropriateness, and that the program includes all possible plans to minimize harm of such real property resulting from such use.

If you vote yes tonight, then you would be, again, depending on the motion, but you would in essence be saying that there is no feasible alternative to the proposal, and that the program includes all possible plans to minimize harm.

If you decide to vote no, then you would be finding that there is not a feasible and prudent alternative to the proposal, and that the program does not include all possible plans to minimize harm. If that is the case, then as Legal Counsel, we would also recommend that you propose alternatives and actions that might minimize harm so that the Landmarks Commission might consider those if a certificate of appropriateness is filed subsequent to the vote.

I hope that clarified things. If I confused anybody, I apologize, and I am more than willing to answer further questions.

Commissioner Johnson said I appreciate the great amount of concern, Gunnar, regarding this request. I believe that it is right for us to have guns, so I am, like my colleague, Commissioner Ramirez, I am a great fan of historical monuments. My church is really just a storefront church. It's a large storefront church, but it's a storefront church, nonetheless. I've also been a fan of historical facilities.

I'm so glad that we, what the PAL Program, the Police Department has done with the facility right off of 5th Street. I think that's a great repurposing of that building.

I'm aware that this facility was originally a Methodist church, but for decades, it was the Ebenezer Church of God in Christ, which I am very familiar with. I personally knew, as a child, all of the pastors. The founding pastor, Pastor Prattis Henry; the next pastor, Pastor George Coggs; and then finally Pastor George Kemper, before he got moved on the sight. It's very near and dear to my heart; however, I have to say that this site has become detrimental to public safety. It's already been stated. It is literally deteriorating within itself. It is landlocked. There is no parking for this site, never has been. So, when we talk about renovating this facility, it's always a cry that comes from the public about how it could have been renovated or should be renovated, but there's never any money that comes forward.

I'm thinking right now about the Quindaro Ruins and every—there's great concern about Quindaro Ruins, but nobody, whether it be public or private, has come forward with any money, including the Unified Government, to restore the Quindaro Ruins to its glory, which I think would be a fabulous site for tourism throughout the nation.

We look at this site here as Ebenezer and the fact that it has sat dormant, and I think if anybody has a desire to renovate it, that should have come by now.

The question that I have is who determines whether or not we have done everything that

needs to be done to save the property? Over what period of time do we need to ascertain that? Because, to me, it seems to be a subjective determination. Have we had any requests from anyone or any other group to renovate this property? I've already talked about the fact that it's going to cost \$5M, at least.

And then, do we require a confirmation of the financial capacity of all applicants that desire to deconstruct structures that are not using a capital campaign to fund the project? So, if they want to do this with just private dollars, out of their own pockets, do we try to find out whether they have the financial capacity before we allow them to move forward?

I gotta tell you, I rarely disagree with staff recommendations, but I think right now I believe the requirements that we are having before us tonight are confusing. I'll look to Legal Counsel to word this just right, but I'm going to say this, I want the project to move forward. I want to be very clear about that, I want the project to move forward. It's passed the Landmarks Commission. I'm satisfied with what they have said. It's time for us to move forward and not be so—I don't want to insult anyone, but I believe we're being heavy-handed trying to derail or slowdown this process. I want to move this process forward.

Commissioner Bynum said I have a question for Mr. Hand and then a comment. Mr. Hand, I heard you say a decision from the Landmarks Commission only comes to the full Commission if, and then I didn't hear the rest of what you said. So, I don't know what you said the condition are. **Mr. Hand** said these only come before the Board of Commissioners if they're appealed to the Board of Commissioners.

Commissioner Bynum asked and so this one is in front of us, why? **Mr. Hand** said this one is in front of us because there is a code, there is a section in our Historic Preservation Code specific to properties owned by public agencies which hold us to a higher bar for the historic preservation, more so than any private entity to maintain this civic infrastructure, if you will.

Commissioner Bynum said I'm going to express my extreme frustration with how confusing this is for me. My frustration level is high in addition because I have watched as staff and the Landmarks Commission both, required of the community college, who I'm going to call the applicant, is that a fair thing to call the community college? **Mr. Hand** said sure.

Commissioner Bynum asked, even though we own the building? **Mr. Hand** said correct.

Commissioner Bynum said what we have repeatedly asked of the college, through this process, caused them hours upon hours upon hours of time, research and I don't know how much money and it produced reams of reports and findings, if I'm not mistaken. Dr. Mosier and his team did every single thing that we said, go back and do this, now go back and do this, and they did, and they don't own the building yet.

I don't even think I can adequately express my frustration level with this, with what we're doing tonight, with how confusing it is. With how radically different it sounds tonight than it does in our agenda packet. I have to reiterate that. I'm so irritated that I'm sitting here keeping myself from some of the things that I want to say, and I'm not doing a very good job of it. I'm beside myself with my frustration level of what we are faced with and it's embarrassing. I'm sorry, I apologize.

I think one of the reasons why this process is difficult and has been difficult all along is because I do think that one of the arenas where Unified Government may be could use more talent is in the historic preservation arena. I don't say that to be critical of staffers. Our staff is extremely talented, but I think we would all admit that we don't have historic preservation expertise among us. If we do, and I don't know it, I apologize; but I think perhaps that may be this process might have been different.

I am going to stop talking, but I'm going to support Commissioner Johnson's statement that the beginning efforts of the community college's desire to go out and privately raise \$70M to build a downtown campus to make our community better began pre-COVID which means it's more than two years ago. It's possibly closer to three years ago, if I remember correctly. It just adds to my frustration level about the conversation that we're having tonight.

Mr. Hand said I do apologize for all the confusion on the agenda. This is the first time that this Commission and this department have ever exercised this part of our code. Ms. Parker, in our staff, has never recalled a time we've used that. That doesn't mean necessarily we shouldn't have, but it is the first time, so this is new for all of us. I appreciate everybody's patience as we walk through this.

Staff believes that we have been defending the ordinance throughout the entire process. On this agenda item, specifically, it is here for two reasons; to have this conversation, which I appreciate everyone at the Board of Commissioners and everybody here today; having this

conversation about this project, whichever way we go at the end of the day is half of it, and then again, it gives us the opportunity to potentially do something about it if we so choose. The determination is your decision, obviously.

Commissioner Townsend said I just, again, wanted to echo what's been said several times tonight. What we are being asked to vote up or down on is not in the homework packet, the way it appears. I, too, am concerned about the fact that this building has been in a state of disrepair for some years, and now to suggest that something might be done to restore it through the community college, who clearly has another goal for this building.

The other thing that is a bit confusing, or not clear from the homework material, the package material, is that what staff is recommending I don't necessarily see supported here; however, what I do see in the packet material/homework material is some evidence that there will be preservation of parts of the church if the college's project moves forward as it desires to do. So, either we vote on something tonight or if we feel we don't have enough information to do so, but I'm going to propose a motion that gets to what I think Mr. Hand is asking this body to do. So, I'm proposing that this body make a motion that the Unified Government has done all it can do to save the church, and that there is no feasible alternative to the proposal to demolish the subject church.

Action: Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve Certificate of Appropriateness CA2021-019.

Mayor Alvey said I would just want to comment that I think what, I want to speak on behalf of staff, but I think what staff is trying to say is to do their due diligence, to make sure they have exhausted all possibilities for the preservation of this church, they obviously did not come to the conclusion that they could say without a doubt that all avenues had been explored or everything had been done. Again, back to Commissioner Johnson's point, it seemed subjective to really look at this and to say and if, as Mr. Hand says there is lots of federal funding out there, well that's good, but again that's a bird in the hand is worth two in the bush, right? I think what I'm hearing from the Commission, is that well, given the history of this property and given the many decades that it has sat unoccupied and uncared for, we really, in fact, have reached a point where practically speaking there is no money on the horizon, it's not in the capacity of the work as part of the plan

for the community college to go out and seek that funding; certainly I would say, from the Unified Government, we do not have the funding for this. We would have saved Sauer Castle a long time ago, I think, if that were the case. It is unfortunately a loss of another historic structure. To Commissioner Bynum's point that we would have more expertise and more intentionality on the part of our Unified Government and our private entities to really seek out those historic structures that are in danger of being lost and to be proactive now so that we don't reach this point where it is impractical to take anything else.

Commissioner Philbrook said I want to thank Commissioner Townsend because I've already written this up. I was ready to rock and roll. But thank you, Commissioner Townsend, for letting me second you.

Commissioner Ramirez said I will say, I'm going to be the lone no vote tonight. I believe in economic development. I believe in the mission of what KCKCC is trying to do, but in good faith, I cannot vote for this. We're doing economic development in spite of our history. Just like I said, it's bred in me about history. I cannot vote for this. Dr. Mosier, it's nothing about you or what the community college is trying to do. I completely support it. Education is the bedrock of any community; but, again, I cannot support when it does in spite of our history.

Mayor Alvey said all right, we have a motion. Let's be clear what that motion is. Misty, can you clarify for us what our motion is? **Ms. Brown** said Commissioner Townsend has moved to approve the recommendation of the community college and as part of her motion stated that she believes they have done everything that was prudent and reasonable and there's no other prudent or reasonable solution other than to go forward with the project. Commissioner Townsend, did I miss something?

Commissioner Townsend said well, I think the language I wanted to use, and this is what I took from Mr. Hand that this body has to, the Board of Commissioners, that's to say, the Unified Government, that we're making the determination. This body's making the determination that the Unified Government has done all it can do to save the church and there is no feasible alternative to the proposal to the demolish the subject church. **Ms. Brown** said okay, very good.

Commissioner Bynum said I need clarification. My aye vote means what? **Ms. Brown** said it means your aye vote is in favor of the recommendation of the Landmarks Commission allowing the project to proceed.

Commissioner Bynum said the project, meaning demolition of this building. **Ms. Brown** said, yes.

Roll call was taken and there were eight "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson; and one "No," Ramirez.

Mayor Alvey said that concludes the Planning portion of our meeting. We'll now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote. I would like to set-aside Item No. 3 for a very brief presentation.

Mayor Alvey asked, any other requests to set-aside?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all other items on the Consent Agenda, as presented.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 1 - 211160...RESOLUTION: EMERGENCY COMMUNICATIONS SERVICES

Synopsis: A resolution authorizing the Cooperative Agreement between Bonner Springs, Edwardsville, and Unified Government establishing the Unified Government communications center as the public safety answering point and creating an advisory committee in accordance with the agreement, submitted by Casey Meyer, Senior Counsel. On November 15, 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-87-21**, "A resolution authorizing the approval of an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, City of Edwardsville, and City of Bonner Springs regarding the provision of emergency dispatching and communications services." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211162...RESOLUTION: ARMOURDALE INDUSTRIAL DISTRICT PUMP STATION

Synopsis: A resolution declaring that the Armourdale Industrial District Pump Station (CMIP 6309) Project is a necessary and valid improvement project and authorizing a survey of land for the project, submitted by James Bain, Assistant Counsel. On November 15, 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-88-21**, "A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Armourdale Industrial District Pump Station (CMIP 6309) all in Wyandotte County, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211147...RESOLUTION: PARTNERSHIP AND GRANT AGREEMENT FOR BANK ON PROGRAM

Synopsis: An agreement between the UG and Credit & Homeownership Empowerment Services, Inc. (CHES) to support the Bank On Program, which promotes financial stability through access

to banking accounts, submitted by Patrick Waters, Deputy Chief Counsel. On November 15, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full Commission.

Mayor Alvey said I set this aside, simply because I think it is important for there to be a public record and presentation about the significant advantages/benefits that this will provide to many in our community for financial empowerment. I recognize Justin Walker from Credit and Homeownership Empowerment Services to make a presentation. And, Mr. Walker, I ask you to be brief, but complete.

Justin Walker, Credit and Homeownership Empowerment Services, said I appreciate all of the time this evening. I appreciate the fact too that there was a very lengthy discussion before this, so I will do my best to be as brief as possible.

As you mentioned, I'm here in support of the agreement between CHES, which is my organization and the Unified Government to support the Bank On initiative. Bank On is a national initiative by cities for financial empowerment that aims to help individuals who are unbanked and under-banked get connected to safe, affordable bank accounts and out of predatory lending institutions—across the entire metro, and we're speaking about the entire KC metroplex here, all 12 counties on both sides of the state line. We know that there are about 15% of the individuals living in our community that are either unbanked or under-banked.

The purpose of this coalition really is to work in concert with other community-based organizations, nonprofits, practitioners who are working with individuals who are in need of safe, affordable bank accounts as well as our local municipalities to promote policies that go forward and really set a path for financial success in our communities. That can range from anything for seniors living on a fixed income to high schoolers who are graduating and starting their careers. We know that there is a need, again, for safe, affordable bank accounts across the spectrum and in all sectors of our communities.

Bank On certified products are available in about half of the bank branches across the country right now. Our work here in the Kansas City metro is to really bring along not only more of those accounts to be available to consumers, but more consumers to take advantage of them. We have been very fortunate to have great partners in the UG as evidenced by this MOU that is

before the Commission this evening. I'm happy to any additional questions that you may have.

Mayor Alvey said again, I think this is something I really wanted to highlight for our community that we really do want to provide these kinds of services, these opportunities for so many of those who are unbanked or underbanked a very safe, secured way for them to benefit a financial system and to grow their wealth and protect their wealth.

Action: **RESOLUTION NO. R-89-21**, "A resolution approving the partnership and grant agreement between the Unified Government and Credit & Homeownership Empowerment Services, Inc." **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211180...RESOLUTION: AGREEMENT TO ASSIGN UG OPIOID CLAIMS TO KANSAS ATTORNEY GENERAL

Synopsis: A resolution approving the execution of the agreement to release and assign the Unified Government's Opioid litigation claims to the Kansas Attorney General, submitted by James Bain, Legal Counsel. On November 15, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full Commission.

Action: **RESOLUTION NO. R-90-21**, "A resolution approving the execution and delivery of an agreement to release and assign the Unified Government's opioid claims to the Kansas Attorney General." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211169...NOMINATION: BOARDS OF COMMISSIONS

Synopsis: Nomination for Boards & Commissions: Chandra Ward for the Kansas City, Kansas

Housing Authority, 12/2/2021-12/11/2023, submitted by Commissioner Markley.

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

Item No. 6...MNUTES

Synopsis: Minutes from Regular Session of October 14, 2021; and special session of October 28, 2021.

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

Item No. 7...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 18, 2021.

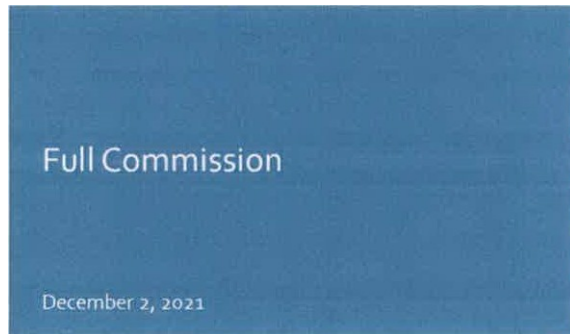
Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PUBLIC HEARING AGENDA

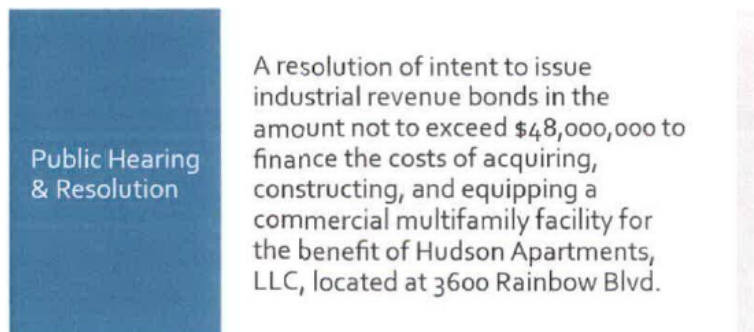
Item No. 1 - 211192...PUBLIC HEARING/RESOLUTION: HUDSON APARTMENTS, LLC IRBS

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds not to exceed \$48,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Hudson Apartments, LLC, located at 3600 Rainbow Blvd., submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on November 29, 2021. It was requested, and

approved by the Mayor, to fast track this item to the December 2, 2021 full Commission meeting for a public hearing.



Katherine Carttar, Director of Economic Development, said we have a brief presentation tonight before the public hearing.



This is a resolution of intent to issue industrial revenue bonds not to exceed \$48M for the Hudson Apartment Project at 3600 Rainbow Boulevard. Before I go into the financial portion of this, I'm going to ask Michael Berenbom from Lane4 to give you a brief overview of the project.



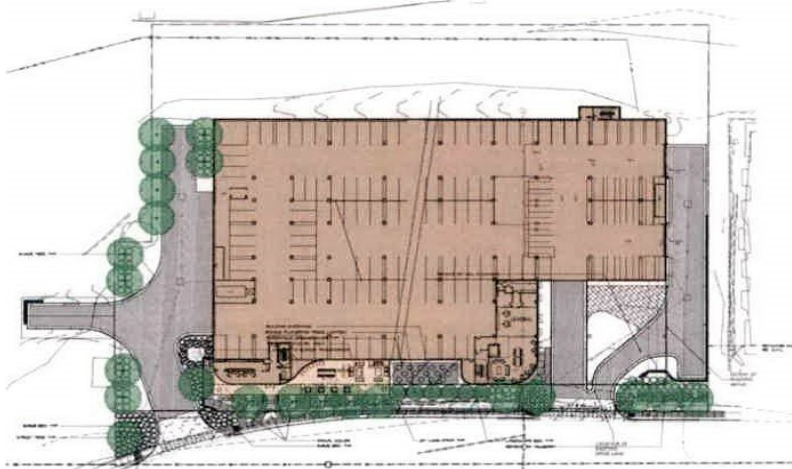
Michael Berenbom, Managing Partner, Lane4, said thank you for the opportunity to be here tonight. On behalf of our partnership, which includes Lane4 Property Group, Hunt Midwest, and the KU Endowment, we're excited about the proposed project at the corner of 36th and Rainbow Boulevard.



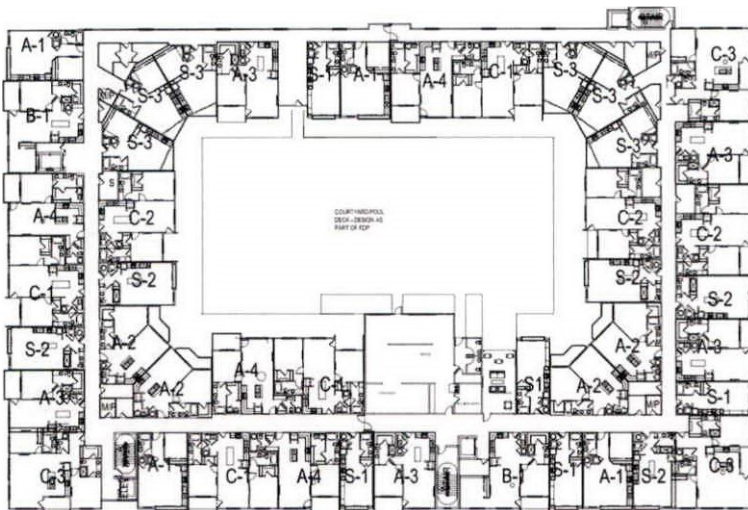
The site, as highlighted on the screen there, is currently approximately 36 multifamily units and we're proposing to....



demolish the existing improvements and construct—there's a quick look at the current improvements...



and construct a new 228-unit multi-family project. It will include two stories of structured parking. The project will be completely sufficient in terms of handling its own parking needs on site. Above that parking podium, five stories, which will include 228 units of studio, one bedroom and two-bedroom apartments.



There's a floor plan that shows the unit layout. You can see in the center a courtyard, which will be the highlight of many amenities that are included in the project including a swimming pool,...



a fitness center, a coworking space, a rooftop concierge space. Here is some views of the architecture. I am not an architect, so I will not attempt to articulate all the features. I'll let the beautiful renderings speak for themselves.

Project Description

- * Estimated Budget: \$48 million
- * 228 units

Amenity List

- * Pool
- * Fitness Center
- * Yoga Room
- * Business Center/Student Library
- * Club Room with top floor balcony
- * Dog Wash
- * Bike Shop
- * Cabanas
- * Grilling Area



The lead designer on the project is Nicole Prairie with Studio A and she's being supported by BRR Architecture as well. Here's a quick rundown of some of those amenities that I just mentioned. We are very excited to bring this project. Lane4 has had great experience in the Rosedale corridor, most notably with the 39 Rainbow Project just up the street from here. Our partners Hunt Midwest have extensive experience in the residential and really across all asset class of development. Their company is owned by the Hunt family, the owner of our Kansas City Chiefs. Brenner Holland, the head of their residential division, Hunt Midwest Residential Division, is here with us tonight if there are any questions for him as well.



We can flip through a few more renderings. I'm doing my best to be brief. I hope I'm not going too quickly. That is the fifth-floor club level room which features amenities for residents that would like to host and socialize. There's an indoor space right on the left side of that glass. Interestingly enough, our architects actually flew a drone up to the height of where this fifth floor will be. Everybody here is familiar with the topography and Rainbow Boulevard. It really allows for some dramatic views. You're looking at Kansas City, Missouri, there, of course. I'd love to see the rendering around the corner heading back towards downtown KCK. It'll be a cool space up there at the top of the project.



Industrial Revenue Bond Financing

- 30 year, 100% PILOT based on a projected per unit value of \$66,000 (an average of \$1,012 annual PILOT per door)
- Starts at \$210,672 annual PILOT with a 2% annual escalator
- UG will collect a total of \$2.3 million in PILOT over 30 years
- LBE/MBE/WBE goals are in place with a 4% escalator as an annual penalty
- Additional tax payments (8 mills) for the statutorily required school district's capital outlay levy will be collected separately

Annual Benefits

- *Before:* Property currently pays \$67,575 in property taxes annually
- *During:* Property will pay an average of \$230,680 in PILOTs annually
- *After:* Property will pay over \$2 million in property taxes annually
- Additional sales tax generation for area retail

Timeline

- Construction Start – Fall 2022
- Construction Completion – Fall 2024
- Total Construction Duration – 24 Months
- Rental Stabilization – Spring 2025

Because this is an urban redevelopment and we are using structured parking to maximize the density and propose a project that we believe is consistent with the Rosedale Master Plan, there are some extraordinary costs involved with the development of the project. We've worked with Katherine Carttar and staff to propose industrial revenue bonds as outlined here, and as I believe Ms. Carttar can articulate further.

Ms. Carttar said as Michael mentioned, this is a \$48M project. We are particularly excited and supportive of the fact that this is very much in line with the Rosedale Master Plan and more specific, the University Town District Plan. There, it was really all about increasing the density along Rainbow Boulevard and then having that kind of stair-step down as you get into the neighborhood. To have a 44-unit apartment complex right now that is currently paying \$47K in property tax annually, which is not that much, so to have that be demolished and have something of this quality that we really do not have anything similar certainly in the Rosedale area, particularly the fact that we have, of course KU Health Systems directly across the street, there's 10,000 employees there that we would like them to live in KCK and give them a wealth of options to do so.

So, what we are proposing is industrial revenue bond financing. This is very similar to what we've seen—what you all have approved in the past with a number of different multifamily projects. What we're looking at would be a fixed PILOT, again, this is a payment in lieu of taxes. This is nothing to do with the PILOT that you see on your BPU bill. This is purely a payment that goes to, that gets paid annually as a way to pay back what we're abating through this financing mechanism. So, we're looking at a projected value of \$66K per and doing an average of \$1,012 annual PILOT per door. That starts with that first year at just over \$200K per year, and there's a 2% escalator. So over the course of ten years, the Unified Government and other taxing jurisdictions will collect a total of \$2.3M in PILOT payments.

As with all of our projects that receive any kind of incentive from the Unified Government, there are LMW goals that are in place with this and a penalty if those are not met. We have every assurance that they will be met. I would like to mention that well before this project had even put in their application for the industrial revenue bonds or, I think, even to Planning, they had already met with Procurement and wanted to understand how those goals are put in place and what they can do to ensure that they are successful. So, we're really happy with their due diligence there.

Additionally, the eight mills that are statutorily required, that will be paid separately and collected separately. Just when we're looking at kind of that snapshot of that annual benefit, as I mentioned before, the current property pays about \$47K in property taxes annually. During this ten years of incentive time, they'll be paying an average of \$230K in payments annually. That's quite a big increase and then, of course, at the end of ten years when they'll be appraised, we don't know what that number will be, but my guess is it would be about \$1M.

Additionally, this is 228 units and all the additional residents that it will entail for that area, we anticipate quite a lot of additional sales tax generation for the area's retail, particularly at 39th and Rainbow. The timeline there, you can see, they are hoping to start construction this Fall and about a two-year construction timeline.

PILOT SCHEDULE				
Year ⁽¹⁾	Annual PILOT ⁽²⁾	PILOT per Door ⁽²⁾	Annual PILOT	
			ILM/WRE Failure ⁽³⁾	PILOT per Door ⁽²⁾
1	\$210,672	\$924	\$210,672	\$924
2	214,883	942	210,099	961
3	219,183	961	227,853	979
4	223,567	981	236,977	1,039
5	228,038	1,000	246,456	1,081
6	232,599	1,020	256,315	1,124
7	237,251	1,041	266,587	1,169
8	241,996	1,061	277,230	1,216
9	246,836	1,083	288,319	1,265
10	251,773	1,104	299,852	1,315

Business Category	Participation Percentage Goal	
	Percentage of Total Construction Cost for the Project	
ILBE	12%	
WRE	6%	
WRE	4%	

⁽¹⁾ Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

⁽²⁾ Does not include school district capital levy levy.

Just for a quick snapshot of what that PILOT payment looks like, this is the PILOT schedule that would be locked in as well as those LMW goals there at the bottom. If you have any questions, we're here, I can answer them as well as Michael, from Lane4, and other folks from the other partners. Thanks so much.

Mayor Alvey said I will now open the public hearing and ask the Clerk if we received any notification from the public who would like to express comments in favor of this? **Brett Deichler, Unified Government Clerk**, said we did not Mayor.

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

Mayor Alvey said have we received any comments from the public in opposition? **Mr. Deichler** said we did not, Mayor.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Mr. Deichler** said we do have someone from the public.

Greg Kindle, President, Wyandotte Economic Development Council, 727 Minnesota and resident of KCK, said I'm here in support of the applicant, Hudson Apartments, located at 3600

Rainbow Boulevard. We are excited about this redevelopment of the current Cambridge West Apartment Complex for 228 apartments and an investment of \$48M. This project conforms with the Rosedale Master Plan and reinforces the plan to place residential density along Rainbow. Additionally, it provides a quality residential development within Kansas City, Kansas, to meet the growing demand for housing by healthcare professionals on the KU Medical Campus, who now employ nearly 12,000. This is a desperately needed investment in this area of the community.

We appreciate the work of the UG team and the developer to propose a property tax agreement that will generate nearly five times more in property taxes in the first year than is currently generated at that location. The additional residents living in the area will contribute to the existing evening and weekend retail sales tax generation to support those retailers in the area. And finally, I would just commend the developers, Lane4 Property Group, Hunt Midwest, and KU Endowment on bringing this forward. They've been working on this for some time. We know that they are going to do a good job just by looking at the development of 39 Rainbow and how that's transformed that part of the corridor. We appreciate them and their team for, once again, choosing to invest in Kansas City, Kansas. With that, I thank you for your consideration and ask that you support the applicant's request.

Mayor Alvey said I will now close the public hearing.

I'd just like to offer comments of congratulations to all those involved; and Katherine Carttar, I want to single out the efforts you made on this. The revenues to be generated from this are really just, the PILOT alone, but also the ultimate tax revenues, property tax revenues are significant. It's over 20 times more than currently generated. I will say this as well, my daughters live in this building and it has to go. There is very little redeeming qualities in this building. I want to say congratulations to all the developers and to our staff for bringing this deal forward.

Commissioner Ramirez said this project, I completely, 100% support. It's an amazing project. It fits the Master Plan. What's supposed to go there, is what it is. The Master Plan calls for higher density in this area along the Rainbow corridor, and this project satisfies that. So, I'm very happy. I want to thank Mr. Berenbom for working with the community, working with RDA. As every developer who has met with me on a project in Rosedale, the very first question I always ask is, have you talked to RDA? They are the ones that I lean on for projects based on the neighborhood

involvement that Rosedale has. So, you have done that with this project. I'm very excited and I can't wait to see what it can do for the Rainbow corridor.

Commissioner Markley said I just want to note on the record that I won't be voting on this item. I recuse myself as I am employed by BRR Architecture.

Action: **RESOLUTION NO. R-91-21**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$48,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Hudson Apartments, LLC and its successors and assigns."
Commissioner Ramirez made a motion, seconded by Commissioner Walters, to adopt the resolution. Roll call was taken and there were eight "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson. (Commissioner Markley previously recused herself from voting due to being employed by BRR Architecture.)

STANDING COMMITTEES' AGENDA

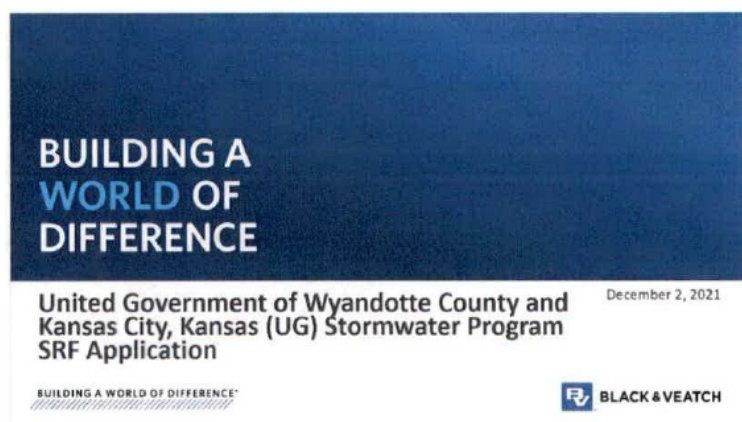
Item No. 1 - 211190...RESOLUTION: STATE REVOIMNG LOAN INTENT APPROVAL

Synopsis: A resolution authorizing filing of an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act, submitted by Jeff Fisher, Public Works Director; and Sarah Shafer, Project Engineer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on November 29, 2021. It was requested, and approved by the Mayor, to fast track this item to the December 2, 2021 full Commission meeting.

Mayor Alvey said Commissioner Burroughs, you chaired the Standing Committee Meeting. Do you have any additional comments?

Commissioner Burroughs said there was much discussion in the committee as to the need for this resolution by the end of the year to meet the requirements of, if I remember correctly, we referred to it as the WIFIA Program. There was much discussion in reference to just exactly what

this resolution accomplishes by advancing it. So, I would ask our Administrator one more time for clarification as to just what the passage of this resolution allows us to do.



Doug Bach, County Administrator, said the resolution before you allow us to move forward and authorizes us to file our application for WTFIA funding.

Commissioners Burroughs said just for clarification, that does not put into place a formula in which we have been discussing known as a stormwater or wastewater discussion.

Mr. Bach said this action does not move forward with a divert stormwater rate fee. It does have us file our application. It does put us in a position that we are recognizing that we do need to have funding to be able to pay for those loans, or the funding that we would be able to get back through the WIFIA Program. But this action simply does authorize the filing of it and does not change the stormwater fee.

Sarah Shafer, Project Engineer, said for verification, just real fast. This is a resolution for the State Revolving Fund loan, not the WIFIA loan. Just for clarification. This is State Revolving Funds.

Commissioner Burroughs said thank you for that clarification. I think there was much confusion in the Committee as to what the resolution really was about, and I think we needed to take the time this evening to have that discussion. If there's any other questions, I'll do my very best to answer them. Mr. Mayor, the Committee passed it out on a unanimous vote to get it before the Commission here this evening.

Mayor Alvey said so, once again, this is simply approving us to apply, file an application with the KDHE Revolving Loan Fund, correct? **Commissioner Burroughs** said correct.

Mayor Alvey asked any questions or comments from the Commission?

Commissioner Burroughs said my understanding is there's grant opportunities with this funding and it may allow us to have some forgiveness in this, if I remember correctly, and if that's not correct, please correct me.

Ms. Shafer said that is correct. If you would like a short presentation, we do have one available that addresses some of those questions that were brought up during the Standing Committee and goes into further detail on some of those items such as the rate, the interest savings, and the payment schedule.

Mayor Alvey said I'd entertain a motion.

Commissioner McKiernan said don't they have a presentation to give us on this? **Mayor Alvey** said only if we request it. It seems that it passed out of Standing Committee; it's just simply a request. If the Commission would like a presentation, we could do the presentation.

Commissioner Philbrook said yes, I would like to see something, since I haven't seen any of it.

Jeff Fisher, Public Works Director, said I will only make one comment before Sarah Shafer gets started. Throughout the public engagement for stormwater, we repeatedly heard folks ask us to pursue federal funding everywhere we can. We've done that. We're going to continue to do that. Sarah Shafer, along with other members of the team, has put the UG in a really good position to take advantage of a really big program to help us advance stormwater. So, I'm going to hand it over to Sarah. She's got a brief presentation.

Ms. Shafer said thank you for the opportunity to discuss this as briefly but concisely as possible.

Mayor Alvey asked could I ask for some clarification first? This does not involve WIFIA, or it does involve WIFIA? **Ms. Shafer** said this is the matching funds for WIFIA, so this resolution would be basically our budgetary authority to demonstrate to our WIFIA application that we have the funds available to meet that criteria of 51% matching.

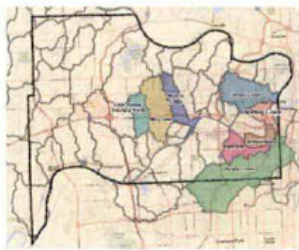
Mayor Alvey said I thought you said that this did not involve WIFIA. **Ms. Shafer** said this resolution does not involve WIFIA, but the State Revolving Funds is included in the WIFIA Program.



Ms. Shafer said so, for the agenda, we'll go quickly through; the Community-Based Stormwater Program, the financial positioning that this particular loan gives us, the projects included in the State Revolving Fund application, and the request for the resolution authorizing the application with the intent to close.

Community-Based Partnership Stormwater Program

- KCK Community-Based Partnership Stormwater Program is a \$130M program with 18 projects focused on repairs, replaces, and rehabilitates critical infrastructure
- Includes Stormwater Sewers, Combined Sewers, Sanitary Sewers, Culverts, and Curb and Gutter repairs
- Consent decree with US Environmental Protection Agency (EPA) to address combined sewers overflows (CSOs) caused by insufficient stormwater capacity in the combined sewers within the Program area
- 51% Matching Obligation/49% WIFIA Loan



Our Community-Based Partnership Stormwater Program is \$130M program with approximately 18 projects that focuses on repair, replacements and rehabilitations of our critical infrastructure

relating to our sewers, stormwater, sanitary, and our CSOs. Additionally, curb and gutter repairs are also included in there as they are a part of our stormwater system. A consent decree, with the EPA, is what currently covers our CSO and our opportunities through that. This program accelerates some of those CSO projects and programs to address what we know needs to happen in some of these critical basins.

Strong Financial Positioning

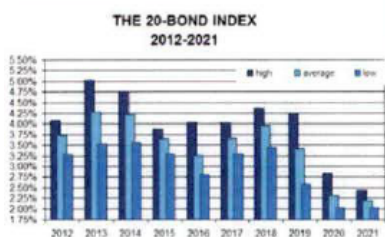
- 51% Match Obligation – SRF Loan
 - SRF Loan – Repayment Funds
 - Sewer (Waste & Storm) Rate Revenues
 - Road (3/8 Sales Tax)
- SRF Loan Funds
 - Lower rates locked-in for future financing
 - Eligible for forgiveness programs
 - Currently includes up to \$1,000,000 forgiveness option
- GO Bonds
 - Unable to lock-in rates for future financing
 - Not eligible for forgiveness programs
- SRF vs. GO bonds modeled a savings of \$40M in interest over 20 years
 - 1.5% SRF vs 3.5% GO



So, 51% matching obligation is required to our 49% WIFIA loan opportunity. What that is, is our SRF loan is our matching obligation. Our repayment funds are sewer, wastewater, and stormwater rates and our 3/8 sales tax for our road. Additionally, these programs do allow us to start to stack opportunities, so we're looking into additional grant funding, additional opportunities for moving these projects forward with alternative funding.

The SRF loan is a lower rate, locked-in for future financing, which is different than our traditional opportunities. It's eligible for forgiveness programs. Currently, we have SIM in forgiveness as an option, as part of our pre-application notice. GO bonds is what we typically go after with our CMIP. We're unable to lock-in rates for future financing and they are not eligible for our forgiveness programs. So, in short, our SRF versus our GO bonds modeled a saving of approximately \$40M over 20 years and interest with conservative rates of 1.5% for our SRF loans versus 3.5% for our GO bonds.

Rates and Terms



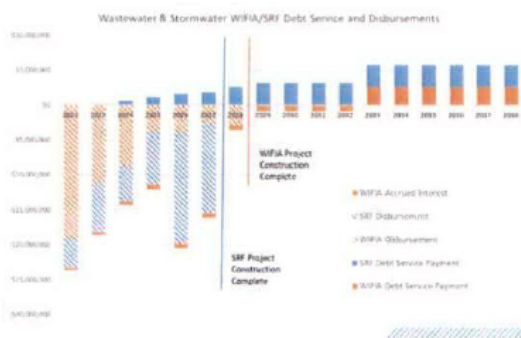
- Interest rates are at historical lows
- No pre-payment penalties

	WIFIA	SRF
Term	Up to 35-year loan	Up to 20-year loan
Interest Rate Index	US Treasury, State and Local Government Series	60% of the previous 3 months average Bond Buyers Weekly 20-Bond General Obligation Index
Rate 12/1/2021	1.80%	1.30%

Wastewater & Stormwater WIFIA/SRF Debt Service and Disbursements

Rates and terms. Over the last year, you can see that we are in a historical low for our interest index. While interest rates are a historical low and there's no pre-payment penalties, what we are able to understand for our rates, as Kathleen was able to pull on 12/1 is, our SRF is at 1.3% and our WIFIA is at 1.8%. And, again, those are fixed over the term of our opportunity.

Community-Based Stormwater Program Financing



Part of the Standing Committee, it was requested that we come back and we show what these particular debt obligations look like over time. During our construction phase, we will be focusing on our SRF opportunity as well as the WIFIA loan opportunity. With SRF, it does require us to start payments on that interest immediately. I shouldn't say immediately, within two years of taking out funds, so that's why you see the two years where we start construction and then we do start a graduated payment until we are construction complete. The WIFIA Program allows us up to a five-year grace period, which we are showing here, in terms of our repayment structure and then it goes into the repayment of our WIFIA and our SRF combined.

Projects included in the SRF Application

1. ARGE-1	Total Project Cost Allocation	Value
2. JERS-1	Construction Cost	\$ 48,457,600
3. MUNC-1	Engineering Planning & Design	\$ 10,611,200
	Construction Engineering & Inspection	\$ 3,537,200
4. Tract 422 Green Infrastructure	Contingencies	\$ 4,598,300
5. CSO 16 Sewer Separation	Administrative & Legal Costs	\$ 2,122,300
6. CSO 19 Sewer Separation	Other	\$ 1,415,000
7. CSO 55 Sewer Separation and Green Infrastructure	Total SRF Loan/Matching Obligation	\$ 70,740,790
8. Bridge/Culvert Repairs		
9. Curb Gutter Annual Repairs		

The projects included in the SRF application have a total matching obligation of \$70,740,790. That includes those nine major projects that you see there. It's a combination of stormwater and wastewater/combined sewer overflow projects that are listed.

SRF Application

- Kansas State Revolving Fund (SRF) can provide funding assistance for municipalities that desire to make drinking water and wastewater infrastructure improvements
 - Kansas Water Pollution Control Revolving Fund
- Pre-Application filed January 2021
- SRF Loans required to meet the matching obligation of WIFIA application
 - WIFIA Application due January 15, 2022
- Requesting resolution authorizing the application of State Revolving Funds for up to \$70,740,790 for the CommunityBased Stormwater Program – WIFIA - Projects

The SRF application. We filed a pre-application in January of 2021 to ensure that we have the ability to be very competitive with our WIFIA opportunity. Our WIFIA application is due January 15, 2022, so this SRF loan resolution would be our budgetary authorization, like I mentioned, showing that we have the funding available to meet our criteria for the WIFIA application. What we're requesting today is a resolution authorizing the application of the State Revolving Funds for up to \$70,740,790 for the Community-Based Stormwater Program with our WIFIA projects.

Resolution to Apply

- Resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 653321 through 65-3329).
- WHEREAS under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 653329), the State of Kansas has authorized the making of the loans to authorize applicants to aid in the construction of specific public projects,
- NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF UNITED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS AS FOLLOWS:
 - Section 1. Loan Application. The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the "Application"); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.
 - Section 2. Further Proceedings. The Mayor, City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the "Loan Agreement"); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.
 - Section 3. Further Authority. This Resolution shall be in full force and effect from and after its adoption.



Any questions or comments that you may have at this time?

Commissioner McKiernan said I do appreciate you giving me this opportunity to speak to my fellow commissioners. I fully support this SRF application. I thank Public Works for continued hard and, I believe, very necessary work on all of this.

I will move to approve this application as submitted, but although the item is before us right now is the SRF loan resolution, this item is intimately linked at least as I see it, with the Stormwater Plan that comes later in our agenda. That link between these two forms the basis for this comment. I'm going to take a moment to discuss the Stormwater Plan and suggest the motion that I feel is best for that item when it comes forward for a vote.

Now you may remember in a special session two weeks ago, I made a presentation about our proposed Stormwater Plan. In doing so, I hit the proverbial hornets' nest with a baseball bat. As the saying goes sorry, not sorry. Following my presentation, it was suggested by several people outside of the Unified Government that I "damaged" the integrity of the Stormwater Plan process by pointing out what I believe is an intolerable inequity in the tiered plan and by suggesting that there are other approaches that might be more equitable and still help us achieve our goals.

I do not regret pointing out what I believe is an inequitable system. I do not regret suggesting that we, as a Unified Government, can do better. I do not regret proposing an alternative to the tiered plan. What I do regret very deeply is not being more vocal and more forceful in presenting my viewpoint to the entire Commission much earlier in this year. You see, I don't believe that I damaged the integrity of the process because I do not believe there has been a broad public process regarding the Stormwater Plan since January 9, 2020. That was the last day that this Commission discussed the plan as it stood at that moment. I have reread the minutes of that meeting

and during that meeting, many of us said that we need to have more public engagement before we settle on our final plan. Unfortunately, COVID ensured that we did not have any more public engagement in 2020.

Now the five-tiered plan that we going to hear about in the stormwater item that's been presented to us this year, it's different than the plan that we discussed in January of 2020. And I would argue that if we wanted to have more public engagement about the plan in January 2020, then we definitely want to have more public engagement about a new plan. By virtue of the differences in the new plan, I personally believe that I, and my fellow commissioners, have a responsibility to restart the public process and vet a new plan before voting but I'm only one of ten, and we will make a collective decision.

I did not actually intend that we would vote on my stormwater proposal tonight because it is just that, a proposal. It has not been discussed or analyzed or vetted or picked apart or argued over. Until I saw the framework in the agenda packet for this meeting, I'd never seen it formalized by Black & Veatch. Frankly, when I look at what is presented in the agenda packet, even I have questions.

In my opinion, we should not vote on my proposal or any other proposal until we've had a much more robust public engagement process, regardless of what plan we are proposing. And until we've come to a collective decision on the best path forward, understanding that any decision we make will have both pros and cons, friends and foes. If we, as a Commission, do decide later in this meeting to take a vote on stormwater, I believe it should only be the original plan that has come before us. Yes or no regarding the five-tier plan.

All of that said Mayor, with your permission, I propose a two-part motion, it's one for now and one for later.

For this item, I move that we proceed with submission of the SRF application at this time based on the premise that we will ultimately settle on a plan that provides the needed revenue.

For the stormwater item that's coming up, I will propose at this time and will move at that time that we table action on the Stormwater Plan until such time as a public process has been completed to build consensus for a new plan. If the Commission decides that we cannot table action on the Stormwater Plan, the five-tiered plan that was proposed to us, then I respectfully make a preliminary motion that the item be yes/no on the five-tiered plan and that my proposal not be considered nor presented for a vote at that time. Thank you, Mr. Mayor. That is my statement and

my motion for this item.

Mayor Alvey said we have a motion to approve a resolution authorizing filing of the application with the Kansas Department of Health and Environment. **Commissioner Philbrook** said second.

Action: **RESOLUTION NO. R-92-21**, "A resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329)." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were seven "Ayes," Markley, Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson; and two "Nos," Walters, Burroughs.

ADMINISTRATOR'S AGENDA

Item No. 1 - 211226...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2021-2024 PLUMBERS LOCAL UNION NO. 8 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2021-2024 Plumbers Local Union No. 8 labor agreement, submitted by Jon Khalil, Assistant Counsel.

Doug Bach, County Administrator, said we continue to have great success with our labor unions in advancing contracts forward for coming time periods for 2022 through 2024. Tonight, with the blue sheets that have been added, we have six different labor agreements that are before you for approval. One is in a two-part fashion and above all, this will make a total of 10 of our labor agreements that will be ready for approval. All of these union groups have gone through and ratified and signed off on the agreements that are in your packets this evening. Item No. 1 on the list is for our local plumber's union, for the years 2021 through 2024. It is in line with their direction given by the governing body. Accordance for this were financial incentives for this group, and I would recommend approval.

Action: **RESOLUTION NO. R-93-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Plumbers Local Union No. 8 for the period from January 1, 2022, through December 31, 2024."

Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 – 211220...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2020-2021 AFSCME LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2020-2021 AFSCME labor agreement, submitted by Susan Alig, Senior Counsel.

Action: **RESOLUTION NO. R-94-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the American Federation of State, County, and Municipal Employees, Local Number 3475 of Missouri/Kansas State Council No. 72, for the period January 1, 2020 through December 31, 2021." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211221...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 AFSCME LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 AFSCME labor agreement, submitted by Susan Alig, Senior Counsel.

Action: **RESOLUTION NO. R-95-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the American Federation of State, County, and Municipal Employees, Local Number 3475 of Missouri/Kansas State Council No. 72, for the period January 1, 2022 through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211222...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2021-2024 PAINTERS DISTRICT COUNCIL NO. 3 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2021-2024 Painters District Council No. 3 International Brotherhood of Painters and Allied Trades labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-96-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Painters District Council No. 3 International Brotherhood of Painters and Allied Trades for the period from January 1, 2021, through December 31, 2024". **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Alvey said that completes all labor agreements. We'll move to Item No. 5 on the Administrator's Agenda. I will defer to Commissioner McKiernan again.

ITEM NO. 5 - 211227...ORDINANCES: STORMWATER AND POTENTIAL RATE STRUCTURES

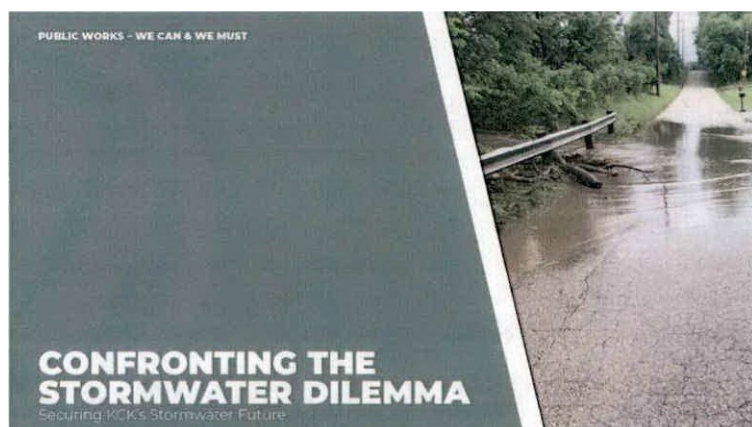
Synopsis: Presentation on two options for stormwater and potential rate structures, submitted by Jeff Fisher, Executive Director of Public Works; and David Reno, Public Works Community Engagement Officer. Two structures have been advanced from Commission direction at the November 18, special session.

- Tiered rate structure
- Individually calculated rate structure

Commissioner McKiernan said, Mayor and Mr. Fisher, I would just ask, as I did before, that we only present the tiered option and that my proposal be withdrawn from consideration.

Mayor Alvey said to be clear, you had asked that we table this motion. I would table a decision on a rate structure to a later date.

Commissioner McKiernan said that ultimately would be a motion that I would propose, however, I do believe that Mr. Fisher should be given the opportunity to make his presentation to remind us of where we've been, where we've come from, where we are now, and show us a potential path for moving forward from here.



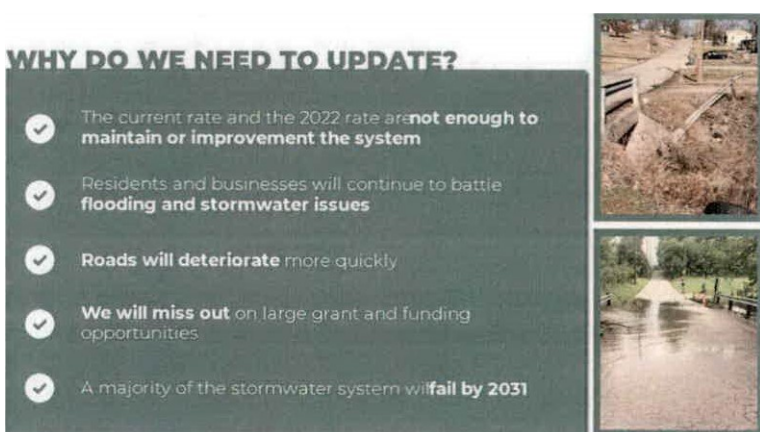
Jeff Fisher, Executive Director of Public Works, said we'll work hard and attempt to do that; modifies our presentation quite a bit.

Doug Bach, County Administrator, said I understand Commissioner McKiernan's request not to consider his option for consideration tonight; however, in light of the fact if we we're thinking about additional public meetings and hearings, this is a time where we have members of our public. I don't know if this is a time for us to express and demonstrate to people how different programs work, thus I would like the opportunity for Mr. Fisher and his team to present how everything works. You don't have to consider it, but at least if that consideration can be made so we're able to further clarify how different programs work, and that's really part of how the public process can work.

Commissioner McKiernan said I am completely open to that. I will say; however, that what I put forward was a proposal that I—in looking at it in the agenda packet, even I have questions about it, therefore, I would ask that after we've looked at the framework for it, if it's appropriate for me to do so, I'll make a motion that we not consider that particular plan.

Mr. Fisher said okay, thank you. We'll cover that ground as you suggested and go from there. I guess it's worth noting that the UG started public engagement at this time in 2018. So, we are going into our fourth year of discussions about stormwater. We went through a solid year and a half—we did start off with the individually calculated, that was the original proposal, and we are now into 70+ iterations of stormwater modeling. The tiered structure did come out early in 2020. You might recall that staff worked with the Chamber of Commerce through a new infrastructure

committee that they created on a tiered system. In a tiered system, as proposed, the tiers are primarily affecting businesses. I feel like there was public engagement post-January of 2020 and quite a bit of it in fact. Earlier this year in the Spring, we proposed the tiered structure to the Chamber of Commerce in their open meeting and there was unanimous support for that. We're going to cover both of those options.



The prudent thing to do in absence of action on a more long-term permanent structure was the Commission adopted—a few months ago the Commission adopted a 2022 rate structure that made the difference between residential and non-residential. It was the prudent thing to do because the fund was becoming insolvent. That buys us some time. It would become insolvent in 2024 again if we don't take action. So, we're okay for a minute, right? But now, if no further action takes place, we know folks are going to continue to suffer from flooding. We have hundreds of flooding issues out there recorded. The roads are going to continue to deteriorate even if the Commission and CAO and staff finds a way to increase investment in streets to \$20+M without a strong stormwater program, that's not going to be as effective. We will miss out on opportunities for federal funding unless we commit to a more sustainable rate structure. We will have to scale down the WIFIA Program, substantially.

As you've seen in exhibits before, probably half a dozen times projections for the stormwater system in 10 years is that the majority of it will fail.

OPTION 1			
	July 1, 2023	2024	2025
Residential	\$7.50	\$7.50	\$7.75
Non-Residential	Tier 1 0 – 5,000 ft ² , \$15	Tier 1 0 – 5,000 ft ² , \$15	Tier 1 0 – 5,000 ft ² , \$16
	Tier 2 5,001 – 8,000 ft ² , \$25	Tier 2 5,001 – 8,000 ft ² , \$25	Tier 2 5,001 – 8,000 ft ² , \$26
	Tier 3 8,001 – 20,000 ft ² , \$60	Tier 3 8,001 – 20,000 ft ² , \$60	Tier 3 8,001 – 20,000 ft ² , \$62
	Tier 4 20,001 – 50,000 ft ² , \$150	Tier 4 20,001 – 50,000 ft ² , \$150	Tier 4 20,001 – 50,000 ft ² , \$154
	Tier 5 Over 50,000 ft ² , \$400	Tier 5 Over 50,000 ft ² , \$400	Tier 5 Over 50,000 ft ² , \$410

So, in response, as I mentioned this Spring, staff proposed this rate structure. It was anticipated or proposed to start January 1, 2022. As you know that did not happen, so the numbers changed because this would not start until July of 2023. A lot of things changed in that period. This is the exact same structure that the Chamber of Commerce unanimously supported in the Spring. Again, the numbers have changed because it doesn't start for another year and a half. We're not generating those revenues over that year and a half that we were proposing in the Spring.

So, I'm going to ask Ana White, with Black & Veatch who's our expert in this arena, who's been with us for the three years, to cover Option 1, the alternative option, the individually calculated and how they compare, and then we'll be happy to answer questions.

Ana White, Black & Veatch, said as Jeff mentioned, we have two options that we're bringing forward tonight for consideration. These are the same options, in terms of the type of rate structure, that we were looking at pre-COVID in January of 2020 when we had the same discussion. So, the rate structures are the same as Jeff was mentioning. The rates themselves have changed because a lot has changed in terms of the costs that need to be recovered for the stormwater system over the last almost two years. So, Option 1, again, is the tiered rate structure. So, under this option, residential customers would all pay the exact same fee. So, July 1, 2023, \$7.50 for every residential parcel. The non-residential then would pay according to the tiers in where their amount of impervious area falls. As Jeff mentioned, these rates go in July 1, 2023, we're proposing that the same rates stay in effect until January 2025. For 18 months, it would be the same rate schedule; then in 2025, there would be an increase. I do want to point out that the rate schedule shown here will generate revenue that will recover 100% of the costs that have identified that need to be funded from the stormwater fee.

OPTION 2			
	January 1, 2024	2025	2026
Monthly Base Charge	\$4.08	\$4.35	\$4.65
Rate per 500 ft²	\$0.80	\$0.85	\$0.91
Monthly Bill Examples- Rate per 500 ft² + Monthly Base Charge			
Hard Surface	2024	2025	2026
1,200 ft ²	\$6.00	\$6.39	\$6.83
2,500 ft ²	\$8.08	\$8.60	\$9.20
4,000 ft ²	\$10.48	\$11.15	\$11.93
10,000 ft ²	\$20.08	\$21.35	\$22.85
20,000 ft ²	\$36.08	\$38.35	\$41.05
75,000 ft ²	\$124.08	\$131.85	\$141.15
150,000 ft ²	\$244.08	\$259.35	\$277.65
500,000 ft ²	\$804.08	\$854.35	\$914.65

Option 2 then is the individually calculated option. Under this type of a rate structure, there's typically a fixed charge or a base charge as we're calling it here, and then a charge based on the amount of impervious area. So, each parcel pays an individual fee based on its actual impervious area. The monthly base charge is an amount that every single parcel will pay, and then in addition to that base charge, a fee based on each unit of 500 square feet of impervious area.

For example, if you look at January 1, 2024, every parcel would pay \$4.08; and then if a parcel had 1,000 square feet of impervious area, they would pay another. So, the rate for 500 square feet in 2024 is \$.80 cents. If a parcel has 1,000 square feet, that would be another \$1.60 added to the \$4.08. The rate in 2025 would be \$.85 cents, and 2026 would be \$.91 cents. So going from \$.80 cents, to \$.85 cents to \$.91 cents. These rates would start in January 2024, six months later in Option 1 and that's just because it takes more time to implement this kind of a rate structure in the UG system.

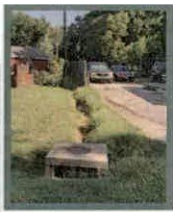
We are proposing annual increases in 2025 and 2026. The rates that we're showing here will not generate 100% of the costs, revenue to fund 100% of the costs that need to be recovered. There is a funding gap with the rates that are shown here. It is intended that the UG will find other sources for that funding gap. Some examples that Sarah had already mentioned previously in her presentation; loan forgiveness opportunities, grant opportunities, other federal funding options that are out there that can help close that gap.

OPTIONS COMPARED			
Option 1	July 1, 2023	Option 2	January 1, 2024
Residential	\$7.50	Monthly Base Charge	\$4.08
	Tier 1 0 – 5,000 ft ² , \$15	Rate per 500 ft ²	\$0.80
	Tier 2 5,001 – 8,000 ft ² , \$25	Monthly Bill Examples – Rate per 500 ft ² + Monthly Base Charge	
Non-Residential	Tier 3 8,001 – 20,000 ft ² , \$60	Hard Surface	2024
	Tier 4 20,001 – 50,000 ft ² , \$150	1,200 ft ²	\$6.00
	Tier 5 Over 50,000 ft ² , \$400	2,500 ft ²	\$8.08
		4,000 ft ²	\$10.48
		10,000 ft ²	\$20.08
		20,000 ft ²	\$36.08
		75,000 ft ²	\$124.08
		150,000 ft ²	\$244.08
		500,000 ft ²	\$804.08

The last slide here just compares these two options. Again, looking on the left, Option 1, the tiered rates, residential parcels would all pay one fee, non-residential would pay based on the tiers. Option 2, individually calculated, every parcel pays the same rate schedule, it just depends on their amount of impervious area. Both of these rate options will support the WIFIA SRF Program that Sarah talked about. They'll also both, which the existing rates will not support. And it will also provide for more equitable cost recovery for your residents. But again, your existing rate structure does not provide for.

WHAT IS STORMWATER MANAGEMENT?

- ✓ Stormwater management **protects life, property, commerce, roads, and the environment**
- ✓ KCK has:
 - More than 400 miles of stormwater pipe
 - More than 10,000 stormwater structures
 - More than 120 miles of open channel drainage
 - More than 600 miles of ditches
- ✓ Infrastructure **must be constantly maintained**
- ✓ Infrastructure **has a finite life span**
- ✓ Stormwater management is **supported by a user fee**




Mr. Fisher said in conclusion, we were thinking about it today. Three years of this, the UG has not done one single capital project because there has been no funding. We've replaced a box culvert, a wing wall, done some repairs to the road to get it open and safe, but they're temporary; not one single capital project. We're not doing any ditching to speak of. We're doing very little maintenance and that's going to continue and actually it's going to get worse. We're going to continue to lose roads because pipes fail. I don't know what else to do.

This is—and we have a WIFIA Program staring us in the face. It's a great opportunity.

Not every community gets a shot at that. I believe the tiered structure based on the year and a half of public input, the three years of engagement at some level or another, including the business community; it is an amenable plan, it is equitable, it's light years more equitable than what we got right now or that we'll have in 2022 even. We can do more public engagement. I'm not sure we'll get a different outcome. I'd be happy to entertain any questions you have.

Commissioner McKiernan said when I went back and looked at the minutes from our January 2020 meeting, I pretty much said what I've said again tonight. I've had these same concerns from the very beginning. I've said them in every meeting. I think that a tiered plan is in the equitable around the break points. When I go to the store, the amount of sales tax I pay is dependent on the value of the goods I purchase because the tax rate is constant across all levels of purchase. When we send out our property tax bills, the amount of property tax that a given property pays is proportional to the value of that property. There's a single rate across all values.

I'll tell you, I'm not a very smart man, but I—it just seems intuitive to me that this would function the same way. If impervious area is the determinant of run-off, stress on our system, it would seem to me that we would want to try to have a constant rate across all sizes. Apply that rate. Bigger parcels pay more money, bigger impervious areas pay more, smaller impervious areas pay less. If that is not possible for us to do, if the only thing we can do is a tiered option, then that's fine and I accept that. If my fellow commissioners say that's the way we're going to go, so be it. But I've been pretty consistent about this from beginning.

I understand, and I've said this before too, I completely understand the bind we have put you in. We have handed you a city and we have said to you this city is broken, fix it, but you can't have any more money than you have now. I understand that intellectually, but I'm trying to look out for constituents who may get caught on the cusp of a break in our tiers and that's my sole purpose in bringing all of this up.

You are right. The individually calculated proposal that I gave to you and Ana does not recover enough money for us to pay our bills going forward, which is why I proposed that we supplement that with ARPA. As an allowable use, it made sense to me that we could take some of the burden of the individually calculated off of everybody across the spectrum from small to big until we've had the program running for a few years.

I completely understand and I said this two weeks ago that some people may not want to

use ARPA for this purpose. There are many things that our community needs as we craft our response to COVID, and this may not be the highest priority use for the rest of the Commission.

What I heard about the very initial proposal was if Option 1, the individually calculated is it makes sense, but it's too much money too fast. That's what set me on the path of trying to find an individually calculated rate that lowered the amount that was needed to be paid. Then, of course, when I did that, I created a gap. This year when ARPA became available I thought well, maybe there's an opportunity to fill that gap. But, as I said earlier, even though I understand what you just put up on the screen, nobody else does. Nobody else has thought about this as much as I have. I think it is completely unfair that I would propose to bring that individually calculated plan for a vote without any further discussion about it. So, those are my comments on it.

I still go back to where we were in 2020 bemoaning the fact that we felt as if there needed to be more public engagement. I understand we've done a lot. I get it, but anyway. Thank you for the opportunity to share some comments.

Commissioner Bynum said the slide that shows Option I if you could go back to that. This slide, at these rates, is there a time when this Commission has been presented these rates prior to tonight? Am I missing something big? **Mr. Fisher** said no, it's a fair question. I do believe in the Executive Session a couple of weeks ago it was in our slide deck and the conversation—I missed it. I did not show you this.

Commissioner Bynum said I'm looking at it. I've tried really hard to understand from day one, and I find myself at a point where I think I understand it, then I realize there are pieces of it I simply don't understand. But, I didn't think we had seen this ever before. If I'm understanding what's in front of us tonight, we're being requested to vote on this and approve it. I mean, that's staff's recommendation. **Mr. Fisher** said that's correct. It's the exact same structure as you did see in the Spring. The numbers are increased.

Commissioner Bynum said same structure, different rates, is what I heard. **Mr. Fisher** said yes ma'am. They've been updated because we didn't take any action on it.

Commissioner Bynum said right, I do appreciate that. So, they've been updated. Lack of action has backed us up, if you will. **Mr. Fisher** said right, so, costs are higher. **Commissioner Bynum** said can you tell us again in your ideal world of fixing these problems with us and your revenue that original figure that we wanted and then as we worked through this, we dropped it

down, can you tell us the annual revenue we seek? **Mr. Fisher** said well, it's been a while, but you might remember when we first kicked this off, the 8 basins, and we have around 50 basins, but just the 8 basins were somewhere around of needs. I believe the plan that has been proposed...

Commissioner Bynum said, Jeff, I have a recall of somewhere along the line a plan that was going to generate; we dropped it to like the \$36M range. But was that an annual...? **Mr. Fisher** said no. It was \$30M-\$40M, you're exactly right.

Commissioner Bynum said \$30M to \$40M over how much time? **Mr. Fisher** said and needs. In that plan, in the Spring of 2020, we were showing you a seven-year plan, if you remember, and that \$36M or \$40M was spread out, those were needs that would be addressed in that seven-year plan.

Commissioner Bynum said so, can you remind us again, at our current rate, what we're bringing in annually. **Mr. Fisher** asked oh, right now? \$3.5M a year, and we need to hit around \$10M in the next three years.

Commissioner Bynum said I'm just trying to wrap my head around all this. Did I understand in an earlier slide and presentation we have a WIFIA deadline looming in January, is that what I saw earlier? **Mr. Fisher** said yes.

Commissioner Bynum said part of what WIFIA requires, I guess, is that we demonstrate that we can pay the loan, like if I'm going to go buy a car, they want to know if I can pay for it. Does the Kansas Revolving Loan Fund help us with that? **Mr. Fisher** said it does. It provides our local match at a lower rate than we would issue through GO bonds.

Commissioner Bynum asked, does that take the heat off the urgency for this Option 1 screen with rates we haven't seen before? **Mr. Fisher** said no. There needs to be that financial support for those loans before we get to closing, which is this. What we currently have in 2022 will not. If we didn't adopt this rate structure, we would be looking over the next month to scale down that WIFIA to this much. It wouldn't do Argentine or Jersey Creek. We're just doing small things. It would be a real big lost opportunity.

Commissioner Bynum said I'm going to yield the floor. Thanks.

Commissioner Walters said I believe we have been at this a long time, and some significant things have happened in the two years since this plan was sort of proposed in January of 2020. Some of those things that have happened are ARPA, which is federal funding targeted partially at

infrastructure and the infrastructure plan and funding that the Feds are distributing to the states. Because this plan was sort of made two years ago, it doesn't include any of that in there. This plan was based on a big scope of work. That scope of work has sort of stayed static, and we've been talking about how to fund a way to pay for that big scope of work ignoring the opportunities of ARPA or infrastructure funding.

So, I agree that we probably need to restructure our stormwater fees. I agree we need to address stormwater projects. The timing of this consideration is probably not the best because there are so many unanswered questions about how much of the \$160M we can get from other sources and, therefore, adjusting for being able to take some of the burden off local taxpayers.

We heard some things Monday night that I'm hearing a little bit differently. It's my understanding that if we apply for this loan and then for some reason we don't need the money or all of the money, we don't have to accept that loan. We don't know how quickly that information will be available to us. But I hope we don't hear, or you don't hear a few months from now that well, we applied for the loan, we're committed to taking it, we have to take it. If we don't take it, we'll never get another loan or some explanation that contradicts what we were told Monday night.

On the other topic that was just raised about we're not doing enough for stormwater; I agree with that. How many tens of millions of dollars of ARPA funding do we have sitting in the bank right now that we could be using to do this? That's really on us, I think, as a Commission. The total is \$87M over two years. We've committed a small portion of that to what we call immediate needs. The rest of it's just sitting in the bank. If we are truly at a crisis, we could be spending that money right now. Again, that money is not considered in any of these calculations. I think there are a lot of moving parts. I think it needs a bit more fine tuning than we can accomplish here tonight. I support Brian's consideration that we delay consideration of this resolution.

Mr. Fisher said if I may speak to those points, because I thought he raised some good points and I want to make sure we're all clear. The tiered system from early 2020 did not anticipate infrastructure money; that is true. This one completely has been modified to support WIFIA. Now, if infrastructure build opportunities come about and we have any success in them, the ordinance is written such that even though you adopt a three-year structure, every year we can review that and if we're outperforming and the Commission wishes to adjust, they can. So, I would suggest we adopt this that supports WIFIA, each year during the budget process we can review where we're at

on things and the Commission can elect to adjust each year if they wish. By adopting a three-year plan, what it does at least gives the business community and the residents predictability. It's a good practice.

Commissioner Philbrook said we keep for some reason backing off of what the total issue is. We keep going through what we've pared it down to. We've pared it down to dealing with how many projects? **Mr. Fisher** said we have nine projects.

Commissioner Philbrook asked, and how many projects do we really need to take care of? **Mr. Fisher** said a lot more than that.

Commissioner Philbrook said no, give me a number, because you were talking about. **Mr. Fisher** said I don't—it's \$160M worth of needs in eight basins.

Commissioner Philbrook asked, and we're only looking at dealing with how much right now? **Mr. Fisher** said \$30M-\$40M.

Commissioner Philbrook said so, it's like saying, I want to buy one new tire for the car. How are the rest of the tires going to do? Well, you know. The rest of the stuff is still going to keep getting worse. If we just keep looking at it as we're going to try to bandaid a few things, then what happens? We keep going down the tubes. Don't get me wrong. I really think we need to take care of those things, but when we keep looking at this as oh, this is all we have to do is this, but it's not. The picture is so much bigger and so much more overwhelming that I don't see how we can actually really have too much money to deal with stormwater. Somebody explain that one to me. I don't see how we could ever get too much money to deal with all the problems we've been putting off for all of these years. I want to move to approve the changes to the Chapter 30 that we want to enable the adoption of a tiered stormwater utility fee as presented.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to adopt the tiered stormwater utility fee resolution as presented.**

Commissioner Ramirez said as everyone here knows, I was the new kid on the block. When I came in, this was the first big thing that we started talking about was stormwater. Two years later, we're still talking about this. I am still not comfortable, and still not having a true handle of what we're doing and trying to accomplish to do. I agree with Commissioner McKiernan, but on my

side of it, I could vote no on it, of course, but I don't want to because I know it's what's needed but I feel like I'm—first, before I make the statement I'm about to make, how is WIFIA and the stormwater fee connected?

Mr. Fisher said the rates generate a certain level of revenues that support the funding and the debt service for SRF and the WIFIA Program.

Commissioner Ramirez said so the fee that we're going to propose raises the revenue to pay back the SRF loan that we're taking out, which is the matching obligation to the WIFIA loan.

Mr. Fisher said correct.

Commissioner Ramirez said I feel, again, this has happened recently. I feel we are being boxed in; acting like we're not having a choice. We're saying we have this opportunity with WIFIA, but you have to go with this plan. Not until recently—and it's spreading like wildfire of constituents reaching out to me on this issue. I received a letter from a woman asking why are we—she put it in saying you are taxing and feeing people out of this community. I understand we need stormwater, but if we're going to raise rates to this degree, where can we lower fees in another area to help offset this increase because people are still grappling with COVID and the economic impact it did to their families. Everything we do is a careful balance, and that's the puzzle of what we do here is trying to find that balance. I can't vote yes on this tonight because I'm still trying to understand, trying to figure out the best way for it, and people need some relief. I understand this we need it, it's completely necessary for our community to thrive, to bring in more economic development, to bring in more people to move but, again, I'm going use the same wording as before, I just cannot in good faith vote on this yet because I feel like I don't have a way out of the choice other than what's being given.

Commissioner Markley said I think that I'm on the record as saying I think we need to get something done sooner rather than later. I think we have had a significant amount of public engagement on the tiered proposal in particular and in particular with the business community, which will be more impacted under the tiered model than our resident community. I think we've had a significant amount of engagement over the past couple of years, and what I hope we're going to come out of tonight with is a feel for can that tiered system pass in this Commission? And if it can't, then we know we're back to the drawing board. I think if we leave tonight without a vote

one way or the other, we're just kicking the can down the road. So, I support and have seconded the motion to vote on that tiered proposal, which I think we've had plenty of engagement upon. I think commissioners know where they stand on that proposal, and I think we just need to see where everybody shakes out.

Commissioner Burroughs said I appreciate the comments that the commissioners made here this evening because we realize the need. The revenue burden on our citizens is at the breaking point. It's been at the breaking point for a while. I don't know about you, I just received my tax statement earlier this month. I think it was maybe a little late. Here we are having a discussion, and I have a couple of questions to kind of get at maybe what we're talking about.

When the resolution came forward in committee, I anticipated we would be having this discussion, and I anticipated an alternative method coming up. My colleague, I wanted to make sure that he had a fair and opportunity, chance to present this to the entire Commission. There's actions that could have been taken to stop that. That's not how I believe we should operate with one another. We should allow that debate and discussion to move forward.

But I do have a question. We just passed a \$48M IRB tonight for a facility that is going to have units that are rated at \$66K per unit which will add up to a little over \$15M, but we're bonding \$48M for that project. Can you tell me, Jeff, what that place will pay in stormwater rate? **Mr. Fisher** said I cannot. I don't know how much impervious surface is on that site.

Commissioner Burroughs said there's been discussion about remediation on property if we tell them to put in grassy areas and things like that and we would lower fees. I think that was part of the discussion that we would reward those that have invested in those types of infrastructure purposes to help us address with the run-off of stormwater. Is that still in this plan, in the proposal? **Mr. Fisher** said in the individually calculated, it would be, yes.

Commissioner Burroughs said so, we are bonding developments that we are helping pay for them to do that, and then we're still going to assess the public and ask them to help pay for that. Can you tell me who will be overseeing the program for the next 10 years? **Mr. Fisher** said the Engineering Division of Public Works.

Commissioner Burroughs asked, is there an outside contractor that we'll be contracting with to ensure that things are moving forward or anything along those lines? **Mr. Fisher** said Black & Veatch is our partner that will help us with implementation.

Commissioner Burroughs asked, do we have a cost of what that contract will be? **Mr. Fisher** said I don't.

Commissioner Burroughs said so when we talk about not having a sustainable fee fund, I have a lot of questions. I wanted to ensure that the fact that we just passed the water resolution earlier, I believe we just bonded another \$70M or borrowed another \$70M. So, if my arithmetic is a little quick tonight, I'm looking at \$128M that we've put out tonight to borrow and we don't have a source in which to payback except for a PILOT that is assessed onto a development project, and an 8% that goes to local school districts.

So, what I'm trying to get at here, committee, is there's a lot of questions in reference to what the needs are in our community; and it's the fair and equitable part that we, as commissioners, are charged with doing. I want nothing more than to see infrastructure investment in our community, but what I don't want to see are broken promises and broken commitments and a scaled-down project just to get the numbers to work. I would submit that if we're going to do this project that we have accurate numbers, we have accurate figures, we have the partners at the table that can give us those numbers and then we educate the public about why we need to do it instead of just taking different shots and different approaches to finding a funding mechanism.

I'm going to support the motion to table and I'm going to make a substitute motion that we table this conversation. We've already bonded \$70M through the resolution. We allowed ourselves to take that \$70M. It was brought up by Commissioner Walters that there's money available within our budget process to start some major projects if we need to get on it. We have some time in which to educate ourselves more thoroughly about this issue. We're an intelligent group of people collectively together than what I would think we are separately. I'm willing to roll up my sleeves and do whatever's necessary to ensure we get a fair, equitable, transparent plan out before the public so that we can make a movement forward that hasn't been made over the last 20 years. We are the last city in the state to do this. It is long overdue. Something needs to be done, but we don't need to take a willy-nilly shot at the dark and throw darts at a dartboard and hope we get lucky.

Action: **Commissioner Burroughs made a substitute motion, seconded by Commissioner Markley, to table this item until December 16th to get better information.**

Commissioner Burroughs said I'm going to make a substitute motion that we table this subject until we have better information. I can make a date certain if we need to and that's a procedure that's available to us. I can make a date certain until the next commission meeting and then we can determine if we want to put a subcommittee together, or what we want to do.

We already have the ability. We passed the resolution tonight for \$70M. We've got funds available that we can get started, and then we can come back, put a formula in place that does this Commission and this city the honorable thing and that's to find a sustainable revenue plan without hurting our residents anymore that what we already have. So, that's my motion.

Commissioner Townsend said a couple of questions. First question for clarification, was the motion brought forward by Commissioner Markley? **Commissioner Markley** said I seconded it. Commissioner Philbrook made the motion and I seconded it. **Commissioner Townsend** said I'm sorry, Commissioner Philbrook seconded by Commissioner Markley.

You mentioned the tiered option. Is that the same, just for clarification, is Option 1 that we're looking at tonight? **Commissioner Philbrook** said yes.

Commissioner Townsend said there's been discussion about tabling a decision. I would venture to say we do not want to; we, the Commission, do not want to see the opportunity to take advantage of the WIFIA money get past us. What is the drop-dead date by which that is done? What is the date by which we have to announce a plan so that we can take advantage of the WIFIA money?

Mr. Bach said I think there are probably a couple of different dates you have to work with, Commissioner, and, Jeff, correct me if I'm wrong. We have to submit our WIFIA application for it by December 16th? **Mr. Fisher** said the SRF drop-dead would be December 16th. The WIFIA application deadline will be January 15th. That will be it.

Mr. Bach said so we have the approval to move forward with the SRF, state revolving loan, which we did tonight; and then we need to take action to approve the WIFIA one by, you said—**Mr. Fisher** said by January 15th.

Commissioner Townsend said January 15th, okay.

The other question I have for clarification is there's been some numbers mentioned about what Option I would fund. My understanding, correct me if I'm wrong, Mr. Fisher; that we're

looking at about \$70M worth of projects that cover things like the Jersey Creek, Muncie, about eight or nine, is that correct? **Mr. Fisher** said, I'm going to ask Sarah to speak.

Sarah Shafer, Project Engineer, said the stormwater rate, as it's being presented, would support the first nine projects in our stormwater program. Those nine stormwater projects are in the WIFIA package, which is what we are applying for the reduced loans, reduced rates loans for.

Commissioner Townsend asked, about how much money is that? How much money in projects? **Ms. Shafer** said we have a \$130M program. Nine of those projects are sewer and CSO-related and nine of them are stormwater-related. They are approximately 50% each. We try to be as equivalent as possible on some of those.

Commissioner Townsend said okay, I'm still not clear. Are we saying those projects total about \$30M or \$70M? **Ms. Shafer** said 18 projects is \$130M. We are required for 51% matching, which is what that \$70M is. So, the \$70M is what we're requesting the State Revolving Funds for to meet our matching obligation of our 51% for the WIFIA program to loan us that 49% at that reduced rate. We can't get a 100% SRF loan. You partner the SRF loan with the WIFIA loan, we get to have those significantly reduced rates comparatively to our GO bonds, which is where that in potential interest savings comes from.

Commissioner Townsend said I think those are the only questions I have right now, Mr. Mayor, thank you.

Mayor Alvey said I'd just like to offer a few comments on this. What we're dealing with here is obviously, this is an Enterprise Fund. An Enterprise Fund really obviously we're just funding a utility. This is a service that we are providing to the community. An Enterprise Fund ought to be self-sustaining; it ought to be self-financing. It should not depend upon outside funds. We should not be taking money out of general revenues. It really requires that it be self-funded and that is, for us taken care of by the fees that we assess for this.

We have delayed for 20 years an adjustment to the stormwater fee, except for the one we did a couple of years ago—\$4.50 a parcel for, God knows how many years, 15 or more years, frankly was irresponsible on our part. There should have been proposals brought forward and Commission action taken to make sure that we were funding our stormwater sufficiently to protect life and property of our residents. That's a primary responsibility.

I had eight years on the Board of Public Utilities. When I first got on the Board of Public Utilities, we clearly needed to raise rates but for years even before that, the members of the Board would not consider that because frankly it was unpopular with the electorate. But when we finally got to it, we found that we were facing failure, an inability to provide good infrastructure for our community. We were having transformers that were almost 60 years old. We were not even able to buy parts to repair the transformers. We were having more and more outages. We were not taking care of the vegetation that was growing up on the powerlines. We had multiple failures with our water and still continued to have problems with water supply. If you don't take care of infrastructure, it fails and we can no longer provide the service to our people, and that's our fundamental responsibility. By delaying this for so long we've simply put ourselves further and further behind.

If I don't take care of the leak in my roof, it's going to cause damage to the rest of the house. I'm going to have problems with mold. I'm going to have problems with wood warping. That's going to happen. We have to take care of our infrastructure.

I'm sensing the frustration in Jeff's voice here that we know what we need to do and we're trying to protect people from the increases that are required, and there's frankly no way. I would love to say that the infrastructure money that's going to be available coming from the federal government will be sufficient. That's a crap shoot. We don't know that we'll get that money. If we do get that money, that's wonderful. We can use that to offset the cost that we're already proposing, but we've got to get out there and start making these improvements now. That's our fundamental job is to provide quality services to our community. If we don't do this, people will look around and say if the Commission and the Administration does not care enough to invest in it's community, why would I bring them my investment? It's as simple as that. Frankly, I'm a little frustrated.

I agree with Commissioner McKiernan. The tiered structure, I would vote for it. I do think that he's right about this, that per square foot, I ought to be assessed per square foot. That's how it ought to work instead of trying to distribute it among and create a tier structure. I think a per square foot is really the right way to go. It's fair, it's clear. We're going to have to do this, and as soon as we do this, then we can keep moving forward. We will adjust, and people will incorporate these costs into what they're doing. But, again, what they can't sustain is unreliability of infrastructure and that's where we are.

Commissioner Bynum said, Jeff, I'm so sorry to ask you to give this to me again, because every time I think I understand it, I hear another little thing that makes me think, maybe I don't understand it. So, we have in needs, projects that we need to do. State revolving fund says we need to match 51% of the total. That's where Commissioner Burroughs is getting \$70M. I don't want to put words in your mouth. So, we would borrow half of the total need—just stop me when I'm wrong—and WIFIA is what? **Mr. Fisher** said okay, I'm going to try to walk back through that. You were right earlier when you suggested you remembered \$36M in stormwater needs, right? You're right there. That's stormwater alone. What WIFIA has been able to let us do is leverage multiple needs into a big package, which is the \$130M.

Commissioner Bynum said which is more than stormwater. **Mr. Fisher** said yes. WIFIA requires a 51 % local match which SRF is going to provide for us.

Commissioner Bynum said, so we have the match because we're going to go to the State Revolving Loan fund for it. We're going to borrow it? **Mr. Fisher** said yes.

Commissioner Bynum said and then WIFIA is going to do what for us? **Mr. Fisher** said they're the other 49% of very low interest loans.

Commissioner Bynum said and the stormwater fee, at whatever rate, using whatever calculation method, is the repayment for both of those loans we're going to take out. **Mr. Fisher** said correct. For that package that rate structure has to support the debt service for that package; and then we've also proposed a ditching program, manual maintenance of things, street sweeping, all those other things we've talked about before that we're not doing now.

Commissioner Bynum said correct, thank you.

Commissioner Ramirez said raising rates is not popular with the electorate, but they're the ones who put us here to be their voice. Right now, they feel they're being taxed and fee(ed) out of this county. So, I understand we have needs, a crisis needs, but we could raise these fees, build all this infrastructure, and have people continue to move out. Then what is that for? What have we done? I understand that we have needs, but we have an electorate for a reason. We're here to be their voice and at the moment, we're not listening to their voice.

Commissioner Walters said I would like to second Commissioner Burroughs substitute resolution.

Mayor Alvey said so, Misty, we had a resolution already with a second on the floor. Don't we need to proceed with that first? **Misty Brown, Chief Counsel**, said this is something that we don't see a great deal, but we do have a motion and a second on the floor, and then a substitute motion is allowed if it's not made to cause confusion and is not contrary to the original motion. I don't believe that Commissioner Burroughs' motion was confusing and it's not directly contrary to the original motion. A contrary motion would be voting to disprove the tier two. In this case, the substitute motion that's now been moved and seconded, we would now vote on that, which was to table the discussion. Have I correctly stated your motion, Commissioner Burroughs? **Ms. Brown** said unless more debate is warranted. **Commissioner Burroughs** said that's correct, Misty. Thank you.

Commissioner Ramirez said, Mayor, for clarification, Commissioner Burroughs, your motion to disapprove the tier or to table the discussion?

Commissioner Burroughs said it was a substitute motion to table this discussion until date certain. We did the resolution tonight for \$70M. We have until the middle of January for the WIFIA grant that we can submit. We have opportunities to have a Commission meeting. I'm trying to find that sweet spot between Christmas and the holidays, but we do have a meeting December 16th and I believe that would be a good time for us to possibly put together another committee. So that makes it date certain.

Action: **Commissioner Burroughs said, so, my motion would be till December 16th and then we can take it up again.**

If you want an infinite table, then it would be up to the Mayor or somebody else to ask it to be un-tabled to raise the issue forward. I don't think in all fairness to everyone here, if we have a set date, it may force us to get busy and learn what some of these formulas are doing. It gives us an opportunity to advance the proposal that was already put forward tonight, the resolution, and to have more intimate discussion with one another in reference to quite possibly erasing the confusion

and the next step we'll go with a sustainable plan.

There's been much confusion here this evening, I believe everyone in this room wants to do the right thing. When we collectively come together, we can do the right thing. That's why I made the substitute motion, but it is date certain and I'll just move it till the next Commission meeting. If not December 16th, I might just say next Commission meeting because that meeting can change, for whatever reason, we don't know. I'll just say till the next Commission meeting.

Ms. Brown said Commissioner Walters is that your understanding for your second? **[No response recorded.]** Well, Mayor, you have a motion and a second on the substitute motion. Unless there are any other hands raised, it may be appropriate to vote on the substitute motion at this time.

Commissioner Townsend said, again, just for clarification. On the substitute motion, I would ask my colleague, Commissioner Burroughs, just for my clarity, what we expect to have happen between now and that date certain, which looks like December 16th? What would be the benefit of this time between now and the 16th if we do not vote on one of these two options tonight?

Commissioner Burroughs said and that's a fair question. Thank you for that question. It's not my intent to put more work on staff or anything like that. There's been much confusion this evening. Many of us struggled to go through the plans that have been presented. This actually, taking the resolution and moving it forward that Commissioner McKiernan and this budget subcommittee that I sat on, worked to get here to the full Commission. It was the opportunity to help provide some education as to the monies that are coming in, but we've already committed ourselves to \$70M.

I don't want to continue to repeat myself, but the \$130M, it's not a sustainable fund with what we see here. We raised fees this last budget cycle and we're looking at raising fees again. So, between now and the next meeting, I don't know that anything can be done except for the fact that we qualified—we've approved the resolution and we have a little bit more time with the WIFIA program. Between that and getting the WIFIA program submitted, we may have an opportunity to discuss alternate plans like Mr. McKiernan brought forward or we may be able to sit down collectively and work through more solid numbers. It's the speculation of uncertainty that has me greatly concerned.

Mayor made a comment that we have failed. We haven't failed it because we haven't tried.

What I mean by that is we are the elected body that's going to make the decision. I don't want the next 20 years to be reflected on us that we missed a great opportunity, and slowing it down a couple of weeks is not going to kill this opportunity.

So, if you have additional questions, I would state that staff is available, administrators are available, other commissioners are available, do some research with what it takes to operate within the WIFIA program. Look at the descent decree and get that information necessary to get you more comfortable. I don't mean you particularly, Commissioner, just so the public has a better understanding of what it is we're trying to do.

We need to be prudent in how we move forward with this, and that's my reason for making a substitute motion to table this because I believe there is an opportunity here.

There was mention about federal funding. We don't know what federal funding is coming down and how much. Rumor has it, it may be \$8B, \$18B to the State of Kansas. That would leave a large pot of money for us which to look at, but we'll know more throughout this next two or three weeks. So being blue sheeted and put the pressure to put this out this evening, I think we've met part of that responsibility and I commend those of you that voted for that to do that. But, I believe tabling the rest of the discussion until we have accurate, clear information and a higher comfort level and that's why I made the substitute motion.

Commissioner Townsend said thank you for that. That helped clarify for me what the expectation would be for a continuance of this. I would say I was prepared to vote on something tonight. To the public, I found it helpful to look at the information that was displayed tonight in a very, I think, easy to understand explanation we can find on the website. One thing I did like about Option I was the certainty. So, if there is some more certainty or more options we can look at between now and the date certain was worth a shot. But I hope we will not go beyond that, because even though, as Commissioner Ramirez's saying, he's hearing about burden put on the electorate, the other side of that coin are complaints about what's not being done. This issue has been delayed and delayed, not necessarily by this configuration. The can has been kicked so far down the road, that something has to be done now. Thank you for that clarification.

Commissioner Johnson said oh, my God, Jeff, I apologize man. You work so hard. You've been working, and I know that's your job and everything, but I, we're trying to do the best we can, I apologize for this. But I will say to this Commission, I think I'm quoting Commissioner Townsend

right, we either fish or cut bait. Is that right?

Commissioner Townsend said well, I probably said it one time, maybe not tonight, but that sounds like something I would say.

Commissioner Johnson said the drop-dead date is when? I thought I heard January 15th. **Mr. Fisher** said yes, sir.

Commissioner Johnson said we cannot make a decision after January 15th. We have to make a decision, as a body, before January 15th is that correct? **Mr. Fisher** said yes, sooner is better. There's a lot of work that goes into this stuff, right? [inaudible] on July 14th, that's going to be tough, right?

Commissioner Johnson said so, it needs to be well before the 15th. If we table this tonight, we still don't have a lot of time. And we need to do whatever we need to do. We've got a very short window and we need to make this happen. We need to either fish or cut bait well before January 15th so that staff will have enough time to exercise whatever actions need to be taken in order to get those WIFIA funds. So, I'm ready to vote.

Mayor Alvey said so as I understand, we have a substitute motion with a second. We will have a roll call. Is Commissioner Philbrook available? **Mr. Bach** said, Mayor, she had to step out of the room for a moment. She did ask she would like to be able to vote.

Commissioner Bynum asked, can I ask a technical question of staff? The January meeting dates are not yet loaded onto my calendar, so I don't know how many bites of the apple we have. **Mr. Bach** said you would have one more in January, Commissioner. We have a meeting scheduled for January 6th and the next one after that is January 20th.

Commissioner Bynum said okay, thank you. **Mr. Bach** said actually it's not January 20, it's at the end of the month.

Commissioner Johnson said so, January 6th is when we have to make a decision. **Mr. Bach** said either in two weeks, per commissioner's motion, or January 6th.

Roll call was taken on the substitute motion was taken to table this item until December 16th to get better information. There were seven "Ayes," Walters, Bynum, Burroughs, Townsend,

McKiernan, Ramirez, Johnson; and two "Nos," Markley, Philbrook.

(Blue Sheet Item No. 6-8)

ITEM NO. 6 - 211231...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 LABORERS' LOCAL NO. 1290 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 Construction and General Laborers Local No. 1290 labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-97-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Construction and General Laborers Local No. 1290 for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 - 211232...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 CARPENTERS LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 United Brotherhood of Carpenters and Joiners of America, Mid-America Carpenters Regional Council labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-98-21**, "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Brotherhood of Carpenters and Joiners of America, Mid-America Carpenters Regional Council for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 - 211233...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 SEW, LOCAL #1, LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 Service Employees International Union, Local #1, labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-99-21,** "A resolution 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 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government and the Service Employees International Union Local #1 for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as**

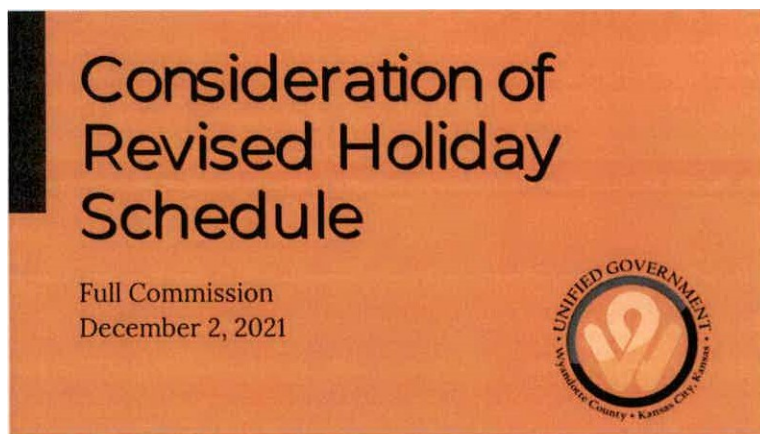
submitted. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

COMMISSIONERS' AGENDA

Item No. 1 - 211224...RESOLUTION: REVISED HOLIDAY SCHEDULE

Synopsis: Presentation regarding the addition of a holiday to the schedule of 2022 holidays with resolution for consideration, submitted by Bridgette Cobbins, Assistant County Administrator; and Jeff Conway, Assistant Counsel.

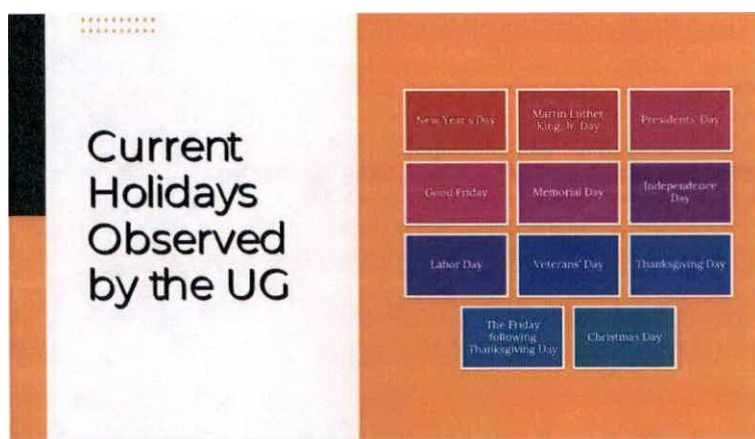
Doug Bach, County Administrator, said at the last special session we had, well, actually it was the last full Commission meeting we had, there was a discussion regarding the holiday calendar which was adopted by the governing body. During that meeting, commissioners asked that we come back and provide a report to the Commission regarding the cost and other related expenses to adding an additional holiday should we elect to do so. So tonight, we have prepared that. I will recognize Assistant County Administrator Bridgette Cobbins who is going to present on this item.



Bridgette Cobbins, Assistant County Administrator, said before you tonight is a resolution to consider revising the holiday schedule and to make modifications to Section 5.3 of the Human Resources Guide.



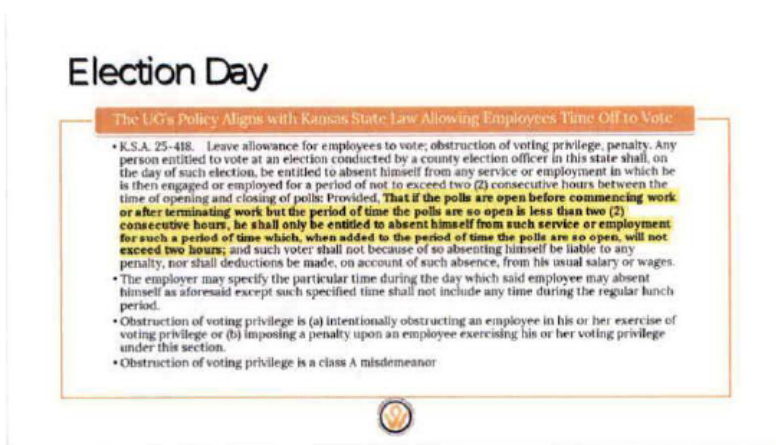
At the full Commission meeting on November 18th, the 2022 holiday schedule was approved. At that meeting, several questions arose regarding adding the Juneteenth holiday to our schedule for 2022: the total cost for adding a holiday, what the State of Kansas' decision was to observe the holiday, and what neighboring municipalities were doing in honor or to observe that holiday. Also, we did have a question in regards to the Election Day that was brought up to consider that also as a holiday for 2022.



Currently, the Unified Government has a total of 11 holidays that we do observe. You can see them listed. The one that is showing as Good Friday in our packet, we are asking that we consider an amendment to the resolution to change the verbiage from Good Friday to Spring holiday. That decision had been made years ago. We had just neglected to change that in our HR guide.



In regards to Election Day, currently the Unified Government is using the same policies as the State of Kansas.



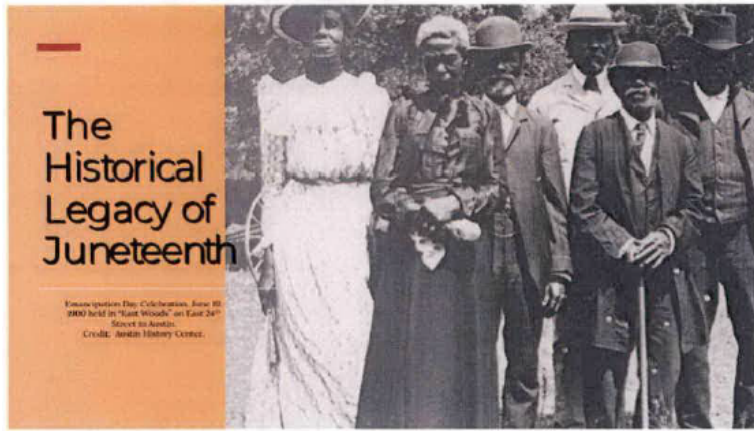
It's unusual. Staff is usually unable to go in and to vote depending upon their schedule. It's at the discretion of their department head if they need to go during working hours. Typically, public safety officers or public safety staff, those are the ones that usually require to have the two-hour timeframe to go and vote during their work shift. It is rare that staff has elected or has complained to our HR Department because they were not given the opportunity to vote.



Juneteenth was one of the discussions that was asked about us considering adding it to our holiday schedule for 2022. I just want to give a little overview of what Juneteenth is. I think a lot of people hear the words, but they're not quite sure what it is or how it even evolved.

But, on Freedom's Eve, or the eve of January 1, 1863, the first watch night, service took place. On that night enslaved and free African Americans gathered in churches and in private homes all across the country awaiting news that the Emancipation Proclamation had taken effect. At the stroke of midnight, prayers were answered as all enslaved people in Confederate States were declared legally free. Union soldiers, many of whom were black, marched onto plantations across cities in the south reading small copies of the Emancipation Proclamation, spreading the news of freedom in Confederate States. But not everyone in Confederate territories would immediately be free.

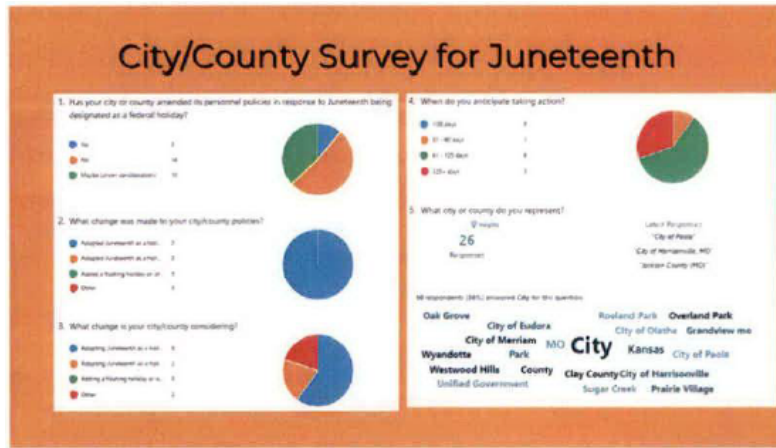
Even though the Emancipation Proclamation was made effective in 1863, it could not be implemented in places still under Confederate control. As a result, in the westernmost Confederate State of Texas, enslaved people would not be free until much later. Freedom finally came on June 19, 1865, when some 2,000 Union troops arrived in Galveston Bay, Texas. The Army announced that the more than 250,000 enslaved black people in that state were free by executive decree. This day came to be known as Juneteenth by the new freedom people in Texas.



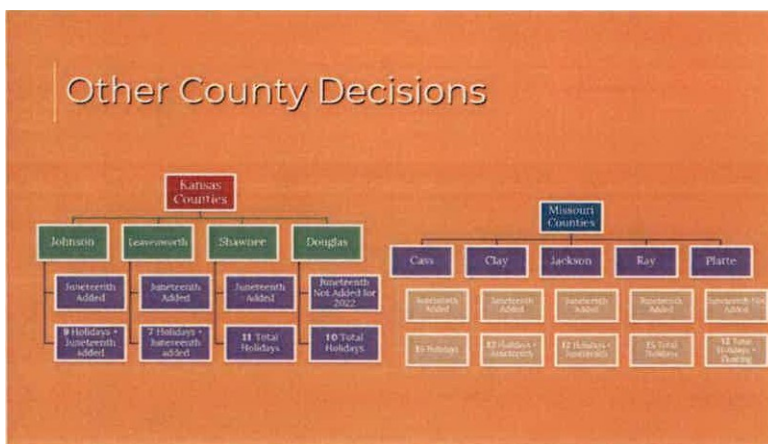
The photo before you is showing a group of individuals back in the 1900s that were celebrating what they considered to be the celebration of Emancipation Day.



The total cost for the Unified Government, if we chose to add Juneteenth or any other holiday, is about \$397K. As you can see for the FOP, that ranges to about \$135K; for the IAFF Fire, that's approximately \$172K; IBEW, \$26K; FOP for the Sheriff, deputies, \$46K; Teamsters, \$5K; and Dispatchers, \$14K. So, again, the total is about \$397K that would have to be paid for overtime costs to add a holiday.



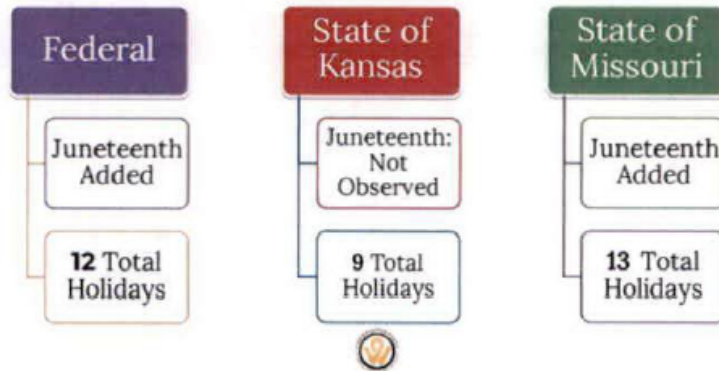
The question was asked, what other municipalities are doing in our region? Mid-America Regional Council conducted a survey back in July this year and 26 municipalities participated in the survey. Of those that participated for number I the first question is, has your city amended or are they planning on doing any type of an adjustment for the holiday? Three of those cities indicated that yes, they would be making adjustments to their holiday schedule and would be approving Juneteenth as a holiday. Fourteen indicated no, and then ten indicated at the time that it was maybe or they were uncertain at the time. You can also see for the rest of the questions, three of them did adopt Juneteenth as a holiday, ten are still considering, and we know that nine that participated indicated that between the next 30-120 days a decision would be made by their elected body if they were going to observe Juneteenth.



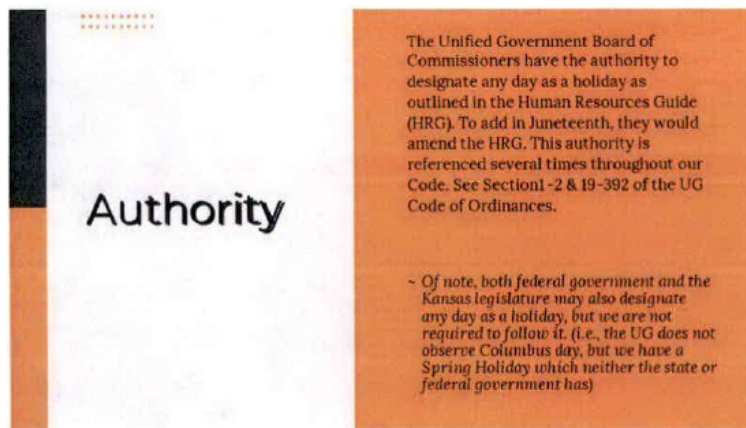
When you look at the county side on the State of Kansas, Johnson, Leavenworth, and Shawnee counties have all adopted this holiday. Douglas County has not approved it as a holiday. On the Missouri side, Cass, Clay, Jackson and Ray counties have all adopted Juneteenth as a holiday,

currently Platte County has not.

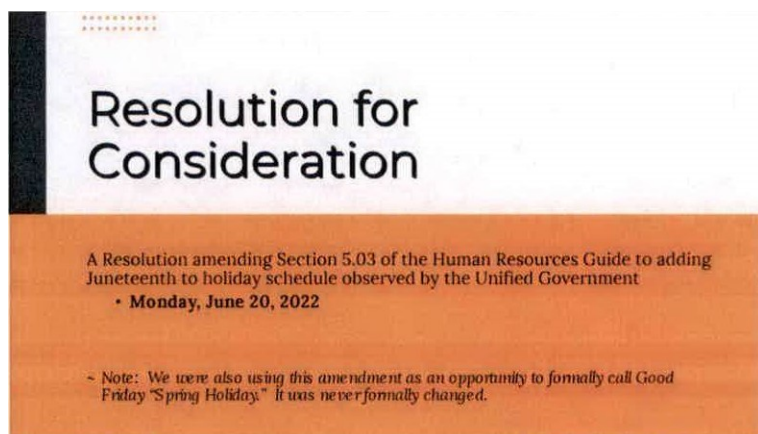
Federal and State Decisions



Federal, of course, added Juneteenth as their twelfth holiday including Inauguration Day which occurs, of course, every four years. State of Kansas has not decided to observe Juneteenth, and the State of Missouri has added Juneteenth to their holidays.



The Unified Government Board of Commissioners does have the authority to designate any day as a holiday as outlined in the Human Resources Guide. And as noted, the Federal Government on occasion or the State may designate holidays to celebrate or to use as a designated holiday. The Unified Government, for example, does not recognize Columbus Day as a holiday and we do choose to use the Spring holiday as opposed to the federal and the state governments.



Again, tonight, the resolution before you is to consider amending Section 5.03 of the Human Resources Guide adding Juneteenth to the holiday schedule observed by the Unified Government. If approved, that date would be Monday, June 20, 2022. Also, we're asking consideration to amend verbiage in the current HR Guide to formally call Good Friday, Spring holiday.



Are there any questions?

Commissioner Townsend said the one question I have was it seemed as though not everyone under the UG umbrella was included in the breakout. That was the only question I had. What was the difference between those groups of employees? You're telling us that the \$397K is the total cost? **Ms. Cobbins** said that would be for overtime costs that the UG would have to pay if elected to add any holiday.

Commissioner Townsend said and there are no other costs then? **Ms. Cobbins** said that's the cost.

Mr. Bach said, Commissioner, if I may, I think maybe you're getting to many of our non-union groups or whatever. We're just going to close the building so we're not going to have people coming in so we don't have to incur overtime. There's some lost service by not being in operation on that day and we'll have to make that up somehow. It's really difficult to put a number to that. But certainly, if we lose a day of productivity, we've lost a day of productivity, and either you're not going to get it done in the same timely fashion or some department heads may elect to require staff to do additional work on overtime. It's hard to put a number to that.

Commissioner Townsend said the quantifiable dollars, though, were just in overtime.

Action: **RESOLUTION NO. R-100-21**, "A resolution amending Policy 5.3 of the Human Resources Guide of the Unified Government regarding holidays, to add Juneteenth as a holiday and to rename the holiday." **Commissioner Johnson made a motion, seconded by Commissioner Townsend, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PUBLIC ANNOUNCEMENTS

Mayor Alvey said I'd like to recognize Administrator Bach for a public announcement.

Doug Bach, County Administrator, said earlier this evening, commissioners were able to express comments and appreciation regarding the outgoing Mayor and two commissioners that this is their last meeting. At this time, we'd like to recognize them for their service to our community and present each one of you with a plaque that we have. I think after meetings like tonight, we should make these out of gold for you to have, kind of demonstrate how they are, but we do have these plaques that are here and this one in my hand is to Commissioner Philbrook for service from 2013 to 2021. I will make a presentation of each one of these if I can.

I have one for Commissioner Walters who served from 2013 to 2021.

Mayor, we have one for you as well for your years of service from 2018 to 2021 as well. I will give this to you tomorrow. Thank you very much for all of your service.

Mayor Alvey said that concludes our meeting for this evening. Thank you for attendance. We are adjourned.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

**MAYOR ALVEY
ADJOURNED THE MEETING AT 10:30 P.M.
December 2, 2021**

Brett A. Deichler, PMP | CPM
Unified Government Clerk

tk/am