JUNE 30, 2022 UNIFIED GOVERNMENT BOARD OF COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **INVOCATION GIVEN BY REVEREND**

IV. **PLEDGE OF ALLEGIANCE**

V. **REVISIONS TO THURSDAY, JUNE 30, 2022 AGENDA**

VI. **CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VII. **PLANNING AND ZONING CONSENT AGENDA**

VIII. **PLANNING AND ZONING NON-CONSENT AGENDA**

IX. **MAYOR'S AGENDA**

X. **REGULAR CONSENT AGENDA**

XI. **PUBLIC HEARING AGENDA**

XII. **STANDING COMMITTEES' AGENDA**

XIII. **ADMINISTRATOR'S AGENDA**

XIV. **COMMISSIONERS' AGENDA**

XV. **LAND BANK BOARD OF TRUSTEES' AGENDA**

XVI. **PUBLIC ANNOUNCEMENTS**

XVII. **ADJOURN**

V. REVISIONS TO THURSDAY, JUNE 30, 2022 AGENDA

1. BLUE SHEET

NEW ITEMS:

IX. MAYOR'S AGENDA
Item No. 10 – PRESENTATION: PARTNERS IN EXCELLENCE AWARD
Synopsis: Presentation to the Unified Government of the Partners in Excellence Award from the Kansas University Health Systems, submitted by Mayor Tyrone A. Garner**.**
Tracking #: 211797

XIII. ADMINISTRATOR'S AGENDA

Item No. 4 – RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64.

Synopsis: A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and The International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator**.**

Tracking #: 211798

Attachments:

- **Resolution**
- **Memorandum of Agreement**

2. **PINK SHEET**

NEW ITEM:

IX. MAYOR'S AGENDA

Item No. 11 – RESOLUTION: APPROVING AGREEMENT TO SETTLE PENDING LITIGATION AND AUTHORIZING ISSUANCE OF BONDS

Synopsis: Resolutions approving execution and delivery of agreement to settle litigation and authorizing issuance of General Obligation Bonds to fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-034 - JEFF MEADOR WITH OPEN DOOR HOMES**

   Synopsis: Change of Zone from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District to build two (2) triplex units at 4136 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

   Tracking #: 211745

2. **COZ2022-017 - KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC**

   Synopsis: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct a single-family residence with urban farming at

3015 and 3020 Baltimore Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211746

3. **COZ2022-018 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

   Synopsis: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to subdivide the lot at 3430 North 115th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 211748

4. **COZ2022-019 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

   Synopsis: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to subdivide the lot at 3548 North 115th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 211749

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-017 - ALMA BARAJAS**

   Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2016-85) for a beauty salon at 5044 Powell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**
   Tracking #: 211750

2. **SP2022-041 - HARIOT SINGH WITH ELITE MOTOR GROUP KC**

   Synopsis: Special Use Permit for auto sales at 2205 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211752

3. **SP2022-045 - KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC**

   Synopsis: Home Occupation Special Use Permit to sell produce and farm goods grown on the property at 3015 and 3020 Baltimore Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211747

4. **SP2022-047 - MANJIT KAUR WITH CITY TRUCK & TIRE REPAIR**

   Synopsis: Special Use Permit for auto repair at 2205 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211754

5. **SP2022-048 - COPART OF KANSAS, INC.**

   Synopsis: Renewal of a Special Use Permit (SP-2020-21) to continue to store boats, trailers, vehicles, construction equipment and farm equipment for retail sales at 8440 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211755

6. **SP2022-052 - LINDA SIEMENS WITH CULTIVATE KANSAS CITY**

   Synopsis: Special Use Permit to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street (SP-2019-2 expired 1/31/2021), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211756

7. **SP2022-053 - BRIEN DARBY WITH CULTIVATE KANSAS CITIY, INC.**

   Synopsis: Special Use Permit to keep storage containers and a greenhouse at 1810 North 1st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211758

8. **SP2022-055 - MARC WINKLER WITH PURPLE HOLDINGS, LLC**

   Synopsis: Special Use Permit to operate a short-term rental at 620 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
   Tracking #: 211759

9. **SP2022-056 - TOBIAS SANDOVAL**

   Synopsis: Special Use Permit to store construction equipment at 3914 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 211761

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

1. **AN ORDINANCE** rezoning property at 2724 North 13th Street, (COZ2022-006) from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

2. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-018) to operate a

sports bar with event space/live entertainment at 2724 North 13th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

3. **AN ORDINANCE** rezoning property at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, (COZ2021-051) from R-1(B) Single Family and CP-O Planned Nonretail Business Districts to RP-6 Planned High Rise Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

4. **AN ORDINANCE vacating an alley at 731 Tenny Avenue (VAC2021-011), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. (RECOMMENDED FOR APPROVAL)**

   Synopsis:
   Tracking #: 211773

5. **AN ORDINANCE** vacating right-of-way at 3801 Lloyd Street (VAC2021-012), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

6. **AN ORDINANCE** vacating right-of-way at 10 South Hallock and 525 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

7. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-003) for a car dealership with automotive repair, auto detailing and auto stereo installation, at 1830 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

8. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-007) for a health clinic, serving uninsured and under-insured persons at 2002 South 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

9. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-019) for continuation of a Short-Term Rental at 4313 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

10. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-034) for continuation of a modular classroom at Piper Middle School at 4420 North 107th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

11. **AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-021) to operate a toy and gift merchandise sales shop at 2618 South 48th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

12. **AN ORDINANCE** designating property commonly known as the Antioch Baptist Church, at 1335 Quindaro Boulevard, as a Kansas City, Kansas Historic Landmark, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

13. **AN ORDINANCE** designating property commonly known as the Westheight Manor Historic District, in Kansas City, Kansas, listed on the National Register of Historic Places and Register of Historic Kansas Places, as a Kansas City, Kansas Historic District, bounded on the North by Wood Avenue and Everett Avenue; on the East by North 18th Street; on the South by State Avenue; and on the West by North 22nd Street and North 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JUNE 30, 2022

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

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

IX. MAYOR'S AGENDA

1. **PROCLAMATION: COMMUNITY SUPPORTING BREASTFEEDING**

   Synopsis: Proclamation proclaiming May 2022 as Community Supporting Breastfeeding Month, submitted by Mayor Garner.
   Tracking #: 211760

2. **PROCLAMATION: POPE FAMILY EMANCIPATION DAY**

   Synopsis: Proclamation proclaiming June 6, 2022 as Pope Family Emancipation Day, submitted by Mayor Garner.
   Tracking #: 211751

3. **PROCLAMATION: WYANDOTTE JUNETEENTH DAY**

   Synopsis: Proclamation proclaiming June 18, 2022 as Juneteenth Freedom Day, submitted by Mayor Garner.
   Tracking #: 211753

4. **PROCLAMATION: LINDA COFIELD APPRECIATION DAY**

   Synopsis: Proclamation proclaiming June 24, 2022, as Linda Cofield Appreciation

Day, submitted by Mayor Garner.
Tracking #: 211779

5. **PROCLAMATION: BISHOP AND SENIOR PASTOR J. CORTEZ VAUGHN DAY**

   Synopsis: Proclamation proclaiming June 24, 2022 as Bishop and Senior Pastor J. Cortez Vaughn Day, submitted by Mayor Garner.
   Tracking #: 211757

6. **PROCLAMATION: PRIDE MONTH**

   Synopsis: Proclamation proclaiming June 2022 as Pride Month, submitted by Mayor Garner.
   Tracking #: 211762

7. **APPOINTMENT: WITNESS DESTRUCTION OF ELECTION BALLOTS AND RECORDS**

   Synopsis: Appoint Commissioner Christian Ramirez and Commissioner Chuck Stites to witness on July 11, 2022, the destruction of ballots and records that no longer need to be retained. Should the primary be unable to attend, alternate appointments should be Commissioner Melissa Bynum and Commissioner Angela Markley, submitted by Lisa Rangel, Commissioner's Office.
   Tracking #: 211765

8. **RESOLUTION: EXTENDING THE STATE OF THE LOCAL HEALTH EMERGENCY ORDER THROUGH OCTOBER 1, 2022**

   Synopsis: Proposing a resolution to extend the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through October 1, 2022, submitted by Matt May, Director of Emergency Management.
   Tracking #: 211780

Item No. 9. - UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

Synopsis: Communication on County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

For information only.

Tracking #: 211724

10. **PRESENTATION: PARTNERS IN EXCELLENCE AWARD (ADDED PER BLUE SHEET)**

    Synopsis: Presentation to the Unified Government of the Partners in Excellence Award from the Kansas University Health Systems, submitted by Mayor Tyrone A. Garne
    Tracking #: 211797

11. **RESOLUTION: APPROVING EXECUTION AND DELIVERY OF SETTLEMENT AGREEMENT (ADDED PER PINK SHEET)**

Synopsis: Resolutions approving execution and delivery of agreement to settle litigation and authorizing the issuance of General Obligation Bonds t fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Tracking #: 211800

X. REGULAR CONSENT AGENDA

Item No. 1. -
RESOLUTION: ROCK ISLAND BRIDGE IRB SALES TAX EXEMPTION

Synopsis: Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed $13,000,000 to finance the costs of acquiring, constructing, improving, and equipping a multi-purpose commercial project for the benefit of Flying Truss, LLC, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211712

Item No. 2. -
RESOLUTION: TERMINATION OF SCAVUZZO'S FOODIE PARK

Synopsis: Resolution authorizing the approval of the termination of Foodie Park Development Agreement and subsequent amendments submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211714

Item No. 3. -
ORDINANCE: REPEALING 2019 MIDTOWN REDEVELOPMENT PROJECT PLAN

Synopsis: Ordinance repealing the 2019 Midtown Redevelopment Project Plan, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211715

Item No. 4. -
RESOLUTION: BROTHERHOOD BANK BUILDING SPECIAL NRA

Synopsis: Resolution approving a special project application for a rebate on incremental property taxes pursuant to the Neighborhood Revitalization Act Plan for redevelopment of the Brotherhood Bank Building at 753 State Ave., Kansas City, KS into residential apartment units and upgraded office space, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211716

Item No. 5. -
RESOLUTION: BROTHERHOOD BANK BUILDING IRB SALES TAX EXEMPTION

Synopsis: Resolution of Intent to issue bonds in the amount not to exceed $12,000,000 to finance the costs of acquiring, constructing, improving, and equipping a multi-purpose commercial project for the benefit of KDG, LLC, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211717

Item No. 6. -
RESOLUTION: MARC KC REGIONAL CLIMATE ACTION PLAN

Synopsis: Consideration of a resolution to support the Mid-America Regional (MARC) Council's KC regional Climate Action Plan and for UG staff to conduct a Citywide Risk and Vulnerability Assessment in order to encourage greater community resiliency, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*On June 6, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 211587

Item No. 7. - ORDINANCE: AMENDING SEC. 27-593 FOR TELECOMMUNICATIONS TOWERS ON STADIUM LIGHT POLES IN RESIDENTIAL ZONES

Synopsis: Amendment to Sec. 27-593, allowing telecommunications towers in residential zones by special use permit if they are integrated into stadium and athletic field light tower, submitted by Gunnar Hand, Director of Planning & Urban Design.

Tracking #: 211577

8. **NOMINATION: BOARDS AND COMMISSIONS**

   Synopsis: Nomination for Boards and Commissions:

   Daniel Serda to the Kansas City Area Transportation Authority (KCATA) Board, 7/1/2022 to 7/1/2026, submitted by Mayor Garner
   Tracking #: 211786

9. **MINUTES**

   Synopsis: Minutes from Planning & Zoning and Regular Session January 27 and February 10, 2022 and special sessions of April 28 and May 19, 2022.
   Tracking #: MINUTES

10. **WEEKLY BUSINESS**

    Synopsis: Weekly Business from April 7 and 14, 2022, May 12 and May 19, 2022.
    Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

Item No. 1. -
RESOLUTION: CRITERION MULTIFAMILY PROJECT IRB

Synopsis: Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed $62,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Criterion Development Partners, LLC, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211719

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - ORDINANCE: AMENDING SECTIONS OF CHAPTER 32 OF THE 2008 CODE OF ORDINANCE AND RESOLUTIONS

Synopsis: Expanding the ability of businesses and individuals to sell food, drinks, and merchandise on sidewalks, streets, and parklets, making permanent many of the COVID-19 Emergency Ordinances and Resolutions previously approved and due to sunset on June 30, 2022, and adding new language, submitted by Gunnar Hand, Director of Planning and Urban Design.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley on June 27, 2022. It was requested, and approved by the Mayor, to fast track this item to the June 30, 2022 full commission meeting.*

Tracking #: 211742

Item No. 2. - ORDINANCE: AMENDING SECTIONS OF CHAPTER 27 OF THE 2008 CODE OF ORDINANCE AND RESOLUTIONS

Synopsis: At the onset of the COVID-19 pandemic, the Unified Government adopted multiple emergency ordinances relating to outdoor service and retail sales, farmer's markets, mobile vending, mobile markets, and open streets on a temporary basis that will sunset on June 30, 2022. These ordinances are now being proposed to be made permanent. Chapter 27 amendments pertain to all "Streets for People" changes on private property, submitted by Gunnar Hand, Director of Planning and Urban Design.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on June 27, 2022. It was requested, and approved by the Mayor, to fast track this item to the June 30, 2020 full commission meeting.*

Tracking #: 211586

Item No. 3. -
CONTRACT: REAL ESTATE PURCHASE AGREEMENT FOR 742 MINNESOTA

Synopsis: Option contract for real estate purchase agreement between KDG, LLC and the Unified Government for the real estate at 742 Minnesota Ave., Kansas City, KS, submitted by Katherine Carttar, Director of Economic Development.

*On June 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211718

Item No. 4. - ORDINANCE: ADOPTING THE BUILDING AND SAFETY CODE 1

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

2018 International Building Code (IBC)
2017 NFPA 70 - National Electrical Code (NEC)
2018 International Mechanical Code (IMC)
2018 Uniform Plumbing Code (UPC)
2018 International Property Maintenance Code
2018 International Energy Conservation Code (IECC)
2018 International Existing Building Code (IEBC)

This item was previously before the full Commission on May 26, 2022.

Tracking #: 211727

Item No. 5. - ORDINANCE: ADOPTING THE 2018 LIFE SAFETY CODE AND INTERNATIONAL FIRE CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

2018 Life Safety Code
2018 International Fire Code

This item was previously before the full Commission on May 26, 2022.

Tracking #: 211728

Item No. 6. - ORDINANCE: ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The International Residential Code for One- and Two-Family Dwellings is presented with three options from which the Commission may choose and will be adopted under a single ordinance:

2018 International Residential Code for One- and Two-Family Dwellings (IRC), Option A (staff recommendation)

2018 IRC, Option B
2018 IRC, Option C (unamended energy provisions)

This item was previously before the full Commission on May 26, 2022.

Tracking #: 211729

XIII. ADMINISTRATOR'S AGENDA

1. **RECOMMENDATIONS: DISBURSEMENT OF 2022 CASINO GRANT FUNDS**

   Synopsis: Request approval to disburse 2022 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners, submitted by Alley Porter, County Administrators Office.

   Tracking #: 211766

2. **RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND LiUNA**

   Synopsis:
   A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and LiUNA Union, submitted by Cheryl Harrison-Lee, Interim County Administrator.

   Tracking #: 211787

Item No. 3. - UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Tracking #: 211735

4. **RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64 (ADDED PER BLUE SHEET)**

   Synopsis: A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and The International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator.

   Tracking #: 211798

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager

E. Yard Extensions - 2
   1. Kendall Blakeney

4967 Oak Ave – 107430

2. Diana S Davila
   1522 S 8th St – 156010

*On June 9, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 211707

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JUNE 30, 2022

NEW ITEMS:

IX. MAYOR'S AGENDA
Item No. 10 – PRESENTATION: PARTNERS IN EXCELLENCE AWARD
Synopsis: Presentation to the Unified Government of the Partners in Excellence Award from the Kansas University Health Systems, submitted by Mayor Tyrone A. Garner.
Tracking #: 211797

XIII. ADMINISTRATOR'S AGENDA
Item No. 4 – RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64.
Synopsis: A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and The International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator.
Tracking #: 211798

Attachments:
- **Resolution**
- **Memorandum of Agreement**

Staff Request for Commission Action

Tracking No. 211797

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:
Presentation to the Unified Government of the Partners in Excellence Award from the Kansas University Health Systems, submitted by Mayor Tyrone A. Garner.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 211798

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

Item Description:
A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and The International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution & MOU, 8DZ9446-Pay Grid - 6 15 22 12 00

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and The International Association of Firefighters Local No. 64.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ___ DAY OF _____, 2022.

_____
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty S. Brown
Chief Counsel

MEMORANDUM OF AGREEMENT

2019-2024

Between

The Unified Government of Wyandotte County,
Kansas City, Kansas

and

The International Association of Firefighters

Local No. 64

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DEFINITIONS

Chief - Chief of the Kansas City, Kansas Fire Department.

City - City of Kansas City, Kansas.

Corps – Fire Prevention, Emergency Operations, First Deputy Corps.

Department - Kansas City, Kansas Fire Department.

Deputy Chief – A chief officer who is in charge of a corps comprised of multiple divisions.

Division Chief - A chief officer of the Kansas City, Kansas Fire Department who is in charge of a Department Division.

Divisions - Training, Fire Suppression and Rescue, Emergency Medical Services, Specialty Operations, and Communications or as otherwise created by the Department.

Employee - All persons employed by the Fire Department who are members of the bargaining unit.

Employer - Unified Government of Wyandotte County/Kansas City, Kansas.

Executive Committee - IAFF Local No. 64, President, Vice-President, Secretary-Treasurer, Recording Secretary and Five Elected Executive Board Members.

Fire Department - Kansas City, Kansas Fire Department.

Firefighter - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression position and who works twenty-four (24) hour shifts.

Firefighter/Paramedic - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression/Paramedic position and who works twenty-four (24) hour shifts.

Gender - The male shall include the female and the female shall include the male.

Memorandum - Memorandum of Agreement between Unified Government of Wyandotte County/Kansas City, Kansas and IAFF Local No. 64.

Paramedic – An Employee possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services.

Permanent Employees - Fire Department employees who have successfully completed their 12

month probationary period and have received a permanent appointment.

Shift Days - 24 Hour work periods.

Specialized Units - Training, Shop, Recruitment, Special Operations and other units so designated by the Department.

UG - The Unified Government of Wyandotte County/Kansas City, Kansas.

Union - IAFF Local No. 64.

MEMORANDUM OF AGREEMENT

ARTICLE 1 - PREAMBLE

This Memorandum of Agreement (hereinafter "Memorandum") is entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter "Employer" or "UG"), and Local No. 64, International Association of Firefighters (hereinafter "Union").

It is the purpose of this Memorandum to achieve and maintain harmonious relations between the Employer and the Union; to provide for equitable and peaceful adjustment of differences that may arise, and to establish proper standards of wages, hours and other conditions of employment.

ARTICLE 2 - RECOGNITION

The Employer recognizes the Union as the exclusive bargaining agent for all sworn employees of the Fire Department of the rank of captain (or equivalent) and below, except that confidential and supervisory employees are excluded.

The Unified Government recognizes the Union as the exclusive bargaining agent for all of the bargaining unit member dispatchers who are described as sworn fire department dispatchers. However, all of the bargaining unit member dispatchers will be supervised by individuals as designated by the UG Administrator. All of the bargaining unit member dispatchers will be paid as determined by the Unified Government and will be assigned serial numbers by the Unified Government. These bargaining unit members were among those who were originally subject to the Order of certification in 75-UDC-3-2002.

ARTICLE 3 - NON-DISCRIMINATION

UG and the Union agree that they shall not directly or indirectly discourage or deprive or coerce any employee in the enjoyment of any rights conferred by the laws of Kansas and the United States; that neither the Employer nor the Union shall interfere with the right of employees covered by this Memorandum to become or not become members of the Union and there shall be no discrimination against any such employees because of lawful Union membership or lawful Union activity or non-membership or non-activity; that each will comply with applicable laws and regulations regarding discrimination against any employee or Union member due to such person's race, color, creed, religion, national origin, sex, age or disability. When words of gender are used in this Memorandum, the male term shall include the female and the female term shall include the male. The Union recognizes its responsibility as bargaining agent and agrees fairly to represent all employees in the bargaining unit.

ARTICLE 4 - UNION BUSINESS

§ 4.1 Conferences, Conventions, Seminars and Symposiums

Designated members of the Union shall be granted time off without loss of pay to attend certain conventions, conferences, seminars and symposiums, with the consent of the Chief. Time off requests must be submitted two weeks prior to a convention, conference, seminar or symposium. The referenced conventions, conferences, seminars or symposiums will be the International Association of Firefighters' Convention (not to exceed four (4) members of the Union every other year), the John P. Redmond Safety Symposium (not to exceed four (4) members of the Union every other year), and the Kansas State Fire Council of Firefighters Convention (not to exceed eight (8) members of the Union) and the Human Relations Conference (not to exceed three (3) members of the Union); the District 2 Symposium (not to exceed six (6) members; and the IAFF Legislative Conference (not to exceed two (2) members). If as a result of any of the above, a shortage of manpower exists, then the Department may invoke its rights under Article 24, paragraph 7.

§ 4.2 Local Meetings

The President, Business Manager/Recording Secretary, Secretary/Treasurer of the Union shall be allowed reasonable time off to attend not to exceed two (2) regular meetings and two (2) special meeting per month of the local Union. The Chief shall be given written notice at least seven (7) calendar days in advance of such regular meetings and must consent to these Union officers being granted time off for any special meetings.

§ 4.3 Pay For Negotiators

UG will permit not to exceed five (5) Local Executive Board members time off with pay for time actually spent in collective bargaining sessions with UG.

§ 4.4 Local Union Business

Nothing contained within this Memorandum of Agreement shall alter the existing past practice between the Parties which allows Local Executive Board Members to conduct authorized Local Union business during their regular working hours, provided that the Chief and the appropriate supervisor are given notice that such representative of the Local will be so engaged and consent thereto. Time spent in handling Union Business outside of the Local Executive Board Members normal work hours shall not be considered time spent in the employ of UG. Subject to the approval of the Chief or his designated representative, the Local Union President shall be allowed time off without loss of pay to engage in activities that benefit the UG, the Department or Department employees.

ARTICLE 5 - PROBATIONARY PERIOD

§ 5.1 New Hires

A new employee appointed to the Fire Department shall serve a probationary period of one (1) year, shall pass the necessary examinations and shall satisfactorily perform his duties before he or she becomes a permanent employee.

A new dispatch employee shall serve a probationary period of one (1) year, shall become certified as required and shall satisfactorily perform his or her duties before he or she becomes a permanent employee. This period may be extended for a time not to exceed ninety (90) days, by the written agreement of the Employer, Employee and Union. Any interruption of employment (leave, sickness, etc.) during the probationary period in excess of five (5) days shall not be counted as part of the period. During that time the employees may be discharged or disciplined at the sole discretion of the Employer without recourse to the provisions of this Addendum or the foregoing IAFF Memorandum. Probationary employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employee's seniority date will be measured from his or her date of hire. An employee's probationary period shall commence on the employee's first (1st) physical day on the job.

§ 5.2 Promotions

An Employee who receives a promotion to a higher rank shall serve a probationary period of six (6) months in such higher rank, unless extended by mutual written agreement between the Department and the Union, before such appointment becomes permanent.

§ 5.3 Retention or Removal

If a probationary employee is unsatisfactory to the Employer, then the employee and the Union (unless the employee requests that the union not be notified) shall be notified in writing that he is not to be retained. If he is retained beyond the probationary term, then his appointment or promotion shall be deemed permanent. An employee who does not satisfactorily complete the probationary period for promotion shall be returned to his last permanent rank.

ARTICLE 6 - PAYROLL DEDUCTION OF DUES

The Employer agrees to deduct, each month, dues and assessments in any amount certified by the Union and authorized by the employee from the pay of those employees who individually request, in writing (Dues Deduction Authorization Slip), that such deductions be made. Employees may revoke the authorization by giving thirty (30) calendar days written notice to the Employer. The employer will notify the Union of any revocation of dues deductions. The total amount of deductions shall be remitted, each month, by the Employer to the Treasurer of the Union.

ARTICLE 7 - CALL BACK PAY

Employees who are called back to work after leaving their normal shift shall be compensated for all time actually so worked at the overtime rate. Employees shall receive a minimum of four (4) hours pay at their regular straight time rate or the actual time worked at the overtime rate, whichever is greater. Employees shall not be compensated for "travel time," to or from work. Call backs shall be made in accordance with the Department's orders concerning the same.

ARTICLE 8 - LEAVES OF ABSENCE

§ 8.1 Leaves of Absence

Leaves of absence shall be without pay unless specifically stated that they are to be with pay.

§ 8.2 General Leaves of Absence

Any general leave of absence that may be granted is the decision of the Chief. The maximum general leave of absence shall be thirty (30) calendar days. The UG Governing Body may extend such leave for any periods not to exceed thirty (30) calendar days upon receipt from the Chief of a written recommendation to that effect. Any employee desiring a general leave of absence shall submit a written request to the Chief, setting forth the reasons for the request at least seven (7) calendar days prior to the commencement of the requested leave, except in cases of emergency. If such request is denied, the reason for such denial shall be made known to the requesting employee. The time an employee spends on general leave of absence shall not be counted as time worked in determining vacation benefits or any other benefits under this Memorandum or under law.

§ 8.3 Military Leave

Any employee who voluntarily or involuntarily enters active duty in any branch of the military service, including all Guard and Reserve units of the Armed Forces of the United States, may be placed on military leave of absence without pay. Any employee who is a member of the National Guard or any other component of the Military Reserve may be granted a leave of absence without pay to meet his military obligation. Military obligation means required summer camps and meetings, and may or may not, in accordance with Federal Law, include camps and training sessions attended voluntarily. In either case, such employee shall comply with UG procedures in requesting such leave and upon his separation from the service he shall be entitled to such benefits accruing to him under existing Federal laws and regulations and agreement then in effect. An employee on military leave shall report for duty with the Department within ninety (90) days of his separation from service on his initial tour of duty or he will be considered as having voluntarily resigned.

§ 8.4 Death in the Family Leave

Each employee shall have, in the event of a death in his immediate family, not to exceed three (3) consecutive calendar days off for 40 hour personnel or one shift day off for 24 hour personnel, with pay, but such leave shall not extend beyond the day after the funeral. The term "immediate family" shall include the employee's spouse, children, parents, step-parents, brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, parents of spouse, grandparents of spouse, or a relative living in the employee's home. The Chief or his designee at their discretion may grant death in the family leave to an employee to attend the funeral of other relatives, or extend the funeral leave, at their discretion under extenuating circumstances. The employee shall provide verification of the death of the immediate family member.

§ 8.5 Injury Leave

a) An employee who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of this section. Additionally, an employee who contracts an "occupational disease," as defined and applied by the Kansas Workers' Compensation Act (K.S.A. 44-5a01, as amended), which disease arises out of and in the course of the employee's employment which disease results from the nature of the employment in which the employee was engaged with the Department, and which was actually contracted while so engaged, may be eligible for the benefits provided by the provisions of this section. The applicable provisions of the Kansas Workers' Compensation Act shall provide the parties with authority to determine if employees of the bargaining unit are entitled to the benefits of this section for occupational diseases.

b) Claims due to stress, mental disorder or mental injury may be compensable under this section if the stress, mental disorder or mental injury is occasioned by an act of duty as an employee in their response to an emergency call.

c) If the injured employee, in the opinion of his and the Department's physicians, is unable to work because of such injuries he may be granted injury leave. If the employee is granted such leave he shall receive his regular base pay for a period not to exceed fifteen (15) months. Such leave shall be terminated when the employee's or the Department's physician determines that the employee is able to return to work. No employee will lose any benefits while on approved injury leave.

d) The maximum amount of leave allowed under this section for any one injury or series of injuries, shall be a cumulative fifteen (15) months at the end of which the injured employee must return to his regular full-time Departmental duties, apply for a disability pension, resign his position with the Department or be terminated.

e) An employee on injury leave shall be required to periodically (at least every forty-five (45) calendar days) acquire and provide to the Department a report, from his attending

physician, stating clearly the employee's medical condition, the likelihood of said employee's return to work and a physician's statement, based upon reasonable medical certainty as to when the injured employee may return to the employee's regular duties with the Department.

f) The Department may allow, by mutual agreement of the employee and the Department, or may require with a written release from the employee's treating physician, including specialist if applicable, an employee on approved injury leave, at any time, to return to light duty if the employee is able to perform the work and the Department has a position available. In this event the employee may be placed at the discretion of the Department. However, any time spent on light duty shall be included within the maximum fifteen (15) months injury leave provided in paragraph (c) hereinbefore. If at the end of the total cumulative fifteen (15) month period the employee is still unable to perform his or her regular full duties then the employee must apply for a disability pension, resign his or her position with the Department or be terminated.

g) An employee injured on duty, must report, if reasonably able, in writing, such injury forthwith to his immediate supervisor. The injury shall be recorded in the fire company's log book as to date, time, location and type of injury. The employee shall then be required to forthwith report to a physician authorized by the health care plan of which the firefighter is a member for examination and/or treatment. If such physician is not available then the firefighter shall be required to report to a hospital emergency facility for examination and/or treatment. The injured employee shall return a written verification to the Department that he has been so examined and/or treated. An employee shall not be entitled to receive injury leave benefits unless he complies with this section.

h) When an employee is on injury leave, the UG may require the employee to be examined by a physician of the Department's choosing to determine the capability of the employee to return to duty.

i) Employees on approved injury leave are prohibited from being gainfully employed or being self-employed.

j) No employee will be entitled to receive more salary as a result of receiving the benefits of this section than he would have received had he been working and receiving his base pay during this time period.

k) Any medical examinations and/or treatments which are required by the Department will be provided under the applicable group health and medical plan. Any deductible amount not paid by this coverage shall be the responsibility of the UG. If the carrier denies coverage the UG shall be responsible for the full costs of such examinations.

l) Employees are required when initially requesting injury leave to execute Department forms which authorize the employee's treating physician(s) to release the relevant medical records to the Department and to respond to the Department's inquiries concerning the capability of the employee to return to work and/or to return to work light duty. The Department

will provide the physician(s) with a general description of the duties of the light duty position when requesting his/her opinion(s).

m) Injury Leave – Dispatch.

i. Subsection a. through d. and k. of this Section 8.5 are inapplicable to dispatch employees.

ii. An employee who sustains injuries arising out of and in the course of his or her employment shall be covered by the provisions of the Workers' Compensation Act of the State of Kansas. If the employee is unable to work, he or she shall receive the difference between her regular pay and the workers' compensation benefits he or she receives for the first thirteen (13) weeks of any such injury leave. Thereafter, any further injury leave shall be at the discretion of the UG Commission.

§ 8.6 Sick Leave

a) Entitlement

1) All permanent employees shall be allowed leave with pay on account of sickness or non-duty related injury at the rate of one and one fourth (1-1/4) calendar days for each calendar month of full service by such employees.

2) Sick leaves shall not accumulate during general leaves of absence, extended military leave of more than thirty (30) days, suspensions or layoff.

3) Twenty-four (24) hour shift employees must actually work or be credited with working at least six (6) shift days per month and forty (40) hour employees must actually work or be credited with working at least twelve (12) work days per month in order to accumulate the referenced Sick Leave entitlement.

b) Limitation of Accumulation

There shall be no limit on the number of sick days that the employee may accrue.

c) Transferred Employees

When an employee is transferred to another department of UG, any unused sick leave that may have accumulated to his credit shall continue to be available for his use as necessary.

d) Termination

Upon an employee's voluntary resignation, termination for just cause or layoff due to personnel reduction, any accrued, unused sick leave shall be forfeited.

e) Pension

An Employee who shall have accumulated sick leave and is eligible for a pension in accordance with the provisions of the Kansas Police and Fire Department Retirement Systems Act, shall upon retirement receive regular straight time compensation for any accumulated unused sick leave, but such compensation shall not exceed four (4) months base pay.

Thirty (30) days of accumulated sick leave shall be used for each one (1) month's equivalent pay. If an employee has less than the referenced number of accumulated sick leave, he shall receive the pro-rated one-thirtieth (1/30th) of one (1) month's pay for each day of accumulated sick leave existing at that time.

f) Use Provisions

1) The payment to an employee of paid sick leave shall be subject to the following rules:

a) Sick leave may only be used for the purpose for which it was intended, that being to provide an employee with protection against a loss of pay due to a bona fide illness.

b) Employees on approved sick leave are prohibited from being gainfully employed or being self-employed.

c) The granting of sick leave shall be at the determination of the Chief or his designee.

d) The employee shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

e) If an employee reports for work and then leaves during his tour of duty due to illness, the employee must report same to his supervisors before leaving the Department's premises and, upon request of his supervisor(s), the employee shall sign an authorization to allow the UG to acquire the employee's relevant medical records and/or a report, from his attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee was unable to work the day(s) of his absence due to his illness or injury.

f) Any permanent employee who is absent for more than one (1) consecutive shift day for 24-hour employees or two (2) consecutive workdays for 40-hour

employees due to illness or injury, shall provide a report from the employee's attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee has been seen and treated and was unable to work the day(s) of his absence due to his illness or injury. Such employees must also be at their place of residence during the hours of the employees shift for which the employee has called off sick unless: (1) the employee can provide documentary proof upon the employee's return to work that their absence was necessary for seeking medical care or treatment from or at the direction of the employee's attending physician; or, (2) after the employee has provided to the Department a report from the employee's treating physician attesting that the employee has incurred an injury or has a chronic, serious medical condition but is nonetheless ambulatory.

g) The Chief or his designee shall request on the first day of sickness after said employee has laid off two (2) sick leaves in any twelve (12) consecutive month period a statement signed by the employee's treating physician stating clearly that the employee was seen and treated, the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided to the employee and a statement that the employee was unable to work the day(s) of his or her absence due to his illness or injury. Such employees must also be at their place of residence during the hours of the employee's shift for which the employee has called off sick unless: (1) the employee can provide documentary proof upon the employee's return to work that their absence was necessary for seeking medical care or treatment from or at the direction of the employee's attending physician; or, (2) after the employee has provided to the Department a report from the employee's treating physician attesting that the employee has incurred an injury or has a chronic, serious medical condition but is nonetheless ambulatory. The employee shall be notified in writing when he has laid off two (2) sick leaves in any twelve (12) month period.

h) Sick Leave Buyback.

Employees who have at least 480 hours of sick leave in their sick leave bank are permitted to sell back to the Unified Government at the end of a calendar year sick leave based upon the following usage table:

Sick leave used per year	Hours permitted to sell back
None (8-hr)	96 hours (24-hr) / 64 hours
One (1) shift (8-hr)	72 hours (24-hr) / 48 hours
Two (2) shifts	48 hours (24-hr) / 32 hours

(8-hr)

Three (3) shifts or more None

The provisions of this Section 8.6(h) shall only apply if the total amount of unscheduled leave (sick leave, Covid-sick, family illness and injured on duty leave including any such leave taken in conjunction with FMLA) from July 1st through June 30th is reduced by the following percentages from the amount of such leave taken by the bargaining unit in the 2021 calendar year: 2022 – 20%, 2023 – 30%, 2024 – 35%. The number of hours of unscheduled leave taken by the bargaining unit in 2021 is 122,730 hours.

i) Any employee who averages three (3) or more sick leaves per year from his date of employment, shall be classified as an "excessive user" of sick leave and the Chief shall inform him in writing that he has been placed in this category. An employee in the "excessive user" category will be governed by the following rules:

1) Such employee during a sick leave absence shall be checked to see if he is at home and if not there, the employee must supply proof that he was at the doctor's office, or hospital during that time. If proof cannot be supplied, the employee shall receive six (6) consecutive calendar days off of work without pay for the first offense; fifteen (15) consecutive calendar days off of work without pay for the second offense; thirty (30) consecutive calendar days off for the third offense; and termination for the fourth offense. Discipline for the fourth offense is subject to the Chief's discretion.

j) Employees not using any sick leaves including family illness from January 1st through December 31st of any calendar year shall receive one (1) extra twenty-four (24) hour day off with pay the following year if a twenty-four (24) hour employee and forty (40) hour employees shall receive two (2) working days off with pay. Such days may be taken by the employee, schedule permitting and with consent of his supervisor.

k) Records of Sick Leave

It shall be the duty of the Department to keep a permanent record of sick leave and each employee's accumulation and use of sick leave.

l) Payment Beyond Accrued Vacation and Sick Leave

Any employee who, on account of a non-job related illness or injury, is absent beyond the period of time for which he has accrued sick leave and vacation leave may apply to be paid at the rate of one-half (1/2) the usual wages or salary such employee was receiving at the time the illness or injury commenced, for a period not

to exceed six (6) months. The granting of such additional leave shall be at the discretion of the UG Commission. A return to work for a period of thirty (30) days shall be prerequisite to the vesting of an entitlement to any second or subsequent period of half-pay not to exceed six (6) months.

m) Family Illness

Employees may, with the Chief's permission, take a family illness leave with pay. Such leave shall not exceed two (2) twelve (12) hour days or one (1) twenty-four (24) hour day for twenty-four (24) hour shift employees or two (2) work days for forty (40) hour employees within a calendar year, unless the employee provides a written note from the family member's treating physician indicating that the employee's absence on the date of the family illness was necessitated to provide care for the family member's illness or injury. Such leave may be extended when in accordance with the treating medical doctor's specific orders. This leave shall be charged to the individual employee's accumulated sick leave; however, the leave shall not count as an occurrence.

n) Sick Leave Donation

Bargaining unit employees may be allowed to donate sick time to other bargaining unit employees of the Fire Department who have a catastrophic or life threatening personal illness under the following conditions:

1. All other accrued paid leave and/or time must be exhausted before donated time can be used.
2. Employees who are excessive users of sick leave under Section 8.6 leave are not eligible to receive sick leave donations.
3. Donating employees must have at least one hundred (100) hours remaining after donating to participate.
4. Employees may donate up to two (2) twenty-four (24) hour shifts for 24 hour shift employees or forty (40) hours for 40 hour per week employees.
5 Sick time hours donated will not be converted into any other form of compensation. Donations shall be paid at the recipient's rate of pay. Donated sick time will not be paid upon separation from employment by the employee receiving the donated time. Unused donated sick leave will not be returned to the donating employee.
6. Any unused donated sick time that has been turned into the Department will be lost.
7. Employees on disability are not eligible to receive donated sick time.
8. The eligibility of an employee to receive donated sick time will be at the discretion of the Department.
9. The maximum number of donated sick leave hours that can be

received is 640 for 40 hour per week employees and 960 hours for 24 hour shift employees.

§ 8.7 Family Medical Leave

Employees may be entitled to a Family Medical Leave as set forth in the UG's Human Resource Guide section and by the Family Medical Leave Act.

§ 8.8 Pregnancy Protection Assignment

Employees who become pregnant may, upon a date set forth by the employee's physician, be moved into a non-hazardous duty position until the pregnant employee's FMLA leave commences. The employee shall return to her original position upon completion of her FMLA leave.

The non-hazardous pregnancy assignment shall terminate upon the employee being medically required to be placed off duty due to the pregnancy. Such employee may apply for FMLA leave to cover this absence, for childbirth purposes, from her employment.

ARTICLE 9 - WORKING OUT OF CLASSIFICATION

Any employee who is required to accept the responsibilities and carry out the duties of a position or rank above that which he normally holds, shall be paid in full at the rate of that position or rank while so acting for each one-half (1/2) shift day or any part thereof so worked. Provided, that a Firefighter I, II or III or a Firefighter/Paramedic who operates as a Fire Apparatus Operator of Fire Department apparatus for one (1) or more shifts shall receive as compensation his regular per diem rate plus the difference between the per diem rate of a Firefighter I and a Fire Apparatus Operator. Pay commencing from the first day of acting capacity shall be paid monthly.

In the event of a shortage of Battalion Chiefs, Captains may be allowed to ride out of title in those Battalion Chief's positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief.

The UG does not have grade positions in the Medical Transport Division, therefore, Article 9 does not apply to Medical Transport Division employees.

In the event of a shortage of Medical Transport Supervisors, Paramedics may be allowed to ride out of title in those Medical Transport Supervisor positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief. The Paramedics acting as Medical Transport Supervisors shall receive out of title pay on a per diem basis which shall be the difference between the Paramedic's pay and the Medical Transport Supervisor's pay.

ARTICLE 10 - HOLIDAYS-KELLY DAYS

§ 10.1 Holidays and Kelly Days

a) Twenty-four hour shift employees.

Twenty-four (24) hour shift employees shall be granted five and one-half (5-1/2) shift days off as holidays and six and one-half (6-1/2) shift days off as Kelly days. Employees shall schedule such holidays and Kelly days as provided in Article 24. Additionally, 24-hour shift employees shall receive twelve (12) hours of straight time pay for the Juneteenth holiday, which hours shall not be included as hours worked for purposes of overtime.

b) Forty-hour employees.

Forty hour employees shall receive the following days of each year as legal holidays:

1) New Year's Day
2) President's Day
3) Martin Luther King Day
4) Good Friday
5) Memorial Day
6) Juneteenth
7) Independence Day
8) Labor Day
9) Veterans Day
10) Thanksgiving Day
11) Day after Thanksgiving Day
12) Christmas Day

ARTICLE 11 - UNIFORMS, PROTECTIVE CLOTHING AND DEVICES

A) Provision.

All uniforms, protective clothing, or protective devices required of employees in the performance of their duties shall be furnished by UG.

B) Replacement.

Worn-out, damaged or unserviceable uniforms, work and protective clothing and devices must be turned in at the designated location prior to the issuance of replacement items. Items which are damaged, destroyed, lost or stolen not in the performance of the employee's duties shall be the employee's responsibility. Items lost or stolen due to the Department's negligence, shall not be the employee's responsibility. A joint Union-Management committee will be formed in order to review and recommend to the Chief of the Department a system for handling replacement of worn out, damaged or unserviceable uniforms, work and protective clothing and devices. The Union President shall appoint two members and the Chief shall appoint two

members of the joint committee.

C) Termination.

When employment is terminated for any reason, the employee is required to return the issued items and UG may withhold a reasonable amount from the final paycheck, not to exceed 75% of the cost of replacement of the issued items, of the employee's funds to compensate UG for uniforms or equipment not so returned as permitted by K.S.A. 44-319(b)(3), provided that such withholding does not reduce the employee's compensation paid, less the withholding, to below the minimum wage under either State or Federal law.

D) Wearing of Uniforms.

Employees are required to be in uniform at all appropriate times while on duty. Employees reporting for duty either fully or partially out of uniform shall not be allowed to work until they report in uniform. Employees are not allowed to wear the issued items or use UG issued equipment at any time except when they are traveling to or from work or actively engaged in performing duties of their employment with the UG, conducting legitimate Union business when it is necessary to wear the uniform or with the permission of the Chief.

ARTICLE 12 - MEDICAL PLAN

During the term of this Memorandum, UG agrees to offer the employees of the Department the same medical, dental or other similar welfare benefit plans which are made available to the UG's employees generally. As of the date of the adoption and execution of this Agreement, for all years of this Agreement such plans have already been adopted and benefits have been established. Members of the bargaining unit represented by the Union shall receive those benefits as set forth in the benefit plans adopted by the U.G. for all contract years of this contract. Other than benefits paid for compensable on the job injuries under Section 8.5 of this Agreement, members of the bargaining unit shall not be entitled to greater or differing medical plan benefits from those benefits offered to other U.G. employees. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Prior to January 1, 2016, UG agrees to pay for one hundred percent (100%) of the insurance premium for each covered employee for the employee's individual cost of coverage elected under either the Single or Family coverage offering. Beginning on January 1, 2016 and for the remainder of the term of this Agreement, each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected at the rate of $30 per month, provided that upon ratification of this MOA the monthly premium contribution amount shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium for the least expensive medical plan provided or administered by a major

reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium of $30 per month discussed in Subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should elect to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any, and his portion of the premium therefore shall be deducted from the employee's paycheck.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from one year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increases to fourteen percent (14%) or less. The UG Employee Health Benefit Committee (EHBC) shall meet and confer in an attempt to make recommendations to the UG Administrator for modifying the polic(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall have at least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retires. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (Local 64) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations

are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plan for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis).

2. Administrative expenses to administer the plan during the year.

3. Sufficient funds to create and/or preserve a Apremium stabilization@ reserve fund of at least five percent (5%) of the previous year's total premium costs amount.

Retirees shall be eligible for the same health insurance benefits made available by the UG to other UG retirees. See Attachment "B."

ARTICLE 13 - SENIORITY AND PERSONNEL REDUCTION

§ 13.1 General

Seniority shall govern in bidding for station assignment when the qualifications of the employee involved, including training, education, experience, ability and performance, are equal. If department seniority is equal then time in rank will be used to break any tie. If time in rank should be equal, then seniority shall be governed by the employee's identification number, the lowest number having preference. Seniority shall also govern in layoff and recall as further provided herein. Seniority shall not apply to promotions to positions not included in the employment classifications covered by this Memorandum.

For recruit classes hired on or after January 1, 2008, the employee's identification number, which determines seniority in the event of a tie, will be determined and based upon the scores attained in the employee's recruit class rather than by alphabet.

§ 13.2 Measurement of Seniority

A. Seniority shall be measured by continuous service as an employee of the Fire Department. This service shall be measured from the date of last hire, unbroken by other than vacation, military leave or other authorized leave of absence not exceeding ninety (90) calendar days. Seniority shall be broken by discharge, resignation, retirement, permanent disability, or suspensions from duty in excess of ninety (90) calendar days. During suspensions in excess of ninety (90) calendar days, an employee shall receive no credit for that service. In the cases of break in seniority caused by such suspensions, the employee's seniority is reduced only by the length of the suspension. In the case of disputes concerning seniority, the employer's records shall govern. During the first one (1) year of employment, which is the probationary period, an employee shall not be considered to have seniority, however, upon completion of this probationary period seniority shall extend from the first day of continuous employment.

B. All bargaining unit members hired into EMS Transport Division on May 6, 2004 will be given a suppression/medical transport date of hire of May 6, 2004. For those employees hired after May 6, 2004, the date of hire will be the effective suppression/medical transport date of hire.

Those dates of hire that occur after May 6, 2004 will be subject to this definition of effective date of suppression/medical transport date of hire and will be subject to existing contract language regarding the bid process and promotions.

§ 13.3 Measurement of Seniority for Paramedics

Employees who were employed previously by the Department as Emergency Medical Intensive Care Technicians or Medical Unit Leaders and who are now employed by the Department as Firefighter/Paramedic shall have a Department seniority date of April 21, 1994 for purposes of requests for station assignments and promotions.

§ 13.4 Seniority Lists

The employer shall prepare an up-to-date seniority roster containing names, length of service and rank of such employees represented by the Union. The employer shall update the list annually (by March 15), during the term of this Memorandum. In the event an employee believes an error has been made as to his position on the seniority roster, he shall have fifteen (15) calendar days after the roster is prepared to file his protest, in writing, with the Chief. Such lists shall be posted in each station.

§ 13.5 Layoffs

Layoffs or job displacement shall be made according to Division seniority until fifty percent (50%) of the Division bargaining unit members have been laid off, then layoffs shall be governed by inverse departmental seniority of the employees being laid off.

§ 13.6 Recall Rights

a) The order of recall shall be governed by the employee's Division Seniority and his qualifications within the Division in which the vacancy exists.

b) Notification of recall shall be given by the UG by certified mail to the recalled employee at his last address furnished to UG.

c) Within five (5) days after such notice is postmarked, the employee must advise the Personnel Department whether he accepts such reinstatement. Any recalled employee who fails to notify the Personnel Department within five (5) days, as outlined above, shall forfeit all seniority rights and opportunities for future recall. The next qualified employee on the appropriate Division seniority list may be notified of the opening and the above procedure shall be repeated until the vacancy is filled. If no qualified employee remains on the appropriate

Division seniority list to fill the vacancy, then the vacancy may be filled by new hires.

d) An employee recalled shall report to work within ten (10) calendar days after indicating his willingness to accept reinstatement. If the employee fails to report within such time, he shall forfeit all seniority rights and all future recall rights.

ARTICLE 14 - REQUEST FOR STATION ASSIGNMENT AND ASSIGNMENT TO TRAINING

§ 14.1 General

a) It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including ability, education and experience of bidding employees for vacant positions.

b) In order to qualify for a permanent promotion, an employee must be able to immediately perform (except temporary physical disability) the job and must be properly tested or certified where required by State or Federal Law for the posted job description.

§ 14.2 Request for Station Assignments

a) Permanent Vacancies – Notice When vacancies occur in permanent duty assignments except training, planning, shop, property, fire prevention, recruitment or other specialist positions, UG shall determine within forty-five (45) calendar days from the creation of the vacancies whether such positions shall be filled. If it is determined that the position is to be filled it shall be posted within fifteen (15) calendar days from the determination to fill it.

b) If the employer determines that a position is to be permanently filled, the following procedure shall govern.

1) Such job vacancies shall be posted for fifteen (15) calendar days along with information relating to the qualifications required for the position.

2) Employees desiring to apply for a job vacancy may do so by being qualified and by signing the station job bid form within the posting period.

3) If the relative qualifications including training, education, experience, performance, and ability of the employee candidates for the vacant position are equal, then seniority shall control in selection of the employee to fill the job vacancy, as long as such selection does not contravene any affirmative legal responsibility placed upon the UG. Provided however, if the employer feels that the bidding employee is incapable or unqualified to perform the functions of the vacant position or that the employee will in the opinion of the employer create a problem at his new assignment. In these situations, the employer may make an assignment, within its discretion, to the position. The

employer shall determine capability, qualifications or problem areas. In exercising such judgment, the employer shall not unlawfully discriminate against an employee, and if any employee is aggrieved by such determination, he may appeal through the Grievance Procedure set forth herein. An employee who is disqualified from a bid position may request in writing the reason for his disqualification, which reason(s) shall be given.

c) Limitation of Assignments. No employee shall make more than one (1) successful request in any twenty-four (24) month period. Employees who make more than one (1) request for station assignment, which requests are pending at the same time, must designate their preference for station assignment by first choice, second choice, etc. If the employee does not so designate his preference, his requests shall be considered void.

d) Probationary Employees. Probationary employees, as defined in Article 5 of this Memorandum, shall not be eligible to request assignment to fill such vacancies.

e) Transfer. Once the successful bidder has been selected to fill the permanent vacancy, the employer shall within fifteen (15) calendar days of the selection, transfer such employee to his new permanent assignment.

f) Management Rights. Nothing herein, except as expressly stated, shall affect the rights of the employer under Article 23 of this Memorandum.

§ 14.3 Request for Assignment to Training Division

a) Permanent vacancies or newly created bargaining unit positions within the Training Division shall be filled on a request basis in accordance with training, education, experience, ability and performance of the applicants. These determinations shall be made by the Department.

b) When a permanent vacancy occurs or a new bargaining unit position is created within the Training Division, the Department shall post such openings at each station and within fifteen (15) calendar days of such posting, parties interested in such vacancy or position shall submit their request in writing to the Chief, stating their name and qualifications for the position.

c) Applicants, unless physically disabled, must have served at least five (5) years with the Fire Suppression or EMS Division of the Department to be eligible for appointment to the Training Division. Seniority or length of service of the applicants shall not otherwise be considered a factor in selection of the employee to fill the vacancy or new position.

d) Any employee who is a qualified and successful applicant for a Training Division position, shall be required to remain in that position for a period of at least twelve (12) months, unless a shorter period is agreed upon by the Department and the employee.

§ 14.4 Medical Transport Division

There shall be a maximum of three (3) FF/Paramedics and three (3) FF/EMT positions per transport unit subject to the agreed upon bid process. In the event that a position on a suppression apparatus that is held by an EMS Transport Work Group member becomes vacant, that position shall be put up for bid initially, followed by a bid posting for the vacant EMS transport unit position. An EMS Transport Work Group member that successfully bids a suppression apparatus position shall have a rotation position on that EMS transport unit if there is an open position on the EMS unit. Should a job be awarded to a firefighter who is not a member of the EMS Work Group, the open position on the EMS unit shall be posted for bid.

Scheduling shall be at the discretion of the Department. A tiered system agreed to by the parties shall be implemented based on seniority. The Department shall make every effort to utilize all employees within their respective tiers equally. Any employee that requests to be utilized on the EMS Unit more than the required outlined shifts can do so in a written request to their Battalion Chief, Captain, and EMS Supervisor.

§ 14.5 Recruitment

a) Positions assigned to conduct Department recruitment of prospective employees are not subject to bid. Assignments to such recruitment positions will be made at the discretion of the Department.

§14.6 Dispatch

Department seniority shall govern in annual bidding for shifts and days off for dispatch employees. The annual bid shall occur on or before October 1st or the next closest business day and shall be effective on January 1st. Employees with less than one (1) year Communications Division seniority shall not be eligible to bid but may be assigned to the various shifts as determined by the Department. Employees who do not exercise the opportunity to bid shall then be assigned to any unbid position by the Assistant Chief of Communications or his/her designee. If an employee is unable to fulfill the position which he/she has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered temporarily vacant and may be filled by the Assistant Chief of Communications by assignment. If the successfully bidding employee is unable to fulfill the position within sixty (60) calendar days of the job's effective date, then the position shall be considered a permanent vacancy and may be rebid. The Assistant Chief of Communications may disqualify applicants for Lead Dispatcher positions if within his/her opinion such applicant does not possess qualifications for such position. The rejected applicant may appeal such rejection to the Chief.

ARTICLE 15 - DISCIPLINE

The authority to discipline employees is vested exclusively in the Chief. However, the Chief may from time to time delegate this authority to subordinate officers of the rank of Captain, or above. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause.

Whenever the Chief or his designee summons an employee to appear before him for disciplinary action against said employee, a Union representative, if requested by the employee, shall be allowed to accompany said employee, at the time designated by the Department, and to advise him. Seventy-two hours prior written or electronic notice to the employee of the calling of the meeting for disciplinary action shall be provided to the employee. The employee may arrange to have union representation at the noticed meeting.

Any suspension of two (2) shift days or less for twenty-four (24) hour employees and four (4) work days or less for forty (40) hour employees may be effectuated prior to the employee being allowed to have the matter heard by an arbitrator and any suspension of more than the stated times shall not be effectuated prior to the employee being allowed to have the matter heard by an arbitrator. Prior to any employee being discharged, he shall be placed on suspension without pay during the pendency of any protest of the proposed discharge.

When discipline arises from an employee's activities outside the scope of his employment with the UG, such discipline shall not be implemented until such time as criminal charges, if any, in connection with such activities shall be concluded, unless the employee's action, within the discretion of the Chief, has brought discredit upon the UG or Department.

A twenty-four (24) hour shift employee who is absent without leave for a period of three (3) consecutive twenty-four (24) hour shifts, or a forty (40) hour employee who is absent for a period of seven (7) consecutive work days, unless it can be subsequently shown that such absences were unavoidable and without fault of the employee, shall be considered as a voluntary resignation by the employee.

ARTICLE 16 - GRIEVANCE PROCEDURE

§ 16.1 Disputes and Grievances

In the event of any complaint or grievance arising under the terms and provisions of the Memorandum or of any disputes between the parties as to the interpretation or application of this Memorandum, such complaint or grievance shall be processed through the grievance procedure in accordance with the terms herein. An impasse in any negotiations for any Memorandum of Agreement shall not constitute a grievance.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and a prohibited practice under the jurisdiction of the Public Employee Relations Board, the employee may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The employee's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

§ 16.2 Informal Grievance Procedure

The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee, the union as the employee's representative and his immediate supervisor of any matter arising out of the employee's relationship with the employer, and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure.

§ 16.3 Grievance Procedure

Grievances by any employee or a group of employees shall be handled in the following manner:

1) Time Limits: Department and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being disposed of in favor of the party not in default- i.e. if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the Department's favor and if the Department fails to meet the grievance procedure time limits the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all of the time limits prescribed herein by mutual written agreement.

2) Commencing Grievance Procedure: This grievance procedure must be started within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known or reasonably should have been known otherwise it shall be considered as dropped.

3) Appeals and Responses:

(a) If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.

(b) All appeals must be in writing, on a regular Department grievance form and clearly stated.

(c) All written answers on grievances shall be mailed, e-mailed or hand-delivered to the Union President.

(d) All appeals by employees shall be delivered to the proper chief officer with a copy to the Chief.

(e) Answers and appeals may be delivered by hand, mail or by e-mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the Chief at Fire Headquarters, 6th & Armstrong, Kansas City, Kansas 66101, and to the current IAFF Local #64 President

at his residence or office address appearing on the Department's records.

(f) If a grievance cannot be answered within a specified time in any step because of circumstances beyond the Department's control, a time extension may be granted by mutual agreement.

(g) Once a written grievance has been filed, it may not be withdrawn without the knowledge of the Union.

4) Grievance Procedure Steps: The steps in the grievance procedure are as follows:

Step 1:

All employee grievances, except those relating to discipline or discharge, first shall be stated in writing and shall be delivered to the appropriate first line chief officer within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known, or reasonably should have been known. The grievance shall set forth the place, date, time and identity of parties involved and nature of the occurrence upon which the grievance is based, and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

A written answer must be given within seven (7) calendar days after submission of the Grievance at this step, unless extended by mutual agreement. Any adjustment under Step 1 will be binding, upon all parties, but shall form no precedent for future grievances.

Step 2:

If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal the grievance shall be stated in writing and shall be delivered to the Chief and/or his designee within seven (7) calendar days after the conclusion of the first step. The appeal shall set forth the place, date, time, identity of parties involved and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

All employee grievances relating to discipline and discharge will originate at the second step, within the time limits set out in § 16.3(2). Grievances appealed to or initiated at the 2nd Step shall be discussed within fifteen (15) calendar days of the appeal or initiation. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and two members of the Union Executive Committee. The meeting shall be recorded. The

Chief or his designee will answer the grievance in writing within seven (7) calendar days following the conclusion of the second step meeting, unless extended by mutual agreement.

Step 3:

If a mutually satisfactory settlement of the grievance is not reached in the second step, an appeal may be taken to the third step. In such appeal the grievance shall be stated in writing and shall be delivered to Patrick Dunn of the Federal Mediation and Conciliation Service within seven (7) calendar days after the conclusion of the second step. If Mr. Dunn becomes unwilling or unable to serve as the standing Step 3 hearing officer, the Chief of the Kansas City Fire Department and the President of the IAFF Local 64 should jointly select a Step 3 hearing officer with the grievance to proceed to arbitration in the event there is no agreement on a step 3 hearing officer. The appeal shall set forth the place, date, time, identity of the parties involved and the nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which is alleged were violated or misinterpreted.

Grievances appealed to the 3rd Step shall be presented within fifteen (15) calendar days of the appeal or as extended by mutual written agreement. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and not to exceed two members of the Union Executive Committee. The meeting shall be recorded. The person jointly selected by the Chief and Union President will answer the grievance in writing within fifteen (15) calendar days following the conclusion of the third step meeting, unless extended by mutual agreement.

Step 4:

Arbitration: Disputes that arise with respect to the interpretation of this Memorandum or discipline and discharge appeals from Step 3, may be settled by arbitration. Arbitration may be requested by the Union or the Department in the following manner:

1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 3 above. The notice shall set forth the Articles or Sections of this Memorandum that are claimed to require interpretation or construction or the discipline being appealed. If notice of intent to arbitrate is not delivered within fifteen (15) calendar days, the dispute shall be deemed abandoned.

2) The parties shall within a reasonable amount of time, not to

exceed twenty-one (21) calendar days, shall select an arbitrator either through a FMCS panel or as otherwise agreed upon by the parties.

3) Employees, except for the grievant, shall not be compensated for time spent in attending an arbitration proceeding, other than as a witness for the Department.

4) The jurisdiction and authority of the arbitrator shall be bound by the following:

a) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on both parties except as set forth in Step 5.

b) The arbitrator shall have no authority to substitute his judgment for that of the management of the UG or Fire Department, nor shall he have the authority to usurp, subtract from, modify or exercise any management right of the UG or the Fire Department.

c) The decision of the arbitrator shall be based on the evidence presented him by the parties in the presence of each other and upon the specific language of this Memorandum.

d) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.

e) In discipline or discharge matters, the arbitrator shall have the discretion to modify the discipline imposed.

f) The cost of the arbitrator shall be shared equally by the UG and the Union.

g) The arbitrator shall tape record the proceedings and make a copy of the tape available to both the UG and the Union unless the parties mutually agree to waive this requirement.

h) The arbitrator shall render his decision within a reasonable time after the hearing is closed or after briefs, if any, are filed.

Step 5:

If either party is dissatisfied with the decision of the arbitrator, then the aggrieved party may appeal the arbitrator's decision to the District Court of Wyandotte County, Kansas within thirty (30) calendar days of the date of the arbitrator's decision. The Court shall only determine whether the arbitrator's decision was arbitrary, capricious and/or unreasonable.

ARTICLE 17 - PREFERENCE FOR DISABLED FIREFIGHTERS

In the event a vacancy occurs in the positions of Fire Inspector, or Training Instructor, preference shall be given in filling those positions to employees injured in the line of duty or suffering from a physical condition contracted in their work and who are disabled as a result thereof. ("Disabled" means permanently unable to perform the essential functions of his current position.) Provided, that such Disabled employees must be capable of performing the work of Fire Inspector, or Training Instructor and must adequately perform such duties once they are placed in those positions. Such Disabled employees shall be assigned to the lowest position within the division (i.e. Fire Prevention Inspector, Class III and Training Instructor, Class III).

ARTICLE 18 - VACATIONS

§ 18.1 Entitlement: Twenty-Four Hour Shift Employees

A twenty-four (24) hour shift employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlements:

Completed Years of Continuous Service	Vacation Entitlement
1 to 2 years	Four (4) twenty-four (24) hour working day
2 to 4 years	Eight (8) twenty-four (24) hour working days
4 to 12 years	Ten (10) twenty-four (24) hour working days
12 years to retirement	Twelve (12) twenty-four (24) hour working days

§ 18.2 Entitlement: Forty-Hour Employees

A forty (40) hour employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlement:

Completed Years of Continuous Service	Vacation Entitlement

1 to 2 years	Ten (10) working days (80 hours)
2 to 5 years	Fifteen (15) working days (120 hours)
5 to 12 years	Twenty (20) working days (160 hours)
12 to 20 years	Twenty-seven (27) working days (216 hours)
20 years to retirement	Thirty (30) working days (240 hours)

§ 18.3 Exception

An employee shall not accrue vacation time while on leave of absence, lay off, or suspensions in excess of fifteen (15) calendar days for forty-hour employees or seven and one-half (7 1/2) shift days for twenty-four hour employees. In these situations, vacation time shall be reduced pro rata to the portion of the year the employee earned and was eligible for vacation privileges.

§ 18.4 Pro-rata Vacation

For the purpose of computing vacation pay, an employee shall earn one-twelfth (1/12) of his vacation pay for each month of service during the twelve month period preceding January 1 of each year. Each month in which a forty (40) hour employee works or is credited with working fourteen (14) days or a twenty-four (24) hour employee works or is credited with working seven (7) shift days shall be considered a month of service.

§ 18.5 Vacation Buy-out

An employee shall be entitled to be paid in cash at the time of retirement from the UG for accrued unused vacation pay standing to his credit at the time of his retirement. In the case of death of any employee, such payment shall be paid to the person or persons designated as that employee's beneficiary or beneficiaries under the Kansas Police and Firemen's Retirement System.

§ 18.6 Use

(a) The period of vacations for all employees of the Fire Department shall be regulated by the Chief. Employees shall select their vacation days consistent with Article 24.

(b) Vacation time or pay are not accruable from year to year and vacation time or pay must be taken in the calendar year in which the vacation falls.

ARTICLE 19 - EMPLOYEES TO RECEIVE COPIES OF THE

MEMORANDUM OF AGREEMENT

The Employer shall furnish to each station and to each employee one copy of this Memorandum of Agreement at no expense to such employees.

ARTICLE 20 - HOURS OF WORK

§ 20.1 Twenty-Four Hour Shift Employees.

(a) Standard Work Period.

The standard work period for personnel assigned to a twenty-four (24) hour shift shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

(b) Shifts

There shall be three (3) rotating shifts. Each shift shall commence at 8:00 a.m. and shall be for a period of twenty-four (24) hours. Each shift then shall receive forty-eight (48) hours off-duty before returning for their next twenty-four (24) hour shift. The shift shall be referenced as the "24 on and 48 off" plan.

(c) For 24-hour shift employees the maximum number of consecutive hours any 24-hour shift employee will be allowed to work shall be 96. Any 24-hour employee working in excess of 72 consecutive hours will be required to have 48 hours off duty. The exception to this rule is for hold over overtime and overtime required for late calls for service.

§ 20.2 Forty-Hour Employees.

1) Standard Work Week.

The standard work week for sworn personnel of the Fire Department, other than twenty-four (24) hour shift employees, shall be forty (40) hours of work per week. The normal assignment for the employees shall consist of five (5) consecutive days of work with two (2) consecutive days off.

§ 20.3 Medical Transport Division

a. Standard Work Period. The standard work period for employees assigned to the Medical Transport Division shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

b. The Department has discretion to set the number of hours per each shift in this nineteen (19) day work period. Medical Transport Division Supervisors shall work twenty-four

(24) hour shifts which shall run from 7 a.m. to 7 a.m.

c. For those employees assigned to twenty-four (24) hour shifts, other than Medical Transport Division supervisors, the shift start time is 8 a.m. For those employees assigned to less than twenty-four (24) hour shifts, the start time will vary.

ARTICLE 21 OVERTIME

A. Calculation of Overtime.

Employees shall receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of the standard work period (Sec. 20.1) for twenty-four hour shift employees or in excess of the standard work week (Sec. 20.2) for forty-hour employees. Medical transport employees will receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of their standard work period. (Sec. 20.3). Overtime or compensatory time shall only be paid for time actually worked and when approved by the employee's supervisors. Travel time will not be credited to the employee. When an employee voluntarily trades time with another employee and works hours in excess of the standard work period or standard work week, the employee shall not be entitled to overtime pay for such work.

B. Compensatory Time.

Compensatory time may be paid in lieu of overtime payment, if the Department and employee so elect, provided that no employee may accumulate more compensatory time than is allowed by the applicable federal law or regulation.

C. Assignment of Overtime.

The Department has the sole and exclusive power and authority to determine when overtime work shall be required. Overtime shall be called and worked by Division. In case of emergency, the Chief, in his discretion, may permit overtime being called and worked across Divisions. Upon the Department's determination that a temporary vacancy exists necessitating the assignment of overtime, the Department will assign the personnel needed from the appropriate overtime list. The overtime lists shall be established and used as follows:

1. Establishment of Overtime Lists.

a. There shall be overtime lists created for Captains, Fire Apparatus Operators, FF/EMT's, and FF/Paramedics. Such lists shall be created and utilized for the calling of overtime work as follows:

i. Overtime shall be seniority based. Seniority within rank (time in grade) for Captains and Fire Apparatus Operators, and Departmental seniority (date of hire with the Department) for FF/EMT's and FF/Paramedics shall establish position on the overtime list.

ii. Employees will be placed at the bottom of their respective

overtime list when a positive contact is made regarding an overtime opportunity. A positive contact consists of an employee acknowledging the overtime opportunity by accepting or rejecting the work offered.

iii. An employee's place on the overtime list will be maintained by the date of their last positive overtime contact. The list will be arranged in order of oldest positive contact proceeding to most recent positive contact.

iv. Upon an employee's hiring and release from proctoring, or promotion to the position of Captain, Fire Apparatus Operator, FF/EMT, or FF/Paramedic such employee shall immediately be added to the appropriate overtime list based upon their seniority as provided herein.

b. Employees classified as "excessive users" of sick leave shall not be eligible to be contacted for overtime opportunities. These employees are not allowed to work and/or trade overtime (unless by being forced to do so as provided for herein).

c. An employee who has used Sick Leave or Injury Leave on the preceding work day shall not be eligible to work overtime.

d. The Department shall regularly update overtime lists. In the event an employee believes an error has been made as to his or her position on the overtime list, he or she shall have fifteen (15) calendar days after the roster is prepared to file his or her protest, in writing, with the Chief.

e. An employee requesting to remove their name from the overtime list must do so in writing to the Deputy Chief of Emergency Operations Corps.

2. Voluntary Assignment of Overtime.

a. Overtime shall be assigned by rank from the appropriate overtime rank list for a determined temporary vacancy. Employees being called to work overtime shall be called from the appropriate list in descending order of last positive contact by date. After the acceptance of an overtime opportunity by an employee, the next overtime opportunity shall be offered to the next employee on the overtime list until the list is exhausted. The list shall be fully exhausted before returning to the first employee on the respective list.

b. The individual(s) on the unscheduled leave that caused the shortage in personnel is the employee that will be replaced by overtime personnel. The last employee reporting off will be the first employee replaced.

c. When contacted to work overtime by Tele Staff, employees shall be informed of the nature of the overtime work available (hours, shift and assignment). Upon contact employees may:

i. Refuse the work.

ii. Accept the work.

iii. Accept the work and exercise their ability to trade time.

d. When an employee elects to exercise their ability to trade time, he/she must follow the steps listed below:

i. Step 1: Accept the overtime offer.

ii. Step 2: Complete a Shift Trade request within the TeleStaff system.

iii. Step 3: Inform the employer that he/she will be trading time and give the name of the person who will be working.

No trading time requests will be accepted in advance for overtime employees. The time limits for submitting trades of time as set forth in Article 26 of the Memorandum of Agreement will be waived in overtime situations.

e. Once an employee has accepted the overtime work offered for shift work and/or Standby Overtime, it becomes his/her responsibility to either report to work in a timely fashion or make sure that the person with whom he/she is trading time reports to the overtime assignment in a timely fashion. The failure of an employee to do so may result in disciplinary action.

f. The following parameters shall govern contacts with employees relative to overtime work:

i. Contact phone number: The telephone number on the employee's overtime contact information will be the first method of contact for all employees. The employee's department email address will be the second method of contact. Employees may choose to include one (1) additional phone number to their contact method but are not required to do so.

ii. When contacting an employee for an overtime opportunity if the employee does not answer or acknowledge the call, it shall be considered a negative contact. An employee acknowledging the call within 2 minutes shall be allowed to accept the overtime provided the vacancy has not been filled. Acknowledgment of the call can be handled electronically by phone or by computer.

iii. An employee's overtime eligibility with respect to future overtime opportunities shall not change based upon accepting, rejecting, or inability to be contacted. Those working less than twelve (12) hours of overtime will remain eligible to work overtime the next available opportunity. If an employee has been inappropriately skipped on the overtime list, their calling position shall be restored and he/she shall be eligible for the next overtime opportunity.

iv. Upon any type of contact, the Department is permitted to contact

the next employee on the appropriate overtime list. The Department is not required to wait the two (2) minutes for the employee to acknowledge the call as provided in paragraph 2. above prior to contacting the next employee on the overtime list. Employees who do not answer an initial call for overtime can call back in and accept the overtime provided that such overtime has not already been accepted. The use of negative contacts will be unlimited.

v. The posting of the OT list will be on TeleStaff.

3. Forced Assignment of Overtime.

If, upon contacting or attempting to contact all of the employees on an appropriate overtime eligibility list the Department is unable to fill the temporary vacancy, the Department may then force the first employee on the appropriate list who is working the shift prior to the overtime vacancy to hold-over and work the required overtime. These employees may exercise their rights to trade time as set forth in Article 26 of the Memorandum of Agreement, provided that the employee who is to work the overtime reports in a timely fashion.

4. EMS Standby Overtime.

a. Standby Overtime will be utilized for any duty on an EMS unit other than shift coverage, partial shift coverage, or additional ambulances added to the system for temporary 911 overload coverage.

b. Standby Overtime will be voluntary.

c. To be eligible for Standby Overtime, employees must be providing regular duty EMS Transport.

d. Standby Overtime will be listed on a monthly calendar and will be found on the TeleStaff website. Firefighters will be able to pick the dates they would like to work voluntarily. Firefighters will be able to submit multiple dates.

e. If multiple firefighters sign up for a single date, the firefighter with the oldest date of the last Standby Overtime worked will be assigned the Standby Overtime work.

f. If only one firefighter signs up for Standby Overtime, the work shall be awarded to that firefighter regardless of last date worked.

g. Employees working less than two (2) hours Standby Overtime shall remain eligible to be awarded the next available Standby Overtime opportunity.

h. In the event no employee requests Standby Overtime for a particular event, the Department shall:

i. First call for Standby Overtime from a list of eligible Standby OT

employees.

ii. Second, utilize on duty personnel to cover the event, provided that no suppression apparatus will be placed out of service or reduced below the agreed upon minimum manning as defined in Article 35 of the Memorandum of Agreement. There shall be no forced assignment of overtime for any Standby event.

ARTICLE 22 - STRIKES AND LOCKOUTS

The Union, on behalf of its membership, recognizes that the protection of life and property is of paramount importance to itself and the Employer. Therefore, during the life of this Memorandum, the Union will not condone, nor encourage, nor instigate any work slow-down, stoppage or strike, or any action that is detrimental to the operation of the Department. The Employer agrees that it shall take no action that could be defined as a lockout, nor shall it discriminate against any employee for his action as a member of the Union, provided those actions are not proscribed by law.

Any violation of this Article may be the subject of disciplinary action.

The Employer and the Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein or prohibited by law, take all reasonable affirmative action to terminate such conduct.

ARTICLE 23 - MANAGEMENT RIGHTS

By entering into this Memorandum, the UG has agreed to certain specific limitations on its right to manage the Fire Department and direct the personnel. However, it is the intention of the parties hereto that UG retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon.

The exclusive rights of UG shall include its right to determine the existence or non-existence of facts; to establish or continue policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations, or to discontinue their performance by sworn employees; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to suspend, discharge, or layoff employees for proper cause; to maintain the efficiency of governmental operations; to determine employee qualifications; to take action as may be necessary to carry out the mission of the Department in emergencies; and to determine the methods, means and personnel by which operations are to be carried on; to develop reasonable Rules and Regulations for the Department not in conflict with this Memorandum; and all other prerogatives and responsibilities normally inherent in management of the UG or Fire Department that are not in conflict with the specific provisions of this

Memorandum.

ARTICLE 24 - SELECTION OF HOLIDAYS, KELLY DAYS AND VACATION DAYS

1) Employees shall by December 1st of each year, complete the preference sheet prepared by the Department wherein they shall state their preference as to days for taking their holidays, Kelly days and vacation days. Preference sheets shall be made available for employees by November 1st.

2) The completed preference sheet shall be delivered by the employee to the employee's supervisor by December 1st.

3) The Department shall have the right to assign a twenty-four (24) hour employee to a designated shift day off as a holiday or Kelly Day when that employee is scheduled to work seven shift days during his work period and when he has not requested and been scheduled, in accordance with this Article, to have a shift day off during that work period.

4) Division Chiefs shall be responsible for arranging the scheduling of holidays, vacation days and Kelly Days so that such are scheduled consistent with the proper manning of shifts and stations and the proper provision of fire fighting services to the public. Provided that, not more than one employee per vacation group, per shift, per day shall be allowed off. Requests for granting holidays or Kelly days may be denied if such granting would render the Department unable to operate any shift or station.

5) Captains/group leaders within their respective groups shall insure to their Division Chiefs the vacation schedule is correct and they shall determine how the days are to be selected.

6) In cases of conflict, where two (2) or more employees request the same day off and the granting of both would not allow the Department to operate its shifts and stations properly, then priority for that day off will be determined as follows:

(a) Requests for vacation days shall be given preference over requests for Kelly Days or Holidays;

(b) If the conflicting requests are both for vacation days, or both are for Kelly Days or both are for holidays, then preference for that day off will be determined as follows:

(1) the requesting employee's rank;

(2) the requesting employee's time in grade;

(3) the requesting employee's Department seniority; and,

(4) if the requesting employees' Department seniority is equal, then the employee's identification number.

7) In cases of emergency or when sufficient personnel are unavailable to operate all Department shifts and stations, scheduled Kelly days or Holidays may be canceled and rescheduled. The employee(s) whose days are to be canceled or rescheduled will be determined by the employee's Department seniority on his shift and within his rank. Seniority shall be determined as provided in Sec. 13.1 of this Memorandum.

8) Vacation groups for non-Paramedic suppression employees shall be formed during the last week of October of each year. The following guidelines will be used to form the non-Paramedic vacation groups:

a) The number of vacation groups will be determined by the level loading number agreed to by UG and Union.

b) Each group will be assigned a Captain. The most senior Captain (time in grade) will be assigned to group 1, the next senior Captain to group 2, etc., until all the groups have one Captain assigned. The crew members of the senior Captains are also assigned to their respective Captain's vacation group.

c) Unassigned Firefighters are then placed in groups with vacancies with the most senior Firefighter being placed in a group according to seniority.

9) The number of vacation groups will be determined by the level loading number agreed to by the UG and Union. This number shall be subject to change by written agreement in subsequent years.

10) The Department and Union shall form a four person committee that will be charged with the responsibility of reviewing on an ongoing basis the operation of the system of selection of holidays, Kelly Days and vacation days and making recommendations to the Chief concerning said system. The Union President shall appoint two members and the Chief shall appoint two members of this committee.

11) Vacation Carryover. Notwithstanding the provisions of Article 18.6 (b), an employee may carry over up to two (2) twenty-four (24) hour working days or four (4) eight (8) hour working days per year per the following:

a) When employees select their vacation days for the ensuing year as set forth in this Article, they may designate up to two (2) vacation days for twenty-four hour employees and four (4) vacation days for forty hour employees which they wish to bank and carry over.

b) Subsequent to vacations being annually scheduled, employees may with thirty (30) days written notice to their Shift Commander, request that up to two (2) (24 hour

employees) or four (4) (40 hour employees) days of their scheduled vacation days be banked to be carried over to the next year. In some cases of emergency, as determined by the department, the Shift Commander may within his discretion waive the requirement of thirty (30) days written notice. The Shift Commander has the sole discretion to grant or deny these requests based upon manpower availability.

c) Employees are not allowed to bank vacation days by substituting a sick leave day or injury leave for scheduled vacation days.

d) Banked vacation days may not be used until all other accumulated leave is exhausted.

The total number of accrued vacation days per employee may not exceed thirty-two (32) twenty-four (24) hour working days or sixty-four (64) eight (8) hour working days. The U.G. advises the Union in this contract that there is not a reasonable expectation that these limits can be increased in future contracts.

12) Medical Transport Division Selection

a) The selection process will be determined by the Department.

13) Vacation Scheduling – Dispatch.

Vacations for dispatchers will be scheduled by seniority among employees on each shift as follows:

1. The senior employee on each shift shall select their first five (5) day vacation block. Each day thereafter the next senior employee shall then select their first five (5) day vacation block until all employees have had an opportunity to make their first selection for vacation that year. The same procedure shall then be followed until all employees' vacation on each shift has been scheduled. Employees may select their vacation days after their initial five (5) day vacation block is selected in minimum amounts of one (1) full eight (8) hour day. Employees may leave a maximum of five (5) of their vacation days unscheduled to be used in full one (1) day eight (8) hour increments. Employees must designate at the conclusion of the annual vacation bidding process whether they wish to carry over up to five (5) vacation days to the next year. The vacation credits carried over must be used during that next year.
2. Each employee must be aware of their vacation selection days and make their selection upon those dates. If they do not so select in a timely fashion, they will be skipped over and vacation selection by other shift employees will continue. The skipped employee will be allowed to make only their second selection in the next round.
3. An employee's first choice of vacation will be scheduled in blocks of five

(5) or more consecutive vacation days, except as provided herein. ("Consecutive" means regularly scheduled workdays). A maximum of two (2) holiday/compensatory days may be scheduled in conjunction with any five (5) or more consecutive day vacations. This does not prevent an employee from requesting additional days off with their vacations, however, those requests will be submitted the same as any normal request for time off. Employees must make written application to their supervisor to use any unscheduled vacation days which the employee has reserved as set forth in paragraph 1 above at least twenty-four (24) hours in advance of the usage. The employer may grant or deny the request depending upon manpower. Should the employee not be allowed to use this unscheduled vacation by the end of the year after at least five (5) requests by the employee to use those unscheduled vacation days, then they shall be paid at their base rate of pay for these days. Other than new employees, who have not earned five (5) vacation days, any increments of vacation less than five (5) days will not be scheduled and granted in accordance with the compensatory time and holiday scheduling procedures.

ARTICLE 25 - TRANSFERS

§ 25.1 Permanent

Employees assigned to one (1) fire station may request a permanent transfer to another station. Such transfers will only be granted on the written recommendation of the requesting individual's Captain, Battalion Chief and Division Chief and when arrangements satisfactory to the Chief have been made for a trade of permanent assignments with an employee of equal grade.

The Chief may, for the good of the fire service and its efficient operation, change an employee's permanent station assignment.

§ 25.2 Temporary

In order to maintain necessary and efficient fire service, the Division Chief may make temporary transfers between fire stations. Provided that the transferred employee must return to his permanent assignment station before any subsequent temporary station assignment. Provided further, that extra Fire Apparatus Operators and acting captains may be transferred without reassignment to their permanent stations, if qualified personnel, working that day are not otherwise available. Provided further, that personnel may be transferred to meet the medical requirements of the Department without reassignment to their permanent station, regardless of station assignment.

§ 25.3 Mileage Reimbursement for Temporary Station Detail

When temporary details between stations are made at the insistence of the employer, the detailed employee shall receive, except as provided hereinafter, the sum per mile, paid by the State of Kansas to its employees for mileage reimbursement for direct mileage from his regular assigned station to his detailed duty station. The direct mileage for which he is to be reimbursed shall be established by a mileage chart created by the Employer and the Union and shall govern the mileage between stations. The Employer shall compute mileage reimbursement on a monthly basis, however, the employee shall only receive his mileage reimbursement, if any, on an annual basis. The detailed employee shall not receive mileage reimbursement if the detailed employee was notified of the anticipated detail at least forty-eight (48) hours prior to his or her detail.

ARTICLE 26 - SHIFT EXCHANGE, TRADING TIME

§ 26.1 Employees may trade time within the Division only. In case of emergency, the Shift Commander may permit trading time across Divisions.

§ 26.2 Employees shall have the right to exchange shifts with other employees of at least equal experience and/or grade, provided the exchange does not interfere with the efficient operation of the Fire Department. The qualifications of the employee to assume the additional duties shall be determined by the Department. Reasonable exchange of shifts will be allowed. However, the Department may limit the right to exchange shifts in the case of abuse. The Department will only allow Firefighters/Paramedics to work for Firefighter/Paramedics. Firefighters/Paramedics may work for other Firefighters who are not Firefighters/Paramedics.

All requests for trading shifts or time with another employee must be presented to the appropriate Division Chief by at least 1700 hours the shift period prior to the requested shift or time to be traded (e.g., if employees desire to trade on Friday, the request must be in by 1700 hours Tuesday). In cases of emergency the Division Chief may, within his discretion, waive this requirement.

The employee responsible for the completion of a trading time agreement will be the party agreeing to work for another employee on a given shift. If the party agreeing to work is placed on any approved leave prior to the commencement of the shift of the trade, it shall be his responsibility to find a replacement to work the shift he has traded for. Such employee shall receive as discipline for not completing the trade the loss of one and one-half (1-1/2) shift days from his wages, which discipline is non-grievable, provided that the Chief may give lesser discipline within his discretion. However, the employee may grieve UG's decision that he did not fulfill his responsibility under this section. Additionally, the Department will have the authority in such a case to require an off-duty employee assigned to the same shift and of the same classification as the absent employee, to work for the absent employee.

Any trading of time for more than twenty-four (24) times per year will be considered an abuse of trading time. Trading of time for the purpose of duty related education or legitimate

union business will not be considered an abuse and shall be granted in accordance with this article.

Employees on Sick, Injury or Family Medical Leaves shall not be allowed to work for other employees.

§ 26.3 Trading Vacation Days

Employees shall be allowed, as provided herein, to exchange assigned vacation days with other employees at their shift and vacation group on a one-day-for-one day basis, provided that Firefighter/Paramedic employees may only trade vacation days with other Firefighter/Paramedic employees. The employee must submit to his Captain or Battalion Chief and Division Chief, his request for such exchange. The exchange must be approved in writing by his Captain or Battalion Chief and Division Chief.

ARTICLE 27 - PROMOTIONS

§ 27.1 Merit Promotion Qualification.

Promotion to the position or rank of Fire Apparatus Operator, Captain, and Battalion Chief and promotions within specialized units shall be based on merit. The merit guidelines shall be:

a) Promotion to Fire Apparatus Operator.

1) Each candidate for promotion to the position of Fire Apparatus Operator must have attained the position of Firefighter Class I and have completed at least five (5) continuous years, as a sworn firefighter / EMT or firefighter / paramedic member of the Kansas City, Kansas Fire Department, as of January 1, of the year the test is given. For the next promotional examination, which shall be commenced at such time which should permit completion prior to February 1, 2023, each candidate must take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards, achieve a score of 70% or greater before moving to the practical portion of the testing procedure. The candidate must also demonstrate his ability to operate appropriate fire apparatus. Each candidate will be rated upon these items. He must, as well possess a current valid, unrestricted Kansas Vehicle Operators License which would permit the employee to operate the appropriate Department equipment.

2) Upon achieving passing scores of 70% or greater for both the written and practical portions of the test, a promotional eligibility list shall be established in order of seniority.

3) After February 1, 2023, any Firefighter who has completed at least five (5) continuous years, as a sworn member of the Kansas City, Kansas Fire Department, and assigned to Fire Suppression, as of January 1 may be placed on the Fire Apparatus

Operator's promotional list by becoming certified as a Fire Apparatus Driver/Operator Pumper and Aerial National Certification ("Certification"). Certification shall be through an accredited agency approved by the Department. The Department shall also offer in-house Certification courses. The Department will offer one such Certification class in 2022 and two such Certification classes for the years thereafter. Promotional lists shall be updated by seniority adding certified employees twice a year on January 1st and July 1st.

4) When promotions to the position of Fire Apparatus Operator are made they shall be made by the Chief from the eligibility list in accordance with the candidate's position thereon. Those employees not promoted from an expired promotion list shall be included in subsequently established promotional lists based on Department seniority. The parties agree that there will be an active promotional list in effect at all times for the rank of Fire Apparatus Operator. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

b) Promotion to Captain.

1) An employee to be eligible to be examined for promotion to the position of Captain must have served as of January 1 of the year the test is given at least twelve (12) years of service on the Kansas City, Kansas Fire Department as a firefighter or firefighter/Paramedic or if the employee has less than twelve (12) years of service and the employee holds the rank of Fire Apparatus Operator, the employee must have served as a Fire Apparatus Operator for at least one year as a FAO as of January 1st. Employees with twelve (12) years of service who have not served a year as a FAO must be on the Fire Apparatus Operator's promotional list as of January 1st to be eligible for promotion to Captain. Employees shall not be eligible to test until they attain the requisite time in grade.

2) Each candidate for promotion to the position of Captain must:

a) Take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards. The examination shall test the candidate's suitability for the position of Captain.

3) Candidates shall then be assessed by the Kansas City, Kansas Fire Department Assessment Center.

4) Candidates scores from the written examination and the assessment center shall then be averaged. Candidates' averaged score must be equal to or greater than 70% to be eligible for promotion. Those candidates whose averaged scores are 70% or greater shall have the following enhancements added to their averaged score:

i). A Candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter,

Firefighter/Paramedic or Fire Apparatus Operator, commencing with completion of their 15th year of service.

ii). Applicants holding the following certifications shall receive a 1% enhancement to their final score for each certification held: Fire Officer I, II, Fire Instructor I.

5) Following enhancements, the testing firm shall rank the list from high to low scores. Promotions therefore shall be made in accordance with the candidate's position on the list. A new Captain's eligibility list shall be established as soon as practical and reasonable, and shall govern promotions to the rank of Captain for a period of three years from the date that the list is established and posted; however, if a current Captain's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

6) The parties agree that there will be an active promotional list in effect at all times for the rank of Captain. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Captain shall be conducted approximately every three years from the date that a new Captain's promotional eligibility list is established and posted. An eligibility list shall expire three years from the date that the list is established and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

c) Promotion to Battalion Chief.

1) The following provisions apply to the creation of a new eligibility list.

(a) An employee to be eligible for promotion to the position of Battalion Chief must have attained and have served at least five (5) continuous years as a Captain or above on the Kansas City, Kansas Fire Department as of January 1 of the year the testing is given. Employees shall not be eligible to test until they attain the requisite time in grade.

(b) Each candidate for promotion to the position of Battalion Chief must:

1) Take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards. Fire Apparatus Operator

2) Following the written examination applicants shall be assessed by the Kansas City, Kansas Fire Department Assessment Center.

3) Candidates scores from the written examination and the assessment center shall then be averaged. Candidates' averaged score must be equal to or greater than 70% to be eligible for promotion. Those candidates whose averaged scores are 70% or greater shall have the following enhancements added to their averaged score:

i). A Candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter, Firefighter/Paramedic or Fire Apparatus Operator, commencing with completion of their 20th year of service.

ii). Applicants holding the following certifications shall receive a 1% enhancement to their final score for each certification held: Fire Officer I, II, Fire Instructor I, II.

c) Following enhancements, the testing firm shall rank the list from high to low scores. Candidates shall be placed on the promotion eligibility list in the order of their overall rating. Promotions therefore shall be made in accordance with the candidate's position on the list. This eligibility list shall govern promotions made from the date of the establishment and posting of the list for a period of three (3) years; however, if a current Battalion Chief's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

d) The parties agree that there will be an active promotional list in effect at all times for the rank of Battalion Chief. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Battalion Chief shall be conducted approximately every three years from the date that a new Battalion Chief's promotional eligibility list is established. An eligibility list shall expire three years from the date that the list is established and posted and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

e) Miscellaneous.

1) Notification. UG shall post notices of testing at least four

(4) weeks prior to the commencement of the administration of the test.

2) Ties. All ties shall be broken by the involved employee's identification number. The lowest number being given preference.

§ 27.2 Promotion Within Certain Specialized Units.

Promotions within the Specialized Divisions of Shop, Training, and Fire Prevention shall be based upon merit. The merit guidelines are as follows:

(a) An employee serving in the entry level position of Fire Prevention Inspector Class III, Training Instructor Class III or Mechanic Class III, shall be required to serve at least twelve (12) continuous months within these positions in order to be allowed to take a written merit examination, demonstrate his abilities, and be evaluated by his supervisors in order to determine if he is to be promoted to the next specialist class within his respective specialist unit.

(b) An Employee serving in any of the referenced specialized units in a specialist position between an entry level position and a Class II level shall be required to serve at least twelve (12) continuous months within that classification before he is eligible to be evaluated by his supervisors, demonstrate his abilities, and to take the written examination for promotion to the next level within his specialized unit.

(c) An employee serving in a position of Fire Prevention Inspector Class II, or Mechanic Class II, Training Instructor Class II shall be required to serve at least thirty-six (36) continuous months within such position in order to be allowed to take the written examination, demonstrate his abilities and be evaluated by his supervisors to determine if he is to be promoted to the Class I position within his specialized unit. If an applicant for the Class I position within the Shop, Fire Prevention Division and Training Division shall pass the written examination, demonstrate his abilities and receive at least commendable ratings by his supervisors and otherwise qualify for such position, he shall be promoted.

(d) The written examination portion of the promotional criteria shall be administered in the second quarter of each year.

(e) The results of the written examinations, supervisors' evaluations and/or performance evaluations shall be compiled and the employees within the Shop, Fire Prevention Division and Training Division who have satisfactorily qualified, shall be promoted, effective thirty days following certification of such results.

(f) Criteria for promotions within other specialized units may be established by the Department. Such criteria and standards shall be established by Department Bulletin, which shall be posted.

(g) If an employee serving within a specialized unit shall return within twelve (12) months to a fire suppression position, he shall return to his last held permanent fire suppression

rank. If he wishes to return to the suppression division after serving at least twelve (12) months in a specialized unit, he must demonstrate the capability to immediately perform the duties of his former suppression rank and if a vacancy exists within such rank, he may be returned to that suppression rank and position.

§ 27.3 Other Promotions.

All other promotions to positions covered by this Memorandum shall be based upon the following factors:

(a) Seniority

(b) Knowledge, training, ability, skill, adaptability, performance and efficiency; and

(c) Physical capability

When factors (b) and (c) are equal, seniority shall govern. Determinations of the qualifications set forth in (b) above shall be vested in the Employer.

§ 27.4 Promotion from Eligibility List

The Department has the discretion to determine whether vacancies will be filled. When vacancies occur in permanent duty assignments except training, planning, shop, communications, property, fire prevention or other specialist positions, through promotions, retirements, death, terminations or resignations, UG shall determine, within forty-five (45) days from the creation of this vacancy, whether such position shall be filled by promotion. When such determination is made and the appropriate eligibility list has been established and certified, promotions shall be made within fifteen (15) calendar days from the promotion list existing at the time of the vacancy.

§ 27.5 Promotion - Probationary Period

Employees promoted to Fire Apparatus Operator, Captain, or Battalion Chief shall be on probation for the first six (6) months of service in the higher rank. During this probationary period, the employee may be demoted to his former rank by the Chief. Any employee who is demoted to his former rank shall be notified by the Chief of the reasons for such demotion.

ARTICLE 28 - COMPENSATION

§ 28.1 Salary

Employees in the respective ranks shall receive monthly salary as reflected in Attachment C.

§ 28.2 Bi-Weekly Payroll

Employees shall be paid bi-weekly.

§ 28.3 Longevity Pay

UG agrees to the following longevity pay, which shall be added to the salary and wages of each firefighter, firefighter/Paramedic as follows:

Years of Continuous Employment	Pay Per Month
5	$ 44.26
8	$ 70.88
12	$ 97.43
16	$ 135.05
20	$ 150.61
25	$ 177.16

§ 28.4 Tuition Assistance and Education Incentive.

A. Tuition Assistance.

Any employee is eligible to receive tuition assistance from the Department under the following conditions:

1. The employee completes required credit courses at a university or college approved by the Department with a grade of "C" or better.

2. The employee may be reimbursed upon verification of completion of the course as provided in No. 1, and satisfactory proof of payment of tuition is furnished.

3. Reimbursement may be received for completion of up to six (6) credit hours in a semester at the maximum credit hour rate of:

Associate of Arts or Sciences $ 60.00

Bachelor of Arts or Science	$ 85.00
Master of Arts or Science	$110.00

Reimbursement rates are as follows: 50% for a C, 75% for a B and 100% for an A.

B. College Incentive.

New hires shall provide documentation evidencing their college degree to the Department either through the hiring process or to the training academy upon hire. Employees who obtain degrees after their date of hire with the Department shall provide documentation evidencing their college degree to the Chief's office. The following college incentive pay shall be added to the monthly salary of each qualified sworn employee after such employee's completion of their probationary period:

College Degree Achieved or Hours Earned from Accredited College	
Employees with a minimum of 28 credit hours of a technical Nature related to Fire Science or Paramedic toward an Associate's Degree in Fire Science or Paramedic or if the Employee is receiving advanced training Compensation for obtaining an Associate's Degree in Fire Science or Emergency Medical Intensive Care Training.	$50.00
Associates of Arts or Sciences	$ 100.00
Bachelor of Arts or Sciences	$ 125.00
Master of Arts or Sciences	$ 155.00

§ 28.5 Special Duty Pay

A. General Provisions Regarding Special Duty Assignments.

1. Use of employees holding special duty certifications and receiving special duty pay shall be at the discretion of the Chief or the Chief's designee. Such employees may be directed to respond to any emergency call or may be temporarily detailed pursuant to Section 25.2 of this Agreement.

2. Stacking of Special Duty Assignments.

a. Employees shall be limited to two special duty pay certifications consistent with the following paragraphs.

b. The following special duty assignments cannot be stacked – i.e. receive more than one certification pay - with one another:

i. Hazardous Materials Technician.
ii. Technical Rescue Specialty.
iii. Safety Officer.
iv. Field Training Officer.

c. Employees may stack the following certifications with other special duty certification up to a limit of two (2):

i. Bilingual Interpreter.
ii. Tactical Paramedic.
iii. EMS Preceptor.

3. Employees that do not receive any special duty pay under paragraphs B. through G. below will receive $25 per certification for up to six (6) of any of the following certifications through an accredited program: Critical Care Paramedic, Pediatric Advanced Life Support (PALS), EMS Instructor, Fire Apparatus Operator/Operator Pumper/Aerial, Fire Instructor I, Fire Instructor II, Fire Officer I, Fire Officer II, Fire Inspector I, Fire Inspector II, Incident Safety Officer.

4. Special duty pay as provided for within this Section 28.5 shall be effective the first pay period following the Union vote voting in favor of ratification through the end of the term of this Agreement.

B. Tactical Paramedic.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for tactical paramedics shall receive certification pay in the amounts provided for below up to a maximum of $200 per month:

1. Tactical Combat Casualty Care for Medical Personnel (TCCC-MP) or Tactical Emergency Medical Support (TEMS) certifications - $100 per month.

2. Tactical Paramedic (TP-C) certification - $200 per month.

C. Bilingual Interpreter.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for bilingual interpreter shall receive certification pay in the amounts provided for below:

1. Certification by an accredited institution of secondary education (University, College, Junior College, etc.) as a qualified interpreter within the designated foreign language or signing for the deaf and such certification is provided in writing to the employee's respective department/division heads - $75 per month.

D. Hazardous Materials Technician.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for hazardous materials technician shall receive certification pay in the amounts provided for below:

1. 80 hour, NFPA 472 and OSHA 1910.120 compliant, accredited certification - $250 per month.

2. Employees assigned to the Hazardous Materials Unit upon the effective date of this Agreement shall continue to receive special duty pay in the amount of $225 per month. Such employees shall complete the certifications identified in the preceding paragraph within two (2) years at which time they shall receive the special duty pay in the amount identified in the preceding paragraph. Such employees who fail to complete the required certifications within two (2) years may be transferred out of the Haz Mat Unit and shall no longer receive Haz Mat special duty pay. If such employees transfer out of the Haz Mat Unit prior to the expiration of such two (2) year period without receiving such certifications, such employees shall no longer receive Haz Mat special duty pay.

3. Employees bidding on vacant positions in the Haz Mat Unit who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

E. Technical Rescue Specialist

Employees possessing the following active certifications in addition to any recurrent training required by the Department for technical rescue specialists shall receive certification pay in the amounts provided for below:

1. NFPA 1006 & 1670 compliant accredited certification in: Rope Rescue Technician (TRR-TL) 40 hour, Confined Space Rescue Technician 48 hour, Rescue Boat Operations Technician 40 hour, Swift Water Rescue Technician Advanced (SRT-II) 40 hour; Structural Collapse Rescue Technician (SCR-TL) 80 hour; and, NFPA 1006 & OSHA 1926.650 compliant accredited certification in Trench Rescue Technician, 40 hour - $300 per month.

2. Employees assigned to the Technical Rescue Unit upon the effective date of this Agreement shall continue to receive special duty pay in the amount of $225 per month. Such employees shall complete the certifications identified in the preceding paragraph within three (3) years at which time they shall receive the special duty pay in the amount identified in the preceding paragraph. Such employees who fail to complete the required certifications within three (3) years may be transferred out of the Technical Rescue Unit and shall no longer receive Technical Rescue special duty pay. If such employees transfer out of the Technical Rescue Unit prior to the expiration of such three (3) year period without receiving such certifications, such employees shall no longer receive Technical Rescue special duty pay.

3. Employees bidding on vacant positions in the Technical Rescue Unit who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

F. Safety Officer

Employees possessing the following active certifications in addition to any recurrent training required by the Department for safety officer shall receive certification pay in the amounts provided for below:

1. NFPA 1041 compliant accredited certification in: Instructor I, Instructor II, Company Officer I; NFPA 1521 compliant accredited certification in: Safety Officer; all Technical Rescue Specialist certifications; all Hazardous Materials Technician certifications - $350 per month.

2. Employees assigned to a bid Safety Officer position who possess an active NFPA 1521 compliant accredited certification in Safety Officer - $100 per month.

3. Employees bidding on vacant Safety Officer positions who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

G. Field Training Officer.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for Field Training Officer shall receive certification pay in the amounts provided for below:

1. NFPA 1041 compliant accredited certification in: Instructor I, Instructor II, Company Officer I - $250 per month.

2. Field training officers must hold the rank of Fire Apparatus Operator or Captain.

3. The Department may direct employees receiving FTO special duty pay to conduct field training as needed by the Department.

H. EMS Preceptor.

1. Employees selected and assigned to serve as an EMS Preceptor shall be paid $25 for shift that the employee precepts.

I. Training Instructor.

1. Employees selected by the Department on a call for resume basis to the position of Training Instructor will be compensated at 7% above the Master Captain rate of compensation. Required and preferred qualifications are determined at the discretion of the Department and will be identified in the job description.

J. Dispatch Trainer's Pay.

1. Employees who are selected by the Assistant Chief of Communications to serve as Dispatch Trainers shall receive a per hour pay for each hour, or part thereof, which is spent training dispatchers as directed by the Assistant Chief of Communications or his/her designee. The Department may require that those selected successfully complete a training program selected by the Unified Government. The per hour rate shall be two dollars ($2.00) per hour. This pay shall be by the quarter hour.

§ 28.6 Transport Pay for Paramedics and EMTs

When assigned to medical transport units, Paramedics will receive $50.00 additional pay per assigned shift and EMTs will receive $25.00 additional pay assigned per shift. When activated to a medical transport unit Paramedics will receive $25.00 per half shift or any part thereof and EMTs will receive $12.50 per half shift or any part thereof.

§ 28.7 Paramedic Pay

1. The provisions of this Section 28.7 shall be effective from November 11, 2021 through the end of the term of this Agreement.

2. A hiring incentive payment of $5,000 will be paid to new hires possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services upon their successful completion of the Academy. Employees who fail to establish residency within one (1) year from their date of hire shall be required to reimburse this hiring incentive.

3. Starting pay for new hires possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services shall be at Step III. Existing employees possessing an active license as a Paramedic who are currently compensated at Step IV shall be

compensated at Step III and their months of service at Step IV shall be credited as months of service at Step III.

4. Employees possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services shall receive an additional nine-percent (9%) added to their base wage rate.

5. Employees who are actively enrolled in an EMT Paramedic program approved by the Kansas Board of Emergency Medical Services or by the Fire Chief will receive the nine-percent (9%) addition to their base wage rate provided for within paragraph 4 of this Section 28.7. All costs including tuition, books, lab fees, and equipment associated with training and education for the program shall be borne by the Unified Government. To receive this pay differential employees must maintain a credit hour enrollment which will enable them to complete the program within 2 years from the date of commencement and employees must maintain a passing GPA of at least a 2.0 or as defined by the program. Employees will be required to provide proof of enrollment at the beginning of the semester or term and their grade card or report at the end of the semester. Employees who elect to participate in the EMT Paramedic program shall receive a lump sum payment of $10,000 upon obtaining licensure from the State of Kansas as a paramedic.

§ 28.8 Retroactive Pay

Compensation rates for base and overtime pay in 28.1 are retroactive to January 1, 2019 for those employees who remain employed by the Unified Government as of the effective date of this Agreement. All other compensation provided for in this Agreement including the compensation provided for in Sections 28.3 through 28.7 except as expressly provided, shall not be retroactive and shall apply from the date of final execution of this MOA through the end of the term of the Agreement.

ARTICLE 29 - JOINT STANDING COMMITTEES

§ 29.1 Accident Review Board

There shall be an Accident Review Board to review all accidents involving fire department vehicles. The Accident Review Board shall be composed of two (2) firefighters appointed by the Union and two (2) supervisors appointed by the Chief. The members of the Committee shall serve two year terms and may be reappointed. All tie votes shall be broken by UG's Safety Officer. The Safety Officer may review the evidence presented at the Board hearing or may take additional evidence, if he so desires.

The Accident Review Board shall review all accidents involving fire department vehicles to determine whether or not the employee(s) involved was negligent. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose. The Accident Review Board shall report its findings along with reasons in support thereof to the Chief within forty-five (45) calendar days of an accident. The

determination of the Accident Review Board shall be binding on both the Department and the employee. The Chief may impose discipline as a result of a finding of negligence by the Accident Review Board. If discipline is imposed and the discipline does not exceed one (1) shift day suspension, then the employee shall have no right to appeal this disciplinary action to Arbitration. A suspension of more than one (1) shift day may be appealed.

§ 29.2 Joint Safety and Equipment Committee

There shall be a Joint Safety and Equipment Committee composed of three (3) supervisors appointed by the Chief, and three (3) employees appointed by the Union. The ranking Commanding Officer shall be the chairman of the Joint Committee. The purpose of the Joint Committee shall be to study, evaluate and make recommendations to the Chief concerning the purchase of new equipment or the upgrading, utilization, maintenance or upkeep of Department equipment; to make recommendations to the Chief in regard to Department safety practices and to review on-the-job injuries and make recommendations to prevent their occurrence.

§ 29.3 EMS Committee

There shall be a Joint Labor/Management EMS Committee composed of three (3) Supervisors appointed by the Chief and three (3) employees of the rank of Captain or below appointed by the Union. The ranking commanding officer shall be the Chairman of the committee. The committee shall act as an advisory committee to make recommendations to the Chief concerning relevant issues.

§ 29.4 Labor/Management Committee

There shall be a Joint Labor/Management Committee composed of three (3) Supervisors appointed by the Chief and three (3) employees of the rank of Captain or below appointed by the Union. The ranking commanding officer shall be the Chairman of the committee. The committee shall act as an advisory committee to make recommendations to the Chief concerning relevant issues.

§29.5 Additional Committees

The Union President and the Chief may form any additional committees deemed jointly to be necessary.

ARTICLE 30 - PHYSICAL FITNESS

§ 30.1

All employees shall annually, as scheduled by the Department, be evaluated by a step test, bicycle test or other appropriate test, in order to determine whether they are to be considered as "at risk" concerning elevated blood pressure or pulse rate. Those employees who are found to

be "at risk" shall be examined at a medical facility for an evaluation. If it is determined that any of these employees are physically unfit for duty, they shall be placed out of service, on the appropriate leave (sick or injury leave) and shall receive treatment from their private physician in an attempt to remedy their medical problem. Such employees may not return to their employment until released for such purposes by their attending physician and if desired by the Department, the medical facility at which he was initially determined to be "at risk". If the employee's attending physician and the medical facility disagree as to the employee's ability to return to duty, then the parties (Chief and union President or their designees) shall select a neutral physician who shall determine the employee's fitness to return to duty.

Dispatch employees shall wear headsets at all times while on duty unless otherwise authorized by the Communications Manager. Hearing tests shall be conducted upon the employer's or employee's request.

§ 30.2

Employees determined to be "at risk" shall participate in a follow up program in an attempt to remedy their medical problem.

§ 30.3

Employees may participate in physical fitness activities, as established by the joint Department and Union physical fitness committee with permission of their supervisors. Physical fitness activities may not interfere with performance of an employee's employment duties. The joint Department and Union physical fitness committee may research, evaluate and recommend modifications or additions to the physical fitness activities.

§ 30.4

Smoking shall be prohibited upon all UG property and in all UG vehicles.

ARTICLE 31 - DRUG AND ALCOHOL TESTING

There shall be a Joint Drug and Alcohol Testing Committee composed of two (2) members of Local 64, together with two (2) supervisors appointed by the Chief of the Fire Department. The Human Resources and Legal Departments shall each have one ex officio member of the Committee. The purpose of the Joint Committee shall be to study, evaluate and make recommendations to the Unified Government Administrator concerning the establishment of a revised Policy on Substance Abuse and Drug and Alcohol Testing.

Should the Committee fail to agree on a recommendation to the Unified Government Administrator within eighteen months of the date of the Committee's formation, the Unified Government Administrator may issue a revised Policy on Substance Abuse and Drug and Alcohol Testing.

Until such time as a revised Policy is implemented, all employees shall continue to be subject to the provisions of the Drug Free Workplace Act of 1988, as amended, and the existing UG Statement and Policy on Substance Abuse and Drug and Alcohol Testing.

ARTICLE 32 - MISCELLANEOUS

§ 32.1 Burial Expenses - Funeral and Reasonable Burial Expenses

UG agrees to defray all reasonable funeral and burial expenses of any employee of the Fire Department killed in the line of duty.

§ 32.2 Snow Removal

Snow removal on fire station ramps may be provided within the discretion of the Chief from 8:00 A.M. to 8:00 P.M., however, the Department has the ability to require employees to remove snow in emergency situations after 8:00 P.M.

§ 32.3 Vaccinations For Occupational Diseases

UG shall provide vaccinations for requesting employees who are determined to be at risk for Hepatitis B virus or other infectious diseases, as determined by UG to require vaccination, due to occupational exposure. Any employee who refuses an offered vaccination for such determined infectious diseases, shall execute a written waiver, waiving any claims against UG as a result of contraction of such diseases. Vaccinations shall be at no expense to the employee, but if covered by medical insurance, the proper forms shall be completed by the employee and a claim made.

§ 32.4 Unspecified Paid Leave

1) 2010 Time Bank.

All bargaining unit members who were employed in the fire department as of September 30, 2010 and who previously received 5 shifts less 3 hours (24-hour employees) or 80 hours (40 hour employees) as unspecified paid leave may continue to use such hours of paid leave. The scheduling of such time shall be subject to supervisory approval based on the staffing needs of the Department. Any of the hours which are not used by an employee may be carried over from year to year. Upon an employee's retirement, any of such hours which have not been used shall be paid to such employee at the regular straight time rate of compensation.

2) 2012 Time Bank.

The unspecified leave granted for the calendar year 2012 does not sunset which means it remains as long as the firefighter is employed by the UG. It cannot be cashed out at retirement, however, the firefighter can substitute this leave in lieu of using vacation leave.

ARTICLE 33 - ENTIRE MEMORANDUM OF AGREEMENT

This Memorandum supersedes all previous agreements and all existing unwritten practices between UG and the members of the bargaining unit and constitutes the entire

Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG ordinances existing at the date of this Memorandum. Agreements or practices established between the parties following the effective date of this Memorandum are not prohibited by this Article. Any conflict that may exist between existing UG ordinances and provisions of this Memorandum shall be determined in favor of this Memorandum. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Subject to the provisions of Article 35 below, UG and the Union, for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 34 - SAVINGS CLAUSE

If any provision of this Memorandum or the application of such provision should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of the memorandum shall remain in full force and effect.

ARTICLE 35 - MINIMUM MANNING

a) The Department is in the process of undertaking a comprehensive Fire/EMS service analysis through a joint Union-Management process. Factors considered in the analysis and in the development of a comprehensive master plan for the Department include, but are not limited to the following: station locations including potential new stations and renovation and expansion and/or closure of existing stations, deployment of manpower and apparatus, response times, and safety of fire personnel and consideration of the NFPA 1710 Standard. The parties shall form a strategic planning committee and have appointed representatives to this committee to develop recommendations relevant to Fire/EMS service, including development of a Master Plan. The Master Plan shall evaluate and make recommendations regarding minimum manning requirements, including the requirements as identified in sub-paragraph (b) and (c) of this Article. The committee may consider any relevant documentation, reports or data including but not limited to the FACETS report and IAFF GIS report. The Master Plan recommendation shall be presented to the Commission. The parties are not required to reach consensus on all matters of the Master Plan and may present the Commission with alternative options on any individual or any multitude of issues. The parties' recommendation or alternative recommendations shall be submitted to the Commission contemporaneously prior to the end of 2023. After presentation of

the Master Plan recommendation to the Commission, the Unified Government Commission shall be permitted to change any of the minimum manning provisions within sub-paragraphs (b) and (c) of this Article. Until this occurs, the following minimum requirements shall be maintained.

b) The Department will not operate a fire suppression shift with less than 73 bargaining unit suppression personnel except in cases of emergency. In no event will the Department operate a fire suppression shift with less than 69 bargaining unit suppression personnel. The Department will utilize overtime to insure that there will be at least 69 bargaining unit suppression personnel in emergency situations. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves. The Department will not operate less than twenty-two (22) companies during the term of this agreement.

c) Three safety officers shall be on duty at all times.

d) All fire suppression pumpers, will be staffed with a minimum of three (3) employees in order to be considered "in service" and available for use. All Fire Department aerials and quints will operate with four (4) employees except in cases of emergency at which time aerials and quints may operate with three (3) employees. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves.

e) The parties recognize that the Fire/EMS Service Analysis addresses contractual issues other than the manning issues identified in sub-paragraphs (b) though (d) above. If the recommendations of the strategic planning committee address contractual issues other than those identified in sub-paragraphs (b) through (d) above, negotiations over such issues shall be deemed to be reopened and the parties agree that they will meet and confer in good faith to attempt to arrive at an agreement over such issues.

ARTICLE 36 - DURATION

This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect from January 1, 2019 through December 31, 2024. The parties hereto agree that they will begin discussion as quickly as humanly possible in an attempt to arrive at a new Memorandum of Agreement.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND THE UNION have hereunto set their hands this _____ day of _____, 2022.

FOR THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

_____

_____ Date_____

_____

_____

Attest:

_____
Unified Government Clerk

FOR THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL #64

_____

_____

_____ Date_____

_____

_____

_____

_____

_____

Attachment "A"

The union and the department agree that a minimum of seventeen (17) certified suppression personnel shall be dispatched on the initial alarm to all regular alarm responses.

The union and the department agree that a minimum of twenty-eight (28) certified suppression personnel will be dispatched on the initial alarm to all general alarm responses.

ATTACHMENT "B"

Health insurance benefits for Department retirees available through the UG are determined each year by the UG Commission. The UG will advise retiring bargaining unit members of the benefits available to those retiring bargaining unit members at the time of retirement. Current benefit information is available from the Human Resources Department of the UG.

ATTACHMENT C

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Captain/MTS - 10 Years - completion of ten (10) consecutive years or more of service as a sworn Captain	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Captain/MTS- 5 years - completion of five (5) consecutive years or more of service as sworn Captain	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Captain	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Fire Apparatus Operator - 10 years - completion of ten (10) consecutive years or more of service as a sworn Fire Apparatus Operator	6,484.92	6,679.47	6,946.65	7,224.51	7,513.49	7,814.03
Senior Fire Apparatus Operator - 5 years - completion of five (5) consecutive years or more as a sworn Fire Apparatus Operator	6,357.76	6,548.49	6,810.43	7,082.85	7,366.16	7,660.81
Fire Apparatus Operator	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,077.96	6,260.30	6,510.71	6,771.14
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,017.80	6,198.33	6,446.26	6,704.11
Firefighter Class I	5,933.77	6,111.78	6,356.25	6,610.50
Firefighter Class II A	4,695.05	4,835.90	5,029.34	5,230.51
Firefighter Class II	4,119.40	4,242.98	4,412.70	4,589.21
Firefighter Class III	3,699.85	3,810.85	3,963.28	4,121.81
Firefighter Class IV	3,282.15	3,380.61	3,515.84	3,656.47
Firefighter Class V	3,217.78	3,314.32	3,446.89	3,584.76

Prior to 7/1/22 Firefighters shall serve the following service time at each step and pass an examination prior to progressing to the next step: Class V - 18 months, Class IV - 12 months, Class III - 6 months, Class II - 12 months, Class IIA - 12 months.

	Effective 7/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,771.14	7,041.98	7,323.66
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,704.11	6,972.28	7,251.17
Firefighter Class I	6,610.50	6,874.92	7,149.92
Firefighter Class II	5,230.51	5,439.73	5,657.32
Firefighter Class III	4,589.21	4,772.77	4,963.68
Firefighter Class IV	4,121.81	4,286.68	4,458.14
Firefighter Class V	3,656.47	3,802.73	3,954.83

After 7/1/22, employees will progress from Steps V to I after completing twelve (12) months at each respective step.

Firefighter/Paramedics receive an additional 9% above the stated rates.

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Medical Transport Supervisor	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Assistant Logistics Officer	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Property Officer	4,459.22	4,593.00	4,776.72	4,967.79	5,166.50	5,373.16

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Master Fire Prevention Inspector	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Fire Prevention Inspector	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Fire Prevention Inspector Class I	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Fire Prevention Inspector Class II	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96
Fire Prevention Inspector Class III	5,933.77	6,111.78	6,356.25	6,610.50	6,874.92	7,149.92

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Master Fire Plans Review Inspector	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Fire Plans Review Inspector	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Fire Plans Review Inspector Class I	6,628.59	6,827.44	7,100.54	7,384.56	7,679.95	7,987.14
Fire Plans Review Inspector Class II	6,338.66	6,528.82	6,789.97	7,061.57	7,344.04	7,637.80
Fire Plans Review Inspector Class III	5,960.26	6,139.07	6,384.63	6,640.02	6,905.62	7,181.84

For the rank of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Mechanic I	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Mechanic II	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96
Mechanic III	5,933.77	6,111.78	6,356.25	6,610.50	6,874.92	7,149.92

Fire Communication Classifications*	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Fire Communications Dispatcher (Step 1)	3,301.54	3,400.59	3,536.61	3,678.08	3,825.20	3,978.21
Fire Communications Dispatcher (Step 2)	3,432.65	3,535.63	3,677.05	3,824.14	3,977.10	4,136.19
Fire Communications Dispatcher (Step 3)	3,571.53	3,678.67	3,825.82	3,978.85	4,138.00	4,303.52
Fire Communications Dispatcher (Step 4)	3,784.12	3,897.64	4,053.55	4,215.69	4,384.32	4,559.69
Fire Communications Dispatcher (Step 5)	4,011.75	4,132.10	4,297.38	4,469.28	4,648.05	4,833.97
Fire Communications Dispatcher (Step 6)	4,212.33	4,338.69	4,512.23	4,692.71	4,880.41	5,075.62
Lead Fire Communications Dispatcher	4,630.90	4,769.83	4,960.62	5,159.05	5,365.41	5,580.02
*Dispatchers will progress from Steps 1 to 5 after twelve (12) months at each step and to Step 6 after 60 months at Step 5. Promotion to Lead Dispatcher is based on course work, resume, and letter of interest with approval of the Fire Chief.						

ATTACHMENT C

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Captain/MTS - 10 Years - completion of ten (10) consecutive years or more of service as a sworn Captain	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Captain/MTS- 5 years - completion of five (5) consecutive years or more of service as sworn Captain	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Captain	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Fire Apparatus Operator - 10 years - completion of ten (10) consecutive years or more of service as a sworn Fire Apparatus Operator	6,484.92	6,679.47	6,946.65	7,224.51	7,513.49	7,814.03
Senior Fire Apparatus Operator - 5 years - completion of five (5) consecutive years or more as a sworn Fire Apparatus Operator	6,357.76	6,548.49	6,810.43	7,082.85	7,366.16	7,660.81
Fire Apparatus Operator	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,077.96	6,260.30	6,510.71	6,771.14
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,017.80	6,198.33	6,446.26	6,704.11
Firefighter Class I	5,933.77	6,111.78	6,356.25	6,610.50
Firefighter Class II A	4,695.05	4,835.90	5,029.34	5,230.51
Firefighter Class II	4,119.40	4,242.98	4,412.70	4,589.21
Firefighter Class III	3,699.85	3,810.85	3,963.28	4,121.81
Firefighter Class IV	3,282.15	3,380.61	3,515.84	3,656.47
Firefighter Class V	3,217.78	3,314.32	3,446.89	3,584.76

Prior to 7/1/22 Firefighters shall serve the following service time at each step and pass an examination prior to progressing to the next step: Class V - 18 months, Class IV - 12 months, Class III - 6 months, Class II - 12 months, Class IIA - 12 months.

	Effective 7/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,771.14	7,041.98	7,323.66
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,704.11	6,972.28	7,251.17
Firefighter Class I	6,610.50	6,874.92	7,149.92
Firefighter Class II	5,230.51	5,439.73	5,657.32
Firefighter Class III	4,589.21	4,772.77	4,963.68
Firefighter Class IV	4,121.81	4,286.68	4,458.14
Firefighter Class V	3,656.47	3,802.73	3,954.83

After 7/1/22, employees will progress from Steps V to I after completing twelve (12) months at each respective step.

Firefighter/Paramedics receive an additional 9% above the stated rates.

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Medical Transport Supervisor	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Assistant Logistics Officer	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Property Officer	4,459.22	4,593.00	4,776.72	4,967.79	5,166.50	5,373.16

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Master Fire Prevention Inspector	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Fire Prevention Inspector	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Fire Prevention Inspector Class I	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Fire Prevention Inspector Class II	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96
Fire Prevention Inspector Class III	5,933.77	6,111.78	6,356.25	6,610.50	6,874.92	7,149.92

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
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Fire Communication Classifications*	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Fire Communications Dispatcher (Step 1)	3,301.54	3,400.59	3,536.61	3,678.08	3,825.20	3,978.21
Fire Communications Dispatcher (Step 2)	3,432.65	3,535.63	3,677.05	3,824.14	3,977.10	4,136.19
Fire Communications Dispatcher (Step 3)	3,571.53	3,678.67	3,825.82	3,978.85	4,138.00	4,303.52
Fire Communications Dispatcher (Step 4)	3,784.12	3,897.64	4,053.55	4,215.69	4,384.32	4,559.69
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Fire Communications Dispatcher (Step 6)	4,212.33	4,338.69	4,512.23	4,692.71	4,880.41	5,075.62
Lead Fire Communications Dispatcher	4,630.90	4,769.83	4,960.62	5,159.05	5,365.41	5,580.02

*Dispatchers will progress from Steps 1 to 5 after twelve (12) months at each step and to Step 6 after 60 months at Step 5. Promotion to Lead Dispatcher is based on course work, resume, and letter of interest with approval of the Fire Chief.

SECOND AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JUNE 30, 2022

IX. MAYOR'S AGENDA

NEW ITEM:

Item No. 11 – RESOLUTIONS: APPROVING AGREEMENT TO SETTLE PENDING LITIGATION & AUTHORZING ISSUANCE OF BONDS
Synopsis: Resolutions approving execution and delivery of agreement to settle litigation and authorizing issuance of General Obligation Bonds to fund the settlement, submitted by Misty Brown, Chief Counsel.

Attachments

- **Resolution Approving Agreement**
- **Resolution Authorizing Issuance of GO Bonds**

Staff Request for Commission Action

Tracking No. 211800

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Misty Brown	x5067	mbrown@wycokck.org	Mayor's Office

Item Description:
Resolutions approving execution and delivery of agreement to settle litigation and authorizing the issuance of General Obligation Bonds t fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
06-30-2022_Resolution Approving the Agreement -final, 06-30-2022_Resolution_re_Payment_for_Settlement_of_Litigation - final

RESOLUTION NO. _____

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO SETTLE LITIGATION

WHEREAS, on October 11, 2018, Lamonte and Rose McIntyre filed a lawsuit against the Unified Government and additional individuals ("Defendants") in the federal District of Kansas alleging violations of Kansas State law and 42 U.S.C §1983 in *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18-cv-2545-KHV; and

WHEREAS, jury trial in the matter is scheduled to begin on October 17, 2022; and

WHEREAS, the parties to the lawsuit held a mediation session on June 29, 2022; and

WHEREAS, the parties came to an agreement to settle all claims against all Defendants conditioned on the approval of the terms by the Unified Government governing body.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS:

SECTION 1. Settlement Terms. The Unified Government hereby accepts the following terms to settle all claims and allegations against all Defendants outlined in the lawsuit:

1. Payment to Lamonte and Rose McIntyre a sum of Twelve Million Five Hundred Thousand Dollars and NO/100 ($12,500,000).
    a. Each party shall be responsible for their own court costs and attorney's fees and expenses.
    b. Lamonte and Rose McIntyre shall be responsible for any liens or subrogated interests and will hold Defendants harmless therefrom.
2. Plaintiffs agree to dismiss the lawsuit against Defendants with prejudice.

SECTION 2. Execution of the Agreement. The Mayor/CEO, Administrator, Chief Counsel and Unified Government Clerk are hereby authorized and directed to execute, seal, attest and deliver an Agreement outlining the terms of the settlement presented to and reviewed by the Board of Commissioners at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the Unified Government.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Unified Government.

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ADOPTED by the governing body of the Unified Government of Wyandotte County and Kansas City, Kansas, on June 30, 2022.

_____
Tyrone Garner, Mayor

(SEAL)
ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Misty Brown, Chief Counsel

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO FUND A CIVIL LITIGATION SETTLEMENT.

WHEREAS, K.S.A. 75-6113 (the "Act") provides that payment of any judgments, compromises or settlements for which a municipality is liable pursuant to K.S.A. 75-6101 *et seq.*, and amendments thereto, may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or if the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants, temporary notes or general obligation bonds, provided that warrants or temporary notes issued shall mature serially at such yearly dates as to be payable by not more than 10 tax levies and any bonds shall be issued in accordance with the provisions of the general bond law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of the state of Kansas; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), is a municipality within the meaning of the Act; and

WHEREAS, the governing body of the Unified Government hereby accepts and approves a settlement offer of Twelve Million Five Hundred Thousand Dollars and NO/100 ($12,500,000) in *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18-cv-2545-KHV pursuant to K.S.A. 75-6101, *et seq*. (the "Settlement"); and

WHEREAS, the governing body of the Unified Government hereby finds and determines it to be necessary to authorize the issuance of general obligation bonds of the Unified Government to finance the Settlement and related costs.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. Financing. The Unified Government is hereby authorized to issue general obligation bonds (the "Bonds") pursuant to the authority of the Act in an amount necessary to pay the costs of the Settlement, plus interest on interim financing and associated financing costs. Bonds may be issued to reimburse Settlement expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 2. Further Action. The Mayor/CEO, County Administrator, bond counsel, and other officers, agents, and employees of the Unified Government, are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Unified Government.

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ADOPTED by the governing body of the Unified Government of Wyandotte County and Kansas City, Kansas, on June 30, 2022.

_____
Tyrone Garner, Mayor

(SEAL)
ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Misty Brown, Chief Counsel

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Change of Zone Petition COZ2021-034**

GENERAL INFORMATION

Applicant:
Jeff Meador

Status of Applicant:
Owner
Open Door Homes, Inc.
2920 Merriam Lane
Kansas City, KS 66106

Requested Actions:
Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District.



Date of Application(s):
September 24, 2021

Purpose:
To build one (1) fourplex (rowhome) building, four (4) dwelling units on a vacant parcel for additional housing in the Rosedale area.

Property Location:
4136 Springfield Street



Commission Districts: Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

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

Adjacent Zoning:

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

Adjacent Uses:

North:	Single family homes
South:	Single family home
East:	Single family homes
West:	Apartments

Total Tract Size: 0.29 Acres

Master Plan Area: Rosedale Master Plan

Master Plan Designation: The Rosedale Master Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three (3) story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one (1) story or ten (10) feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood.

Major Street Plan: The Major Street Plan classifies Springfield Street and Fisher Street as Local Streets.

Required Parking: Sec. 27-460(d) states one and one-half (1-½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. Eight (8) spaces are required. Eight (8) spaces are provided.

Advertisement: The Wyandotte Echo – Change of Zone – October 14, 2021
Letters to Property Owners – Change of Zone – October 15, 2021; November 2, 2021, December 6, 2021, January 5, 2022, February 7, 2022, March 7, 2022, and April 2, 2022

Public Hearings: June 13, 2022 and June 30, 2022

Public Support: None to date.

Public Opposition: There were six (6) person present at the June 13, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeff Meador with Open Door Homes, Inc., wants to rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex (rowhome) building, totaling four (4) units on 0.29 acres at 4136 Springfield Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 20206-00067 – July 2, 2020 – Remove dead tree limbs.
2. 19225-03851 – August 14, 2019 – Weeds on a vacant lot.
3. 18206-00138 – September 6, 2018 – Downed tree trunk.
4. 16200-02584 – July 11, 2016 – Dead tree and overgrown grass.
5. 16206-00003 – January 8, 2016 – Brush and limbs on vacant lot.
6. 15212-00634 – May 15, 2015 – Tall grass and weeds (previous owner).
7. 14206-00116 – December 17, 2014 – Brush lying on vacant lot (previous owner).
8. 13206-00164 – November 8, 2013 – Tree limbs on vacant lot (previous owner).
9. 09200-03974 – October 29, 2009 – Roof needs repair (previous owner).
10. 05200-00000-00098 – January 12, 2005 – Trash and debris (previous owner).

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

This is an area with a mixture of single-family homes and apartments on the corner of West 42nd Avenue. Most of the apartments were built in the late 1960s. The single-family homes on the block were built between 1915 and 2007.

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

   The zoning and uses of properties nearby are set out above. If designed fittingly, the proposed use is compatible with them because there are apartments to the west and single-family homes to the north, south and east, across Springfield Street. The key will be designing this fourplex (rowhome) to fit within the context of the single-family neighborhood.

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

   The removal of the restrictions will not detrimentally affect nearby property as this property is currently vacant. Design is of the upmost importance.

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

   The property has been vacant since 2012, when a demolition permit was issued to remove the single-family home.

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

   The proposed use is reasonably necessary for the convenience and welfare of the public as housing, specifically attached-single family, otherwise known as a rowhome, provide an alternate housing choice for the community, and it will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

   The proposed development will increase traffic along Springfield Street and Fisher Street and parking demand for the dwelling units, as two (2) spaces are required for each dwelling unit. For context, the existing single-family parcel could be split into two (2) parcels and two (2) single family homes could be built, which requires four (4) off-street parking space.

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

   The Rosedale Master Plan designates this property as General Urban. General Urban allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three (3) story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one (1) story or ten (10) feet. This is intended

as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood.

The proposed use conforms to the Master Plan as rowhomes (fourplex) are allowed in the district.

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

   The proposed use will not cause environmental harm as there are no commercial or industrial uses allowed in the zoning district. Trees will be planted to comply with the zoning code.

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

   a. ***Water service***

      BPU provides water service.

   b. ***Sanitary sewer service***

      UG provides sanitary sewer service.

   c. ***Storm water control***

      To be designed to meet City Code.

   d. ***Police***

      Police service is provided by South Patrol, District #332.

   e. ***Fire***

      Fire service is provided by Fire Station #10 located at West 36th Avenue and Rainbow Boulevard.

   f. ***Transit***

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

   g. ***Schools***

      Public education is provided by Kansas City, Kansas USD 500.

   h. ***Streets***

      Designed to meet Public Works standards.

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

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

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

    The proposed use is capable of meeting applicable ordinance and other requirements with variances.

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

    The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property can still be used as a single-family parcel, or subdivided into two (2), 50-foot-wide parcels to build two (2) single family homes.

PREVIOUS ACTIONS

This petition is being heard in conjunction with BOZA2021-028.

NEIGHBORHOOD MEETING

The applicant held two (2) neighborhood meetings on October 25, 2021 and February 21, 2022. Attached is the list of persons who attended the meetings, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space
Driveway Access
Compliance with the Urban Multi-Family Residential Design Guidelines
Landscaping and Screening
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-034**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2021-028, which seeks a variance to build to build one (1) fourplex building, totaling four (4) units between thirteen (13) and twenty (20) feet from the front property line on 0.29 acres at 4136 Springfield Street;**
2. **The rowhome (fourplex) attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front**

yards facing the west side of the street, whereas the rear of these single-family homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;

3. **Must comply with the Rosedale Urban Multi-Family Residential Design Guidelines;**
4. **Review the Urban Multi-Family Residential Design Guidelines, attached herein and incorporate these guidelines into the site plan and building elevations;**
5. **Provide a four (4) foot, pedestrian sidewalk to Springfield Street;**
6. **The driveway has been relocated to the rear, off Fisher Street and minimize the curb cuts by creating a semi-circle driveway for the four (4) units. Rear loaded garage and driveways matches the character of the single-family home neighborhood, specifically on the west side of Springfield Street;**
7. **Proposed site trees shall comply with the approved Parks Department Street Tree list;**
8. **The exterior building materials shall comply with the Rosedale Urban Multi-Family Residential Design Guidelines;**
9. **Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**
10. **Three (3) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;**
11. **Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;**
12. **If rented, a rental license from Rental Licensing Division shall be obtained;**
13. **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;**

14. **All future driveways must feature curb cuts that are constructed to UG standards;**
15. **A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **All four (4) units shall be on separate utilities (water, electrical, sanitary sewer, etc.);**
18. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,**
19. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-034** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
Urban Multi-Family Residential Design Guidelines
Neighborhood Meeting Minutes
Site Plan
Floor Plans
Building Elevations
Site Photography provided by the Planning Staff dated October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government of Board of Commissioners
Public Hearing	June 13, 2022	June 30, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-034** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-034** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 2:08:

CHANGE OF ZONE APPLICATION COZ2021-034 – JEFF MEADOR WITH OPEN DOOR HOMES - SYNOPSIS: Change of Zone from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District to build two (2) triplex units at 4136 Springfield. *Detailed Outline of Requested Action:* The applicant, Jeff Meador with Open Door Homes, Inc., wants to rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex (rowhome) building, totaling four (4) units on 0.29 acres at 4136 Springfield Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by

the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Jeff Meador, applicant, Open Door Homes, Inc., 2920 Merriam Lane, Kansas City, Kansas 66106

Present in Opposition:

- There were 6 persons present in the Chamber including the following that spoke
  a. Greg Hall, owner of property at 4131 Springfield, Kansas City, Kansas 66103
  b. Joy McCann, 4132 Springfield, Kansas City, Kansas City, Kansas 66103

Secretary Parker stated that an email in opposition was received from Kristi Segura, 4132 Springfield, Kansas City, Kansas 66103.

Staff Recommendation starts at 2:16:38: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals case BOZA2021-028 which was approved by the Board of Zoning Appeals earlier this evening. This request is to change the zoning from RP-1(B) Single Family District to RP-5 Planned Apartment District. He stated that there is RP-5 zoning in the vicinity of the neighborhood across the street on Fisher and down the street on Springfield Avenue. It is currently a vacant piece of property in the Rosedale Area Master Plan. Staff has received no letters in support and there is some opposition to the project. There are some old Notices of Violation related to this property. Staff recommends approval and finds that the project does meet the Rosedale Area Master Plan Multi-Family Design Guidelines. Director Hand further stated that if density or typologies are a concern, there are other types of multi-family in the RP-5 zone. Technically townhomes are in the R-3 District but it requires a one-acre minimum. He stated that the zoning could be approved with a condition that only R-3 uses are allowed and a deed could be recorded.

Motion starts at 2:18:40:

On motion by Mr. Mohler, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of COZ2021-034**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Straws Aye
Ward Aye
Armstrong Aye
Beth Aye
Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2021-028, which seeks a variance to build to build one (1) fourplex building, totaling four (4) units between thirteen (13) and twenty (20) feet from the front property line on 0.29 acres at 4136 Springfield Street;**
2. **The rowhome (fourplex) attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front yards facing the west side of the street, whereas the rear of these single-family homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;**
3. **Must comply with the Rosedale Urban Multi-Family Residential Design Guidelines;**
4. **Review the Urban Multi-Family Residential Design Guidelines, attached herein and incorporate these guidelines into the site plan and building elevations;**
5. **Provide a four (4) foot, pedestrian sidewalk to Springfield Street;**
6. **The driveway has been relocated to the rear, off Fisher Street and minimize the curb cuts by creating a semi-circle driveway for the four (4) units. Rear loaded garage and driveways matches the character of the single-family home neighborhood, specifically on the west side of Springfield Street;**
7. **Proposed site trees shall comply with the approved Parks Department Street Tree list;**
8. **The exterior building materials shall comply with the Rosedale Urban Multi-Family Residential Design Guidelines;**
9. **Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**
10. **Three (3) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;**
11. **Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas**

exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

12. **If rented, a rental license from Rental Licensing Division shall be obtained;**
13. **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;**
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16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **All four (4) units shall be on separate utilities (water, electrical, sanitary sewer, etc.);**
18. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,**
19. **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.**

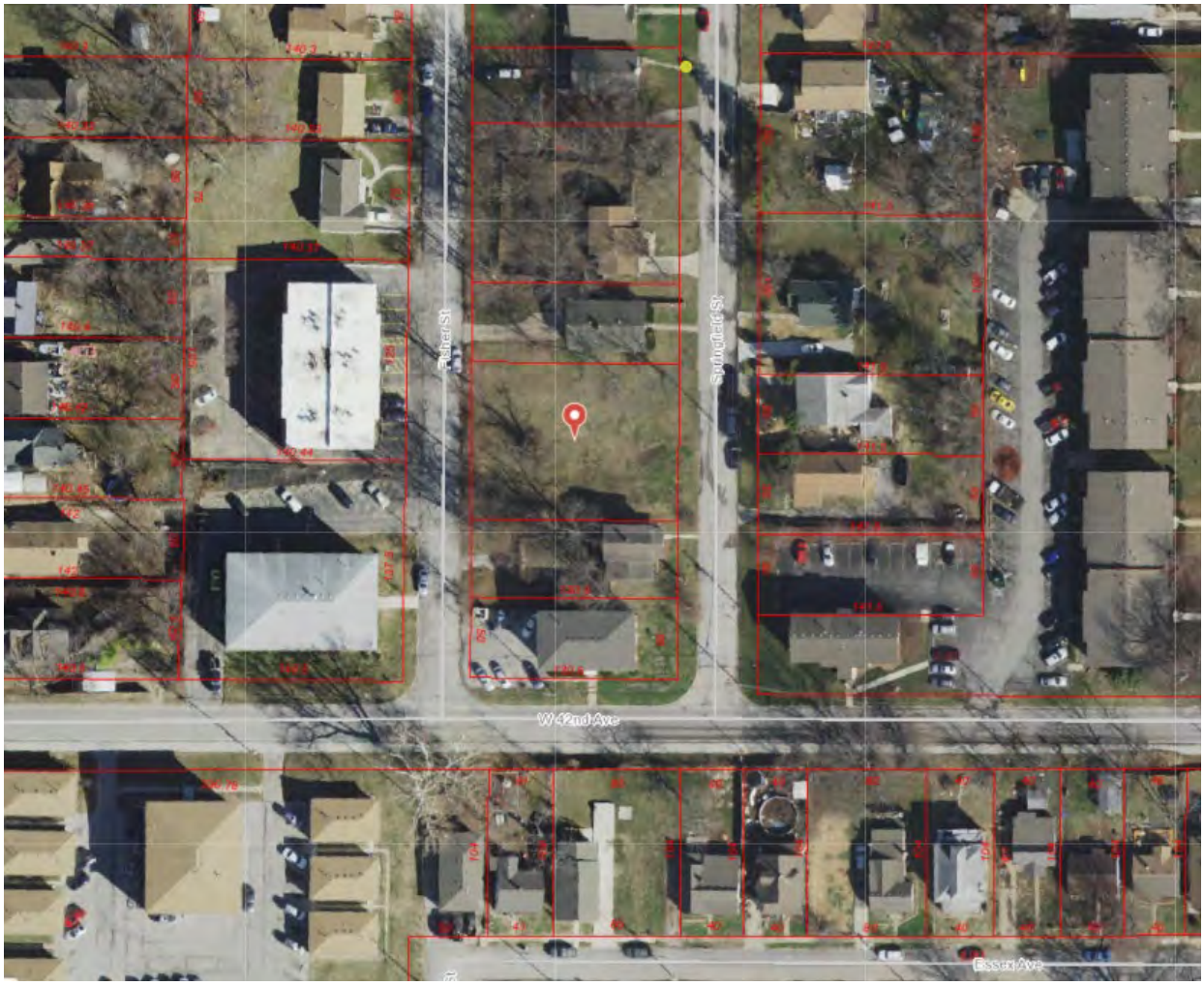


Figure 1. Aerial Map of 4136 Springfield Street (provided by UG Maps).



Figure 2. Zoning Map of 4136 Springfield Street (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map of 4136 Springfield Street (provided by Arc Map).

Kansas City, Kansas Permitted Street Tree Listing (June 2017)

A.	**Small Trees** *(usually under 25 feet at maturity)*			
	1.	*Acer tataricum*subsp. *ginnala*	Amur maple	
	2.	*Acer griseum*	Paperbark maple	
	3.	*Acer tataricum*	Tatarian maple	'Hotwings'
	4.	*Acer truncatum*	Shantung maple	
	5.	*Acer truncatum x plantanoides*	Norwegian sunset maple	'Warrenred' 'Keithsform"
	6.	*Amelanchier x grandiflora*	Serviceberry*	better cultivar 'Autumn Brilliance'
	7.	*Cercis species (spp.)*	Eastern and Oklahoma redbud	
	8.	*Malus spp.*	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
	9.	*Syringa pekinensis*	China Snow tree lilac	'Morton'
	10.	*Syringa reticulata*	Japanese tree lilac	'Ivory silk'
	11.	*Prunus virginiana*	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B.	**Medium Trees** *(usually 25-40 feet at maturity)*			
	1.	*Carpinus betulus*	European hornbeam	
	2.	*Cornus species (spp.)*	Dogwood	Typical understory planting. Species selection important for sun tolerance.
	3.	*Koelreuteria paniculata*	Goldenraintree	
	4.	*Quercus muehlenbergii*	Chinkapin oak	
	5.	*Acer buergeiranum*	Trident maple	
	6.	*Acer campestre 'Evelyn'*	Hedge maple	
	7.	*Acer truncatum*	Shantung maple	
	8.	*Cladrastis kentukea*	American yellowwood	
	9.	*Maclura pomifera*	Osage-orange	Male cultivars only 'Whiteshield','Wichita'
	10.	*Ulmus propinqua 'JFS-Beiberich'*	Emerald Sunshine elm	New introduction from OK proven in KS
C.	**Large Trees** *(usually 40 feet or larger at maturity)*			
	1.	*Acer miyabei*	Miyabei maple	'State Street'
	2.	*Acer plantanoides*	Norway maple	
	3.	*Acer saccharum*	Sugar maple	Suggested cultivar 'Hiawatha 1'
	4.	*Acer saccharum var. caddo*	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
	5.	*Betula nigra*	River birch	Single stem only
	6.	*Corylus colurna*	Turkish filbert	Needs large space
	7.	*Ginkgo biloba*	Ginkgo	Male cultivars only
	8.	*Gleditsia triacanthos inermis*	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

		Permitted Large Trees		
	9.	*Gymnocladus dioicus*	Kentucky coffeetree	Male cultivars available. Durable native.
	10.	*Liquidambar styraciflua*	Sweetgum	Male cultivars only
	11.	*Metasequoia glyptostroboides*	Dawn redwood	Needs large space
	12.	*Nyssa sylvatica*	Black gum	
	13.	*Quercus acutissima*	Sawtooth oak	
	14.	*Quercus alba*	White oak	
	15.	*Quercus bicolor*	Swamp white oak	Soil pH should determined
	16.	*Quercus coccinea*	Scarlet oak	
	17.	*Quercus imbricaria*	Shingle oak	
	18.	*Quercus lyrata*	Overcup oak	
	19.	*Quercus macrocarpa*	Bur oak	
	20.	*Quercus phellos*	Willow oak	
	21.	*Quercus robur*	English oak	Choose mildew resistant cultivars
	22.	*Quercus rubra*	Northern red oak	Soil pH should determined
	23.	*Quercus shumardii*	Shumard oak	
	24.	*Taxodium distichum*	Baldcypress	
	25.	*Tilia cordata*	Littleleaf linden	
	26.	*Tilia tomentosa*	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
	27.	*Tilia Americana*	American linden	
	28.	*Ulmus americana*	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
	29.	*Ulmus parvifolia*	Lacebark elm	'Elmer II'
	30.	*Ulmus wilsoniana*	Prospector elm	
	31.	*Zelkova serrata*	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing (June 2017)

Prohibited Street Trees			
	1.	*Abies species (spp.)*	Fir
	2.	*Acer saccharinum*	Silver maple
	3.	*Albizia julibrissin*	Mimosa
	4.	*Celtis occidentalis*	Northern hackberry
	5.	*Celtis laevigata*	Sugar hackberry
	6.	*Diospyros virginiana*	Persimmon
	7.	*Elaeagnus angustifolia*	Russian olive
	8.	*Fraxinus Americana*	White ash
	9.	*Fraxinus pennsylvainica*	Green ash
	10.	*Maclura pomifera*	Osage orange – fruited/thorned varieties
	11.	*Morus spp.*	Mulberry
	12.	*Picea spp.*	Spruce
	13.	*Pinus spp.*	Pine
	14.	*Platanus acerifolia*	London plane tree
	15.	*Platanus occidentalis*	Sycamore
	16.	*Populus spp.*	Cottonwood
	17.	*Pyrus calleryana*	Bradford pear
	18.	*Ulmus pumila*	Siberian elm
	19.	*Ailanthus altimssima*	Tree of Heaven
	20.	*Acer negundo*	Boxelder
	21.	*Salix spp.*	Willow
	22.	**Edible fruit trees**	

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/ shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

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 and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.
Buildings 3 stories and taller may have sloped or flat roofs.
On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

FENCING, SCREENING, LANDSCAPING
All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:
- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:
- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING
If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING
Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING
Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER
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.

OPEN DOOR HOMES

To: City Planning Commission

From: Open Door Homes, Inc

Date: March 30, 2022

Re: "Draft" Comments response for COZ2021-034/BOZA2021-028

STAFF COMMENTS AND SUGGESTIONS

1. Given the adjustments to the initial application from a set of 2 triplexes to a single quad, the variance in setback to Fisher is no longer needed. The variance to Springfield might still be needed due to the disagreement in the setback allowed in the Rosedale Master Plan of General Urban at a maximum of 20 feet and the allowable setback allowed in the Planning and Zoning code for RP-4 and RP-5 of a minimum of 25 feet. We will accept whatever setback the BOZA deems necessary. Please take not of the setbacks of the home to the South as it currently is less than 25' and the house to the north is at least 25'. Our desire would be to set this building back somewhere between the 2 buildings to create even visual setback increases from the south to the north.
2. The building plan has been modified to be a quad unit facing east toward Springfield with garage loading from Fisher to match the general layout of the single family homes to the north. The elevations have also been modified to mimic the curb appeal of single family homes more closely.
3. The design of the plans has also been modified to match the traditional neighborhood design guidelines more closely in the Rosedale Master Plan to match the General Urban classification of this lot.
4. We will provide a 6' sidewalk north to south on the east side of the lot where new quad pedestrian entrance will be. The west side of the lot will remain without a sidewalk as the triplex has been removed and this side now serves as the vehicular access to the garages.
5. There was insufficient turnaround space for internalizing garages with the triplexes plan. The new quad plan will load garages from Fischer as the single family homes to the north do as well.
6. Preliminary but not finalized plans have been submitted via EDR. Plans will be finalized prior to applying for a building permit.
7. Building materials will be finalized after acceptance and before the building permitting process.
8. Accepted. Sufficient landscaping and trees will be provided as described.
9. Rejected. We feel that the design modifications and the situation of the lot do not require screening. During the neighborhood meetings this was never mentioned as a concern of the neighbors.
10. Accepted. All 4 dwelling units will have separate utility meters
11. Accepted. Underground utilities will be installed wherever possible
12. Accepted. Proper licensing and inspections will be obtained prior to being listed for rent.
13. Fee has been paid

(913) 208-9331
(913) 205-7127
kevin@opendoorhomeskc.com
jeff@opendoorhomeskc.com
2920 Merriam Ln
Kansas City, KS 66106

Public Neighborhood Meeting for Change of Zone

October 25, 2021 Rosedale Development Association Office

	Print Name	Address	Comments
1	Lillie Greer	4124 Fisher 66103	
2	Greg Hall	4131 Springfield 66103	
3	Nathaniel Moore	4133 Springfield	
4	Erin Sinka	RDA	
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Meeting Minutes
October 25, 2021
4:00 PM - 5:15 PM

Project: Open Door Properties - COZ2021-034, BOZA2021-028
Location: Rosedale Development Association

Attendees:
Jeff Meador - Open Door Homes
Matthew Lero - RDM Architecture

Lillie Greer - 4124 Fisher
Greg Hall - Owns rental property at 4131 Springfield
Nathaniel Moore - 4133 Springfield
Erin Stryka - Rosedale Development Association

Jeff gave a power point presentation outlining the project with images and drawings

Greg Hall asked why it was multi-family units rather than 2 single family residences. He was concerned about additional traffic and potential parking issues. Also asked if Open Door would continue to own the property and manage it.

Jeff Meador stated that the reason for the townhouse/ rowhouse configuration was to make construction more efficient, increase the energy efficiency and in line with the Roseland Master Plan would increase density and provide different scales of available housing.

Additionally rather than a single family house which would be sold after completion of construction, Open Door would own and manage the property for the foreseeable future.

Erin Stryka asked about the front facing garage doors and the parking as the Master Plan calls for not having front facing garage doors.

Jeff Meador responded that they had investigated additional options and showed options with a central parking area and also an option with all parking on the Fisher side. The central parking option paves the entire space between the units eliminating a huge amount of greenspace to the extent that they are unable to meet the greenspace requirements. Parking only on Fisher also increases the paved area and requires residents on the Springfield side an excessive walk to their units and long sidewalks. Additionally it moves all the traffic to Fisher rather than splitting it between the two streets.

Erin Stryka brought up that multi-family is specifically allowed for by the Master Plan and that the only reason that the variance is required is because there are units on both sides on a single lot. Would it be possible to divide the lot into one facing Springfield and one on Fisher.

Jeff Meador: The setbacks of that lot wouldn't allow space for that many units and would still have the same parking issues and difficulties with front facing garages.

Greg Hall: Would still prefer single family and feels that Jeff would be able to make money on single family and thinks that there is too much on one site.

Jeff Meador: Reiterated the above reasons for multi-family including energy efficiency, more cost effective allowing for better design and materials and that they would rather have a rental property to hold long term rather than build and sell.

Erin Stryka: What would be the size of the units and the rental rate

Jeff Meador: The apartments are going to be a combination of 2 bedroom and 2 bath and 3 bedroom and 2 bath units. Rent will be market rate based on his experience with other properties in the area and will range from $1400-$1600 per month.

Nathaniel Moore bought up concerns about parking since he lives across the street on Springfield and is concerned with the increased density

Meador responded that he could limit the number of vehicles allowed but that couldn't control guests/ visitor beyond limited the stay of those guests in the rental agreements.

Erin Stryka brought up the Master Plan and explained the process that they went through with the public to develop the plan and asked the attendees whether they would prefer single family over rowhomes.

Both Hall and Moore said they would prefer single family. Hall said that he had never been asked his opinion on the master plan and that he thought they should only allow Single Family.

Lillie Greer has had extensive issues with the apartment buildings adjacent to her property both with drainage and with parking by apartment residents. She is wary of higher density for that reason and would prefer single family.

Jeff Meador responded that as the owner and manager of the property he would be responsible for ensuring that there weren't issues. Additionally, one of the goals with dividing the parking is to avoid excessive runoff and limit larger parking lots.

Erin Stryka reiterated the Master Plan process and said that if he felt that Master Plan wasn't a good one that he should address that to the planning commission but that all residents had been contacted and the plan process well advertised. The plan had extensive feedback and was developed to give residents a say in the process.

Mr Hall asked about sidewalks on the property. Erin Stryka said that sidewalks would be required and Jeff said that they would be included but weren't shown on the drawings. The

current streets don't have sidewalks and the new sidewalks wouldn't connect to anything on either side.

Matthew Lero brought up that the goal of the meeting is to get residents' comments in order to try and work with the design and address those concerns and that even though it is a rowhouse the design attempted to have a single family feel and scale and to have as much greenspace as possible. The alternative is a large central building with a large parking lot which would be out of scale with the adjacent properties and have the potential for runoff issues.

In summary the primary concerns by the residents were the density and the potential parking and traffic despite the Master Plan allowing for increased density. Jeff Meador showed a revised rendering showing a less contemporary aesthetic which Erin Stryka, Lillie Greer and Nathaniel Moore felt it was a better option. Greg Hall said that he didn't care about the design but still didn't want anything there but single family.

Public Neighborhood Meeting for Change of Zone

February 21, 2022 Rosedale Development Association Office

	Name	Address	Comments
1	Jay McCa	2114 Bristow	
2	Carol Fagan	"	
3	Julia Do	4123 Springfield	
4	Sarah Woggoner	1403 Southwest Blvd	
5	Greg Hall	4131 Springfield	
6	Nathan Moore	4133 Springfield	
7	Dorothy Moore	4133 Springfield	
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Meeting Minutes
February 21, 2022
5:30 PM - 6:30 PM

Project: Open Door Properties - COZ2021-034, BOZA2021-028
Location: Rosedale Development Association

Attendees:
Jeff Meador - Open Door Homes
Matthew Lero - RDM Architecture
Joy McCann – 2114 Bristow representing 4012 Booth
Carol Fagan – 2114 Bristow representing 4012 Booth
Julia Do – 4123 Springfield
Sarah Waggoner – RDA
Greg Hall – 12414 W 54th St representing 4131 Springfield
Nathan & Dorothy Moore – 4133 Springfield

Meeting started at 5:30 with a presentation by Jeff Meador reviewing the previous design and the changes that have been made which addressed the concerns brought up during that previous presentation. The primary change was from 6 units to 4 units which was a concern brought up by multiple residents that there were too many units for the property size. To address the traffic concern along Springfield the parking and driveways were relocated to Fisher and a sidewalk added along Springfield in order to meet the Master Plan guidelines. Another major concern was the style of the project, several residents felt that it was too contemporary and not in line with the existing homes in the neighborhood. The design was changed to reflect the materials and design of the adjacent houses while still meeting the Rosedale Master Plan guidelines.

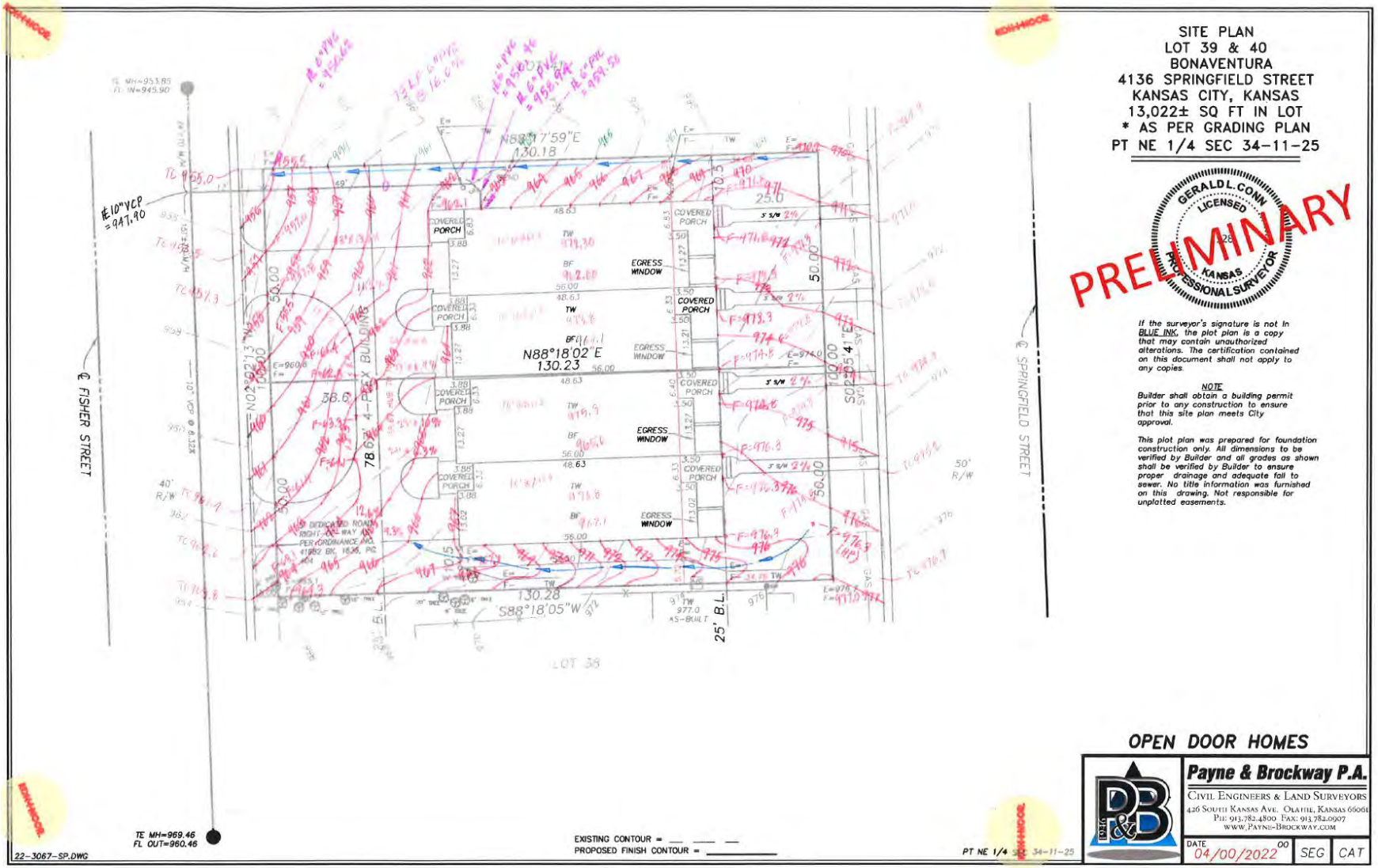
Following the presentation, the floor was opened for questions and the following concerns were brought up:

- Do you have an idea of what the rent will be for the units?
    - Market rate seems to be in the $1400-$1700 per month range
- How many units and would Open Door sell the finished project or hold and manage it?
    - Open Door plans on continuing to own the property for the long term
- Are you asking for incentives for the development?
    - No, the project will be self funded.
- There were several attendees asking if he had considered single family homes rather than multi-family.
    - Yes, but for several reason including financial, logistical and investment reasons building spec. houses there is not a viable option at this time.
- Is this going to lead to traffic issues on Springfield which already has some problems?

    - The primary vehicle access will not be on Springfield and there are two garage spots provided as well as one spot in front of the garage. Jeff is willing to look into options to encourage parking in specific areas to the extent allowed by law.
- Is the increased density going to encourage more crime in the area?
    - As a part of the process, potential residents would be background checked. Additionally, we feel that the design with large front porches would actually add more eyes on the street and could potentially reduce crime. Additionally, one of the goals of the Rosedale Master Plan is to increase density.
- Several of the attendees who are actually landlords in the area and live elsewhere were concerned that the tenants wouldn't actually be KU Med students and that they have had very few medical students in their properties over the years. They felt that the smaller units compared to single family homes would attract a different type of resident that the existing demographic.
    - The units will be priced at market rate and with Open Door managing the property if there are issues, he is happy to address them at the time. It is unlikely that they would be any more likely to attract "undesirable" tenants that existing rental properties adjacent to the property.
- There is a general concern among the attendees that the developments promised by the Rosedale Master Plan won't happen and that the increased density isn't desirable after all.
    - The design is attempting to meet both the current zoning requirements and the Master Plan to the extent possible and Open Door is a small developer working in a small area and unable to influence those larger projects.

There was continued discussion of the above points, but no further new information brought up. The general feedback was that the current design was better than the previous submission and that a number of the concerns had been addressed.

RDM ARCHITECTURE llc
222 W GREGORY BLVD. STE. 400 / KCMO 64111
(P) 816.361.9995 / RDMARCHITECTURE.COM
OPEN DOOR PROPERTIES
SUBMITTED
REVISED
REVISED
06/17/22
SP01
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SPRINGFIELD ST.
FISHER ST.
100.00'
150.00'
98.6'
01 SITE PLAN
1/8" = 1'-0"


SITE PLAN
LOT 39 & 40
BONAVENTURA
4136 SPRINGFIELD STREET
KANSAS CITY, KANSAS
13,022± SQ FT IN LOT
* AS PER GRADING PLAN
PT NE 1/4 SEC 34-11-25
PRELIMINARY
GERALD L. CONN
LICENSED
PROFESSIONAL SURVEYOR
KANSAS
If the surveyor's signature is not in BLUE INK, the plot plan is a copy that may contain unauthorized alterations. The certification contained on this document shall not apply to any copies.
NOTE
Builder shall obtain a building permit prior to any construction to ensure that this site plan meets City approval.
This plot plan was prepared for foundation construction only. All dimensions to be verified by Builder and all grades as shown shall be verified by Builder to ensure proper drainage and adequate fall to sewer. No title information was furnished on this drawing. Not responsible for unplatted easements.
OPEN DOOR HOMES
Payne & Brockway P.A.
CIVIL ENGINEERS & LAND SURVEYORS
426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061
PH: 913.782.4800 FAX: 913.782.0907
WWW.PAYNE-BROCKWAY.COM
DATE 04/00/2022 00 SEG CAT
N88°17'59"E 130.18
N88°18'02"E 130.23
S88°18'05"W 130.28
S02°05'41"E 100.00
N02°05'41"W 100.00
SPRINGFIELD STREET
FISHER STREET
78.0' 4-PLEX BUILDING
COVERED PORCH
EGRESS WINDOW
40' R/W
50' R/W
25' B.L.
LOT 38
TE MH=969.46
FL OUT=960.46
EXISTING CONTOUR = — — —
PROPOSED FINISH CONTOUR = ———
22-3067-SP.DWG
PT NE 1/4 SEC 34-11-25

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SUBMITTED
02-14-2022
DD1
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01 BASEMENT
1/4" = 1'-0"
LIVING
KITCHEN
DINING
BEDROOM #1
BEDROOM #2
BEDROOM #3
BATH #1
BATH #2
BATH #3
LAUNDRY
CLOSET
PORCH ABOVE
STORAGE

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OPEN DOOR PROPERTIES

SUBMITTED 05.16.2022

DD2

01 FIRST FLOOR
1/4" = 1'-0"

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OPEN DOOR PROPERTIES
SUBMITTED
05.16.2022
DD3
01 SECOND FLOOR
1/4" = 1'-0"
BEDROOM
12'-0"
CLOSET
LAUNDRY
LINEN
MEN
WOMEN
ALL DRAWINGS AND WRITTEN INFORMATION APPEARING WITHIN SHALL NOT BE PLACED, USED, DISCLOSED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT © 2021 RDM ARCHITECTURE llc

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(P) 816.361.8999 / RDMARCHITECTURE.COM
OPEN DOOR PROPERTIES
SUBMITTED
02.10.2022
A02
01 EAST ELEVATION
02 SOUTH ELEVATION
03 WEST ELEVATION
04 NORTH ELEVATION
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Figure 4. Site Photograph of 4136 Springfield Street looking northwest (provided by Planning Staff).



Figure 5. Site Photograph of 4136 Springfield Street looking west (provided by Planning Staff).



Figure 6. Site Photograph of 4136 Springfield Street looking southwest (provided by Planning Staff).



Figure 7. Site Photograph of 4136 Springfield Street looking southeast (provided by Planning Staff).



Figure 8. Site Photograph of 4136 Springfield Street looking east (provided by Planning Staff).

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Petitions COZ2022-017 and SP2022-045**

GENERAL INFORMATION

Applicant:
Kalla McLaughlin

Status of Applicant:
Representative
City Beautiful, LLC
4000 Denton Road,
Kansas City, Missouri 64133

Requested Action:
Approval of a Change of Zone.

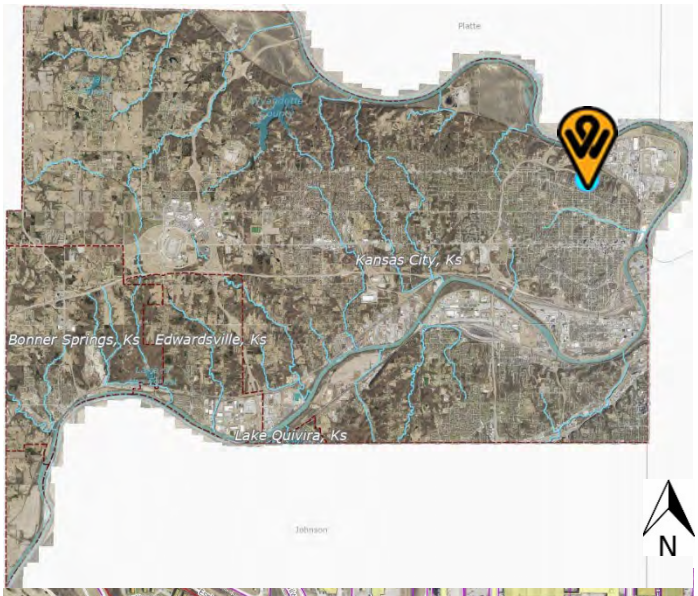
Approval of a Special Use Permit.

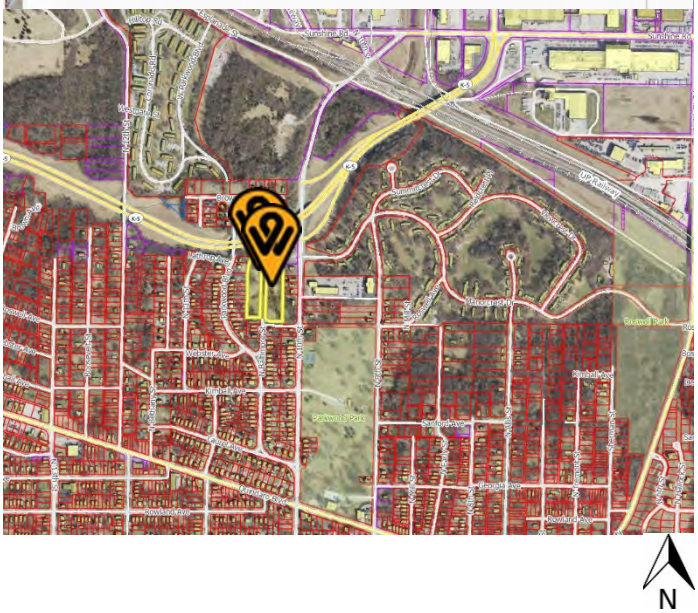
Date of Application:
March 25, 2022

Purpose:
Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District.

Approval of Preliminary Plat for one (1) single-family parcel at 3015 and 3020 North Baltimore Street. (Approved)

Approval of a Special Use Permit for the sale of produce grown on-site and other farm products processed on-site.





Property Location:	3015 and 3020 North Baltimore Street Kansas City Kansas 66104	
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend	
Existing Zoning:	RP-5 Planned Apartment District	
Adjacent Zoning:	**North:**	R-1(B) Single Family District; Right-of-Way
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	R-1 Single Family District
Adjacent Uses:	**North:**	Vacant community/religious center; K-5 Highway
	South:	Single-family residences
	East:	Single-family residences
	West:	Single-family residences
Total Tract Size:	3.79 Acres (Total) 1.68 Acres (3015 North Baltimore Street) 1.67 (3020 North Baltimore Street) 0.44 (Existing right-of-way)	
Master Plan Area:	The subject property is within the Northeast Area Master Plan.	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Single Family. The Single Family Land Use District is intended to protect established single-family neighborhoods. Single-family homes are the only listed allowed building type within this Land Use District.	
Major Street Plan:	The Major Street Plan classifies North Baltimore Street as a Local/Neighborhood Street. The Major Street Plan classifies South 51st Street as a Collector Street.	
Parking Requirement:	**RP-5 District (current district):** Section 27-460(d) requires one and one-half (1.5) parking spaces to be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. The subject property is currently undeveloped, and therefore has no dwelling units nor currently requires any parking spaces.	

	A-G District (requested district): Section 27-452(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The current site plan does not show any parking spaces; the current site plan does not show any development at all. The applicant must submit a revised site plan that demonstrates two (2) paved parking spaces in conjunction with the proposed single-family residence.
Advertisement:	The Wyandotte Echo – April 14, 2022; and May 19, 2022 Letters to Property Owner – April 15, 2022; and May 20, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	Several neighbors have expressed support through communication with the applicant.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject property.

City Ordinance Requirements: Article VI, Sections 27-210, 27-214—215; Article VIII, Sections 27-452, 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. A previous property owner received one (1) code enforcement citation. This citation was later rescinded, presumably because the subject property was in the Landbank.
    - 06212-00000-01746, September 29, 2006 (Neighbor called to complain that there was overgrown vegetation on the property and that it needed to be cut)

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Northeast Statistical Neighborhood and is within the Parkwood Colony Neighborhood Group. The subject property is also located within the Parkwood Historic District. The local neighborhood is roughly bordered by K-5 Highway to the north, by Quindaro Boulevard to the south, by North 10th Street and Parkwood Park to the east, and by North 12th Street to the west. The character of the neighborhood is predominately single-family residential with streets that roughly follows a grid system but also meander; the neighborhood layout and most residences were established in the 1920s and 1930s. The neighborhood density is approximately six (6) dwellings per acre.

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

The subject property is adjacent to small-lot, single-family residential parcels to the south, east, and—predominately—the west. One (1) adjacent parcel to the northeast of the subject property is partially zoned CP-0 Planned Nonretail Commercial but is currently used for residential purposes. Farming is typically not compatible with residential uses, which is rationale for requiring an agriculturally zoned property to have a minimum of five (5) acres and increased setbacks. There are other methods, however, to achieve a buffer between urban agricultural and residential uses to the extent that all such uses can exist compatibly. These methods include planting or maintaining trees along the property boundary lines, installing architectural screening or fencing, and creating landscaped berms. Current plans submitted to Staff show the intention to create tree screening along the west boundary line of the subject property, which is adjacent to the most exposed of the neighboring properties. Under this plan, the proposed uses are compatible with the zoning and uses of nearby properties.

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

   Although the subject property does not meet the five (5) acre minimum required by Section 27-452(a), its 3.79 acres are still sufficient for the urban farming uses proposed by the applicant. Agricultural uses may need to be adjusted in order to fit with the sloped terrain, but these adjustments are anticipated by the applicant and do not have any effect on neighboring properties. The applicant must follow and comply with all suggestions and requirements provided by the Wyandotte County Conservation District. The applicant should reference the letter from the Wyandotte County Conservation District to the Director of Planning (see "Wyandotte County Conservation District Letter, Dated April 14, 2022" in the *Attachments* section of this report) and the Conservation Plan produced specifically for the subject property.

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

   The subject property is vacant and is currently within the Unified Government Landbank. A portion of the current subject property has been developed previously (as separate parcels addressed as 3021 and 3025 North Baltimore Street, respectively). Aerial photography, however, demonstrates that even these properties have been vacant as early as 1983. The entirety of the subject property has confirmed to have been vacant since 1997.

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

   The subject property has sat vacant for at least 25 years, and likely much longer. In that time the property has experienced erosion that makes a low-lying terrain which is already difficult to develop much more difficult to develop with every passing year. The subject property has also faced illegal dumping issues, which resulted in the installation of streetlights to prevent this practice. In light of the subject property's recent history, the proposed development would be supportive of the nearby properties.

   Additionally, the utilization of a significant portion of the subject property for agriculture and food production is a use beyond that of a typical single-family residential property. The occupation and productive use of the land is reasonably necessary for the welfare of the public, and the forthcoming produce to be sold locally makes the proposed use even more reasonably necessary ad convenient.

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

   The applicant has stated that a portion of the farmland would be leased to New Roots for Refugees, a local farming non-profit. If this is the case, then several

third parties will be on the land frequently. While the farmers coming to the subject property are expected to take the bus or engage in ridesharing, there may be circumstances in which additional vehicles beyond the applicant's own will be parked on the subject property. The applicant has identified the neighboring property at 3040 North 10th Street to provide the necessary parking for these circumstances. Either a notarized parking agreement must be recorded with the Register of Deeds for this arrangement, or some other additional off-street, on-site parking must be provided in order to satisfy this factor. This scenario in which several vehicles coming to the subject property at the same time is unlikely, however, and would not be in numbers or with a frequency great enough to adversely affect road capacity, safety, or create parking problems.

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

The Northeast Area Master Plan designates this property as Single Family. The Single Family Land Use District is intended to protect established single-family neighborhoods. Single-family homes are the only listed allowed building type within this Land Use District. While the Land Use District does not appear to be conducive to urban farming, in a separate section of the Northeast Area Master Plan it is stated that the area "is already home to an array of urban gardens and farms, which serve to connect residents to healthy food options, prevent food insecurity, create job and volunteer opportunities, build community and provide green space." As there is no exclusive agricultural or urban farming land use district designated in the Northeast Area Master Plan, it must be understood that urban farming is compatible in any land use district so long as all other conditions allow for compatible use between urban farms and residences. The proposed use, therefore, conforms with the Northeast Area Master Plan, but must meet all other requirements of the A-G District.

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

The construction of the primary residence and driveway will increase the impermeable surface on the entire 3.79-acre parcel by approximately 1,000 square feet. Historical site photos show that erosion has an effect on the land as it sits undeveloped. Given these conditions, use of the subject property as an urban farm can be beneficial. Planting additional trees for landscape screening, building garden terraces on the hillsides, and the general cultivation of the land will do well to prevent additional erosion, while the small increase in impermeable surfaces is negligible.

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

a. Water service

There are currently no water lines on the subject property. Water lines must be installed on the subject property and connected to the public water main. For more details, see the applicant's response under

"Planning and Urban Design Comments: General #7" under the *Staff Comments and Suggestions* section of this report.

b. Sanitary sewer service

Sanitary sewer lines run along the majority of the west side of the subject property and cuts across the northern portion of the subject property.

c. Storm water control

The subject property is served by storm water lines north of the parcel, within the K-5 right-of-way.

d. Police

Police service is provided by East Division, District #113.

e. Fire

Fire service is provided by Fire Station #5.

f. Transit

The subject property is within one-half (0.5) mile of a bus stop on Coronado Road/West Parkwood Boulevard, within the Fairfax Bluffs Apartments complex. The bus stop is served by Bus Route 103 (3rd Street-Fairfax). The subject property is also within one-half (0.5) mile of pair of bus stops at the intersection of North 11th Street and Quindaro Boulevard. The bus stops are served both eastbound and westbound by Bus Route 106 (Quindaro-Amazon).

g. Schools

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kanas City USD 500.

h. Streets

The subject property is adjacent to the North Baltimore Street right-of-way, but a UG-compliant driveway will need to be installed in order to provide compliant vehicular access between the subject property and the public right-of-way.

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

The applicant is proposing to live in a primary residence on the subject property. By allowing a Change of Zone of the subject property, the applicant will be able to operate an urban farm as an accessory use and will thus make the subject

property more productive. The corresponding Special Use Permit would allow for the applicant to package and sell the produce grown on site to local customers, thus creating a business that produces locally and keeps money circulating within the community.

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

    There are several existing conditions that prevent the propose used from meeting the applicable ordinance requirements. Therefore, this Change of Zone is heard simultaneously with a Preliminary Plat, a Special Use Permit, and a variance. The Preliminary Plat, PLAT2022-011, has been applied for in order to create one (1) single-family parcel through the process of combining two (2) existing parcels, a vacated right-of-way, and a vacated utility easement. The Special Use Permit, SP2022-045, has been applied for to allow the subject property to have an accessory business use by serving as the business address, producing the fresh produce and farm products, being the location from which products are shipped, and occasionally hosting on-site sales. The variance, BOZA2022-025, has been applied for to deviate from the A-G District size minimum and single-family residence habitable space minimum. The proposed uses are otherwise capable of meeting the applicable ordinance requirements.

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

    The A-G Agriculture District allows for several uses that are not allowed in residential districts, such as the keeping of livestock and the allowance of more accessory buildings. These uses can be mitigated by landscaping, architectural screening, buffering, and berming. Therefore, granting of the Change of Zone would create a gain in public health, safety, and welfare relative to the hardship imposed on the individual landowner or landowners.

Preliminary Plat (Approved)

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

   The steep terrain runs downward from south to north and features hills on the east and west boundaries that creates a bowl-like effect. This leaves the subject property vulnerable to flash flooding from the groundwater runoff flowing from the impermeable surfaces on the Baltimore Street right-of-way. Mitigation measures, such as planting vegetation to absorb water runoff and installing landscape berming to redirect water around the proposed primary residence should be taken to address flooding and groundwater issues.

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

   See Change of Zone Review Factor #1.

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

   No additional streets will be created as part of this plat. The applicant will install a driveway and parking areas, which will be paved in compliance with UG standards. Any off-site parking for accessory uses on the subject property will require a signed, notarized, and recorded parking agreement.

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

   Only one (1) residence will be constructed, and it is proposed to be located close to North Baltimore Street on level ground, so there are no concerns regarding access to adequate light, open space, or air. The remainder of the subject property will be wooded or farmed/landscaped. These uses also allow for sufficient light, open space, and air. The size of the residence (350 square feet) will make the development more affordable to build—and to sell in the future—while maintaining a steady property value as part of the urban farm.

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

   Only one (1) residence will be constructed, and it is proposed to be located close to North Baltimore Street on level ground. The proposed accessory structures will be developed in a manner that accommodates the terrain. One (1) accessory building will be an earthen structure built into the side of a hill, and the others will be roofed but open-air, to allow for flexibility with the steep terrain.

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

   The proposed plat features one (1) parcel with one (1) primary residence and several proposed accessory buildings (more a full list of identified accessory structure, see the applicant's response to "Planning and Urban Design Comments: General #5" under the *Staff Comments and Suggestions* section of this report). A plat with this number of parcels and/or primary residences is not required by the Zoning Code, City-Wide Master Plan, or Northeast Area Master Plan to provide amenities.

Special Use Permit

1. ***The Character of the Neighborhood.***

   See Change of Zone Review Factor #1.

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

   See Change of Zone Review Factor #2

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

   See Change of Zone Review Factor #3.

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

   See Change of Zone Review Factor #4.

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

   See Change of Zone Review Factor #7.

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

   See Change of Zone Review Factor #6.

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

   See Change of Zone Review Factor #5.

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

   Noise, vibration, dust, and illumination are all, in various degrees, inherent to farming activities. The terrain and arrangement of the subject property can be utilized to mitigate such externalities so that they do not create problems for nearby property. As previously mentioned, fencing, landscape screening, and buffering can all be used in various ways to deaden noise and vibration from common agricultural activities and to block light from leaving the subject property. In addition to screening mitigation, all lighting on the subject property shall be directed downward at a 90-degree angle in order to keep the direct light on site as per UG Code. Furthermore, dust mitigation measures, such as watering, should be utilized during activities that are at high risk for dust.

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

   An urban farm will likely have positive effects on land, air, and water quality, if conducted properly. The increase in vegetation such as trees and crops, as well

as the proposed terraced gardens on the hillsides, will aid in soil erosion prevention and repair. The net increase in vegetation will also have positive impacts on the air, and the small carbon footprint created by the proposed 350-square-foot residence will be minimal. Water quality could benefit as well from the increase in plant roots, and well-managed fields would keep any undesirable runoff from getting into the soil and water table.

The applicant must also follow and comply with all suggestions and requirements provided by the Wyandotte County Conservation District. The applicant should reference the letter from the Wyandotte County Conservation District to the Director of Planning (see "Wyandotte County Conservation District Letter, Dated April 14, 2022" in the *Attachments* section of this report) and the Conservation Plan produced specifically for the subject property.

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

Although development is proposed to take place on previously vacant land, the establishment of an urban farm will aid in the preservation of irreplaceable natural resources. Staff cannot identify any irreplaceable natural resources that could be damaged or destroyed by the homestead and urban farm as proposed by the applicant.

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

See Change of Zone Review Factor #12.

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

The Special Use Permit is to allow the subject property to host a business that sells, packages, and ships the produce grown on site; there will not be farmers' markets or other consistent sales conducted on the subject property. The applicant has stated that a portion of the farmland would be leased to a local farming non-profit. If this is the case, then several third parties will be on the land frequently. While the farmers coming to the subject property are expected to take the bus or engage in ridesharing, there may be circumstances in which additional vehicles beyond the applicant's own will be parked on the subject property. The applicant has identified the neighboring property at 3040 North 10th Street for possible additional off-street parking for this use. Either a notarized parking agreement must be recorded with the Register of Deeds for this arrangement, or some other additional off-street, on-site parking must be provided in order to satisfy this factor.

PREVIOUS ACTIONS

- COZ2022-017, a simultaneous Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District

- PLAT2022-011, a simultaneous Preliminary Plat for the combination of one (1) single-family lot
- SP2022-045, a simultaneous Special Use Permit to sell produce and farm goods grown on site

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compatibility of Uses
Driveway and Parking
Erosion Control
Historic District Certificate of Appropriateness
Livestock
Noise, Vibrations, and Dust
Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-017**, subject to:

1) **Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**

8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-045**, subject to:

1) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
2) **Any additional violations created in the development process must receive a separate variance;**
3) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
4) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
5) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
6) **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;

7) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
8) **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;**
9) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
10) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
11) **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;**
12) **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
13) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the**

approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

14) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
15) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
16) **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-017 and SP20922-045,** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Preliminary Plat of 3015 and 3020 North Baltimore Street
Site Plans of 3015 and 3020 North Baltimore Street
Landscaping Plans of 3015 and 3020 North Baltimore Street

Examples of Proposed Land Uses and Structures, Submitted by the Applicant
Proposed Primary Residence Elevations
Proposed Primary Residence Floor Plan
Comparison of Nearby Residential Architecture
Applicant's Produce Safety Alliance Certificate of Training
Excerpts from the Northeast Area Master Plan
Wyandotte County Conservation District Letter, Dated April 14, 2022
Staff Site Visit Photographs, Dated April 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Board of Commissioners
Public Hearing		
Change of Zone	June 13, 2022 Approval	June 30, 2022
Preliminary Plat	June 13, 2022 Approved	Not required
Special Use Permit	June 13, 2022 Approval	June 30, 2022

STAFF CONTACT: **Michael Farley**
mfarley@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-017** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-017** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-045** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-045** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:30:25:

CHANGE OF ZONE APPLICATION COZ2022-017 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct a single-family residence with urban farming at 3015 and 3020 Baltimore Street.

SPECIAL USE PERMIT APPLICATION SP2022-045 – KALLA MCLAUGHLIN WITH CITY BEAUTIFIUL ENTERPRISE LLC - SYNOPSIS: Home Occupation Special Use Permit to sell produce and farm goods grown on the property at 3015 and 3020 Baltimore Street.

PLAT2022-011 - KALLA MCLAUGHLIN WITH CITIY BEAUTIFIUL ENTERPRISE LLC - SYNOPSIS: Preliminary Plat for two (2) single-family lots at 3015 and 3020 Baltimore Street.

Detailed Outline of Requested Action: The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Kallie McLaughlin, applicant, 4000 Denton Road, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:37:54: Planning Director Hand stated that these three (3) applications are being heard in conjunction with BOZA2022-025 which was approved by the Board of Zoning Appeals earlier this evening. This is a Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District for agricultural purposes and a Special Use Permit to do canning, sales and homesteading agro-tourism on this site. He further stated for the applicant to live on the site a replat of two (2) parcels and some right-of-way and some utilities is also being considered. Director Hand stated that Ms. McLaughlin is employed by the Unified Government in the Planning + Urban Design Department. She was not in any meetings, discussions or have input for her applications in order to avoid a conflict of interest. This property is in the Parkwood Historic District and in the Northeast Area Master Plan. He stated that the applicant has a conservation plan and discussed tonight enhanced landscaping and screening and maintenance of tree stands to shield the adjacent neighbors from this development. Before the house is constructed, the applicant will be required to file a Certificate of Appropriateness before a building permit can be pulled and approved by the Landmarks Commission. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:39:45:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-017**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**
8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-045:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
2) **Any additional violations created in the development process must receive a separate variance;**
3) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
4) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
5) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**

6) **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;**
7) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
8) **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;**
9) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
10) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
11) **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;**
12) **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure**

to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

13) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
14) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
15) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
16) **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.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2022-011:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to **APPROVE** Passed: 9 to 0
Subject to:

1) **A Final Plat must be approved before the MCLAUGHLIN ADDITION may be filed;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**
8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the**

approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

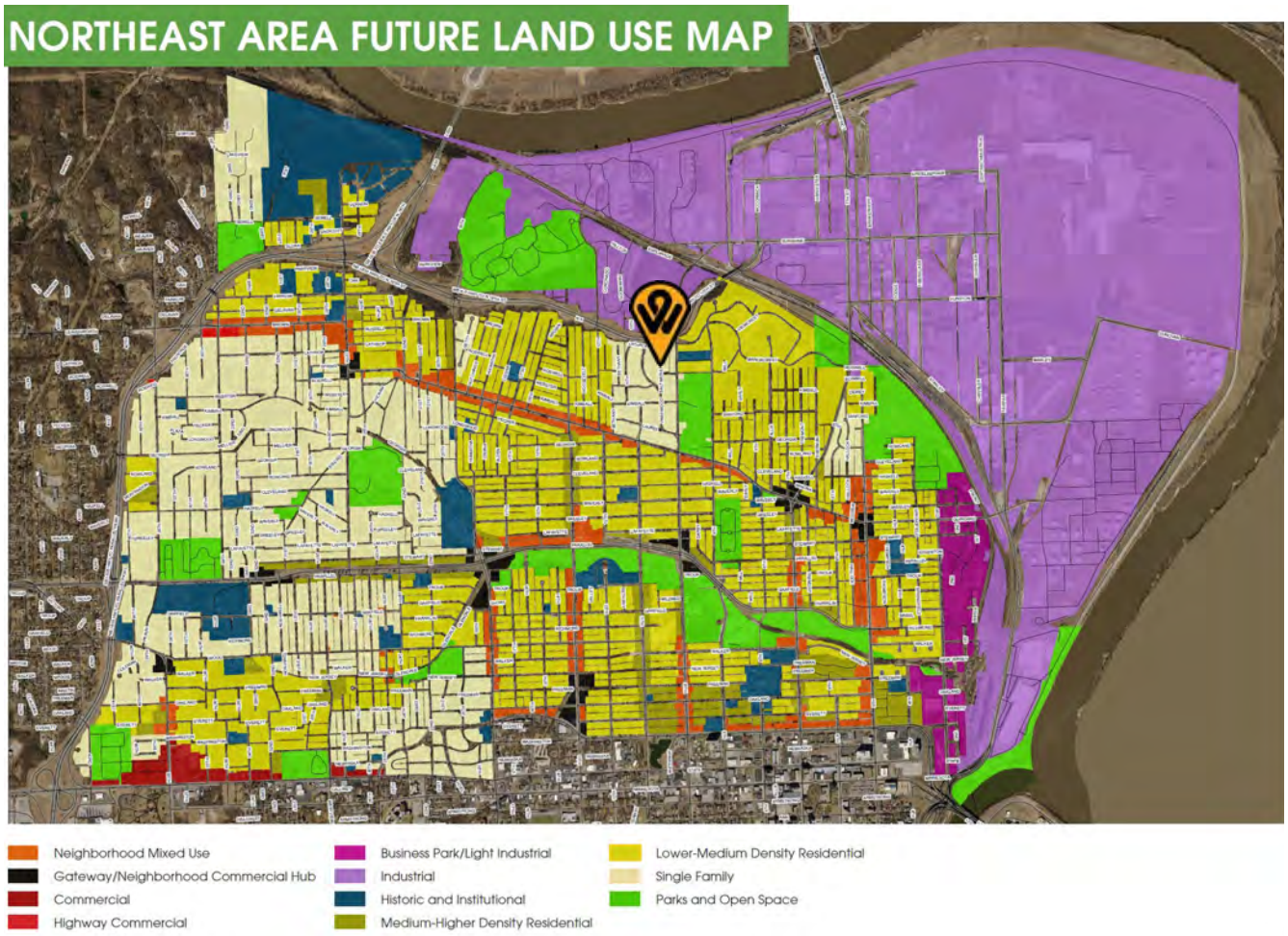
AERIAL MAP



ZONING MAP



LAND USE MAP


NORTHEAST AREA FUTURE LAND USE MAP
Neighborhood Mixed Use
Gateway/Neighborhood Commercial Hub
Commercial
Highway Commercial
Business Park/Light Industrial
Industrial
Historic and Institutional
Medium-Higher Density Residential
Lower-Medium Density Residential
Single Family
Parks and Open Space

CITY BEAUTIFUL
URBAN FARM

DEAR FUTURE NEIGHBOR,

April 7, 2022

You are receiving this letter as a property owner or designated interested party within 200 feet of the addresses of 3020 and 3015 North Baltimore, Kansas City, Kansas.

I am currently under contract with the Land Bank to purchase these addresses to start an Urban Farm and to build my home. Here are the applications that I am applying for:

- COZ2022-017 - Change of Zone from RP-5 Apartment District to AG Agricultural District
- BOZA2022-025 - Variance for Minimum Required Lot Size of an AG District, Variance for Minimum Required Home Square Footage
- SP2022-045 - Special Use Permit to sell produce and farm goods
- PLAT2022-011 - Plat to Combine the two lots together

Due to the pandemic, I am taking any feedback via phone call or email. My phone number is 785-477-1352 or you may reach me via email at ksukallie@gmail.com. Please submit any feedback by April 20th.

Sincerely,

Kallie McLaughlin

KALLIE MCLAUGHLIN
Owner

Hello Ms. Malabre,

Thank you for your email. I hope this answers your questions but if not please let me know.

1. What is the anticipated date construction is to begin and be completed?
I am hoping to get started on construction this summer, mid June or early July. The public hearing process and final publication will take me until mid June, and after that I am just waiting on my building plans to get approved to get on a construction schedule. The house is small, and shouldn't take but about 4-6 months to complete. I hesitate to make those timelines definite as the supply of materials hasn't been steady and last I knew, windows were 12 weeks from order to delivery. I am also waiting on some reviews and certifications, as I am trying to build this home to meet energy and environmental criteria. I want to be done and fully moved in before winter weather, and ideally I'd be in by Thanksgiving at the latest.

2. Will there be disruption of traffic flow on Roswell?
This project is relatively small and crews working on the building will likely park in the grass in front of the home. Currently the resident at 2929 N. Baltimore uses this as parking for his friends and family who visit. I anticipate 2-5 trucks or vans parked in that space depending on the trade. For instance, my framing may need a few trucks for lumber but all my electrician needs is his single van. Generally there should be little, if any, congestion or traffic disruption. I attached a picture to give you a better idea.

3. How will access to the property be gained?
Access to the property will be gained off of Roswell. The front door will face Roswell Street and the driveway will be on the side of the home. I do not have a car and utilize bus stops, bikes, and ride shares, so there may not be a driveway put in immediately, but that is how it is being pre-planned so that I may have visitors.

4. What type of produce will be grown and will there be animals ie. chickens, etc.?
The type of produce grown will vary largely on a few factors - soil nutrients, erosion control, and sunlight. I will grow a variety of produce, especially root veggies, berries, herbs, and greens. I love to cook, preserve, and can. I grew up with Amish, German, and Irish family members who practiced Victory Gardens and they have become family traditions. Additionally, I will produce larger quantities for resale in the Cultivate KC CSA box and for farmers markets. I'd like to test some uncommon heirloom varieties of some vegetables to try something new and be a little unique from other growers. I plan on adding chickens for egg production and to decrease the amount of bugs in the property. They will be confined and there will be no roosters. After everything is more established, In a few years I may introduce a few more small size animals, but they will be for milk, meat, and to be an educational example of where food comes from, but they would be limited to small quantities and be small animals that are of "petting zoo" size.

Please let me know if there's anything else I can answer as I would be happy to do so.



Good Morning Dorothy!

Thanks for copying me to the other neighbors. It would be great to start networking with others in the area to pool resources. I'm already doing some of that as an unofficial pet project at work and have some great contacts. I know this property would need quite a bit of work to really reach its full potential but would be worth it in the long run and I'm sure I'll see neighbors more and more as I get it developed (if the project is approved).

I drove by the church at 10th and Manorcrest, but according to records it is now owned by a single person and is no longer a church. I would love to have a parking agreement with them though for a future farmers market or farm tour once everything is up and running. I also saw a "Disciple Garden" further north on 10th run by St. Lukes, but it looks like it might not be maintained. I'll have to check it out too!

Thanks again for your emails. Hope to meet some of you soon!

Kallie McLaughlin

Hi Dorothy,

Thanks for reaching out, I wasn't sure how active Parkwood Colony was so I'm happy to see its still active. I am planning on attending the neighborhood clean up on Friday with my co-workers, so if you are there perhaps we can run into each other.

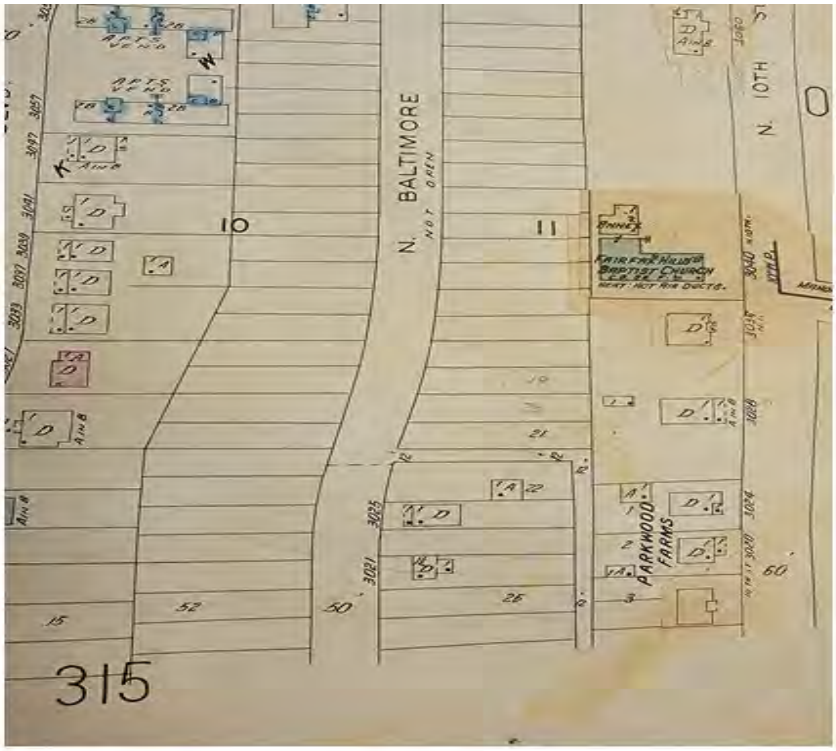
Because of my line of work, I have access to some maps and other tools that may answer your rumor about someone living on the property at some point in the past. There was a small home with a garage at 3025 N. Baltimore and another at 3021 that was accessible off North Baltimore before it eroded away. I found those on the Sanborn Fire Insurance Maps although theres no evidence of them now when walking the property. Here are some historic images for you to look at:

1959:



1963





As far as my plan moving forward, It will be a few years before I can really get this property developed and in the shape it needs to be since it has been neglected. I have a landscape architect that I will be working with as well as with the conservation district on erosion and soil mitigation. It will most likely be a combination of permaculture/landscaping and some artificial soil barriers like retaining walls. If the Change of Zone application is approved, I hope to qualify for some grant funding as Agriculture designation opens up more opportunities and I expect some of this to be expensive. I think it will definitely take a few years for everything to begin growing in and take root.

I think the best way to describe building the house and fixing the site is that it will be a "broken egg stage of the omelet." It will be a little hectic at that intersection while I build a new home, but that will be temporary. I'm proposing a small home, partly for necessity (I'm single with no kids), partly for cost (building is expensive) and also for speed of construction. I do work for the UG, so I have a timeline to relocate or else I lose my job. The smallest houses in the UG are 252, 258, 260, and 288 square feet. I'm not going quite that small but will be somewhere around 500 feet. I'd like to stay here, as I love the work that I do as a public servant. Additionally, I've located some infrastructure issues on this site, particularly with the power lines on the property. They are currently sinking into the ground and falling over as a result of the erosion, and I've reached out to BPU engineering to begin working on a plan, but they will not begin working on the project until the property transfers to my name (it's currently a landbank property until these applications are approved.) These power lines are a hazard waiting to happen, whether I am building there or not. I'm not sure what the solution will be or how quickly it will be addressed, but it's on the task list. As far as any other site work or utilities, I am working on being as close to "off grid" as possible. Some of that is for environmental reasons and some of it is because the infrastructure is aging. I'd like to not span utilities under areas where I would want to dig for planting produce for safety reasons and to prevent soil contamination. This should also minimize the amount of land and site disturbance for neighbors as well. I am working on plans with my architect right now, and if approved, I hope to be built and living in the home by fall.

As for farming programming, I have a few goals for the property. First, some erosion and clearing as mentioned earlier. I will attach a few images at the bottom to better illustrate. The majority of the property will be produce, but I did plan on introducing some small livestock, particularly animals that are smaller in scale and neighborhood friendly. I want to have some "open house" events where neighborhood kids could visit and see where food comes from so anything introduced would need to be "kid friendly" and easily managed. That would be a few years down the road after the property is more established. I hope to form a parking agreement with the church on 10th street and share their parking lot, which does require planning commission approval, so again that is a few years down the road. I may bring over my chickens from my current residence in KCMO right away, of which there are 12 (no roosters), but those are for personal consumption. I currently work with CulivateKC and The Kansas City Farm School on Gibbs Road who will be assisting with what produce will be grown where, as there are some challenges with water/shade. I have a FSMA Certificate (the KS Dept of Ag Requirement for safe handling of farm produce and staff supervision) and I am waiting on acceptance to the K-State Graduate Program for Urban Food Systems. Any large-scale produce processing into goods (salsas, etc) will be done at a commissary kitchen off-site, which is a licensed commercial kitchen that rents space to tenants. I also retain a Class A General Contractor licensing credential for the State of Kansas and I am working on my LEED Certifications for Building, Construction, and Neighborhood design.

I apologize for the lengthy email, but I wanted to provide you with as much information as possible since I believe you will get most of the correspondence from neighbors. Please feel free to ask me any other questions.

Thank you,

K. McLaughlin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Kalla Mclaughlin, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 2022-017 SP2022-025 BOZA2022-025 Plat 2022-011.
2. That I conducted a neighborhood meeting on through 4/20/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

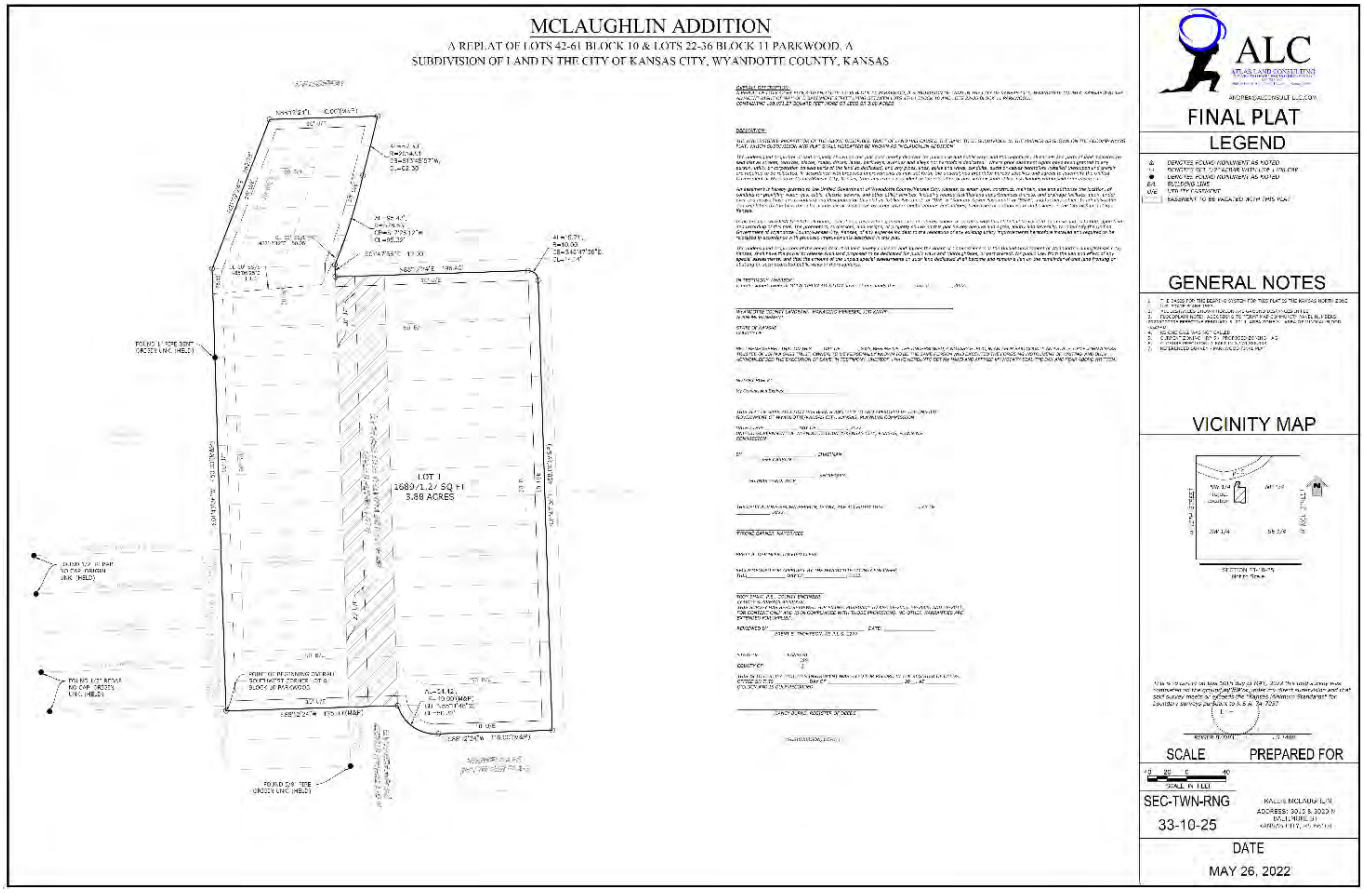
Affiant

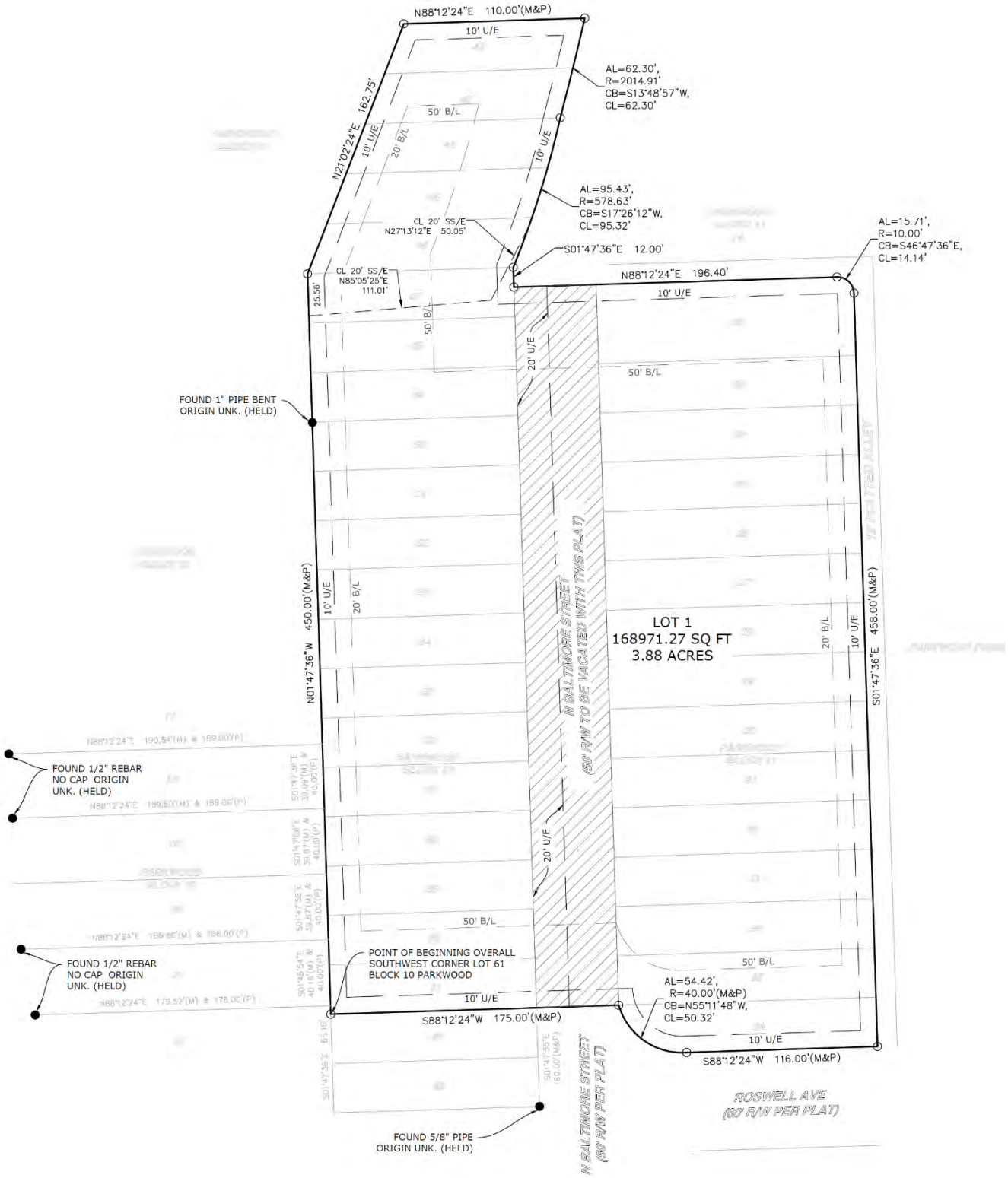
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____. 20__.

My commission expires _____ of _____, 20__.

Notary Public

PRELIMINARY PLAT OF 3015 AND 3020 NORTH BALTIMORE STREET




N88°12'24"E 110.00'(M&P)
10' U/E
AL=62.30',
R=2014.91'
CB=S13°48'57"W,
CL=62.30'
N21°02'24"E 162.75'
50' B/L
20' B/L
10' U/E
AL=95.43',
R=578.63'
CB=S17°26'12"W,
CL=95.32'
CL 20' SS/E
N27°13'12"E 50.05'
S01°47'36"E 12.00'
AL=15.71',
R=10.00'
CB=S46°47'36"E,
CL=14.14'
CL 20' SS/E
N85°05'25"E
111.01'
25.56'
N88°12'24"E 196.40'
FOUND 1" PIPE BENT
ORIGIN UNK. (HELD)
N01°47'36"W 450.00'(M&P)
LOT 1
168971.27 SQ FT
3.88 ACRES
S01°47'36"E 458.00'(M&P)
N BALTIMORE STREET
(60' R/W TO BE VACATED WITH THIS PLAT)
FOUND 1/2" REBAR
NO CAP ORIGIN
UNK. (HELD)
FOUND 1/2" REBAR
NO CAP ORIGIN
UNK. (HELD)
POINT OF BEGINNING OVERALL
SOUTHWEST CORNER LOT 61
BLOCK 10 PARKWOOD
AL=54.42',
R=40.00'(M&P)
CB=N55°11'48"W,
CL=50.32'
S88°12'24"W 175.00'(M&P)
S88°12'24"W 116.00'(M&P)
FOUND 5/8" PIPE
ORIGIN UNK. (HELD)
N BALTIMORE STREET
(60' R/W PER PLAT)
ROSWELL AVE
(60' R/W PER PLAT)

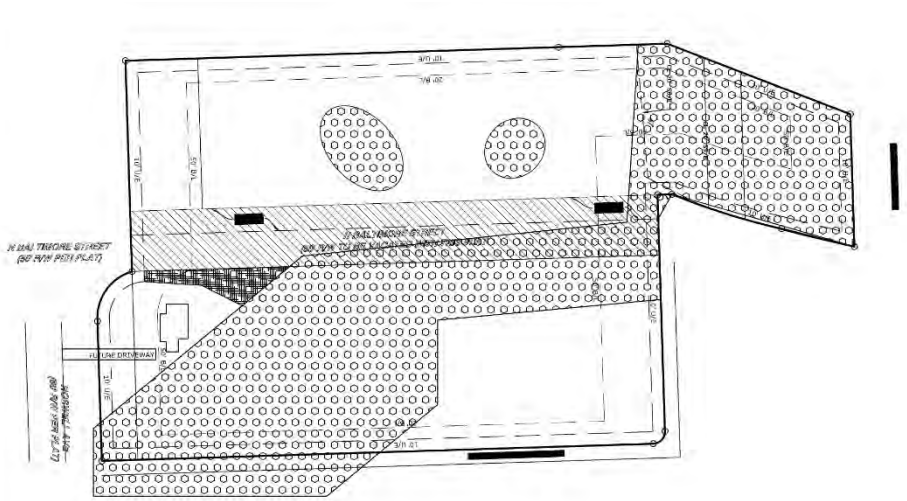
SITE PLANS OF 3015 AND 3020 NORTH BALTIMORE STREET



Homesite and AG Uses

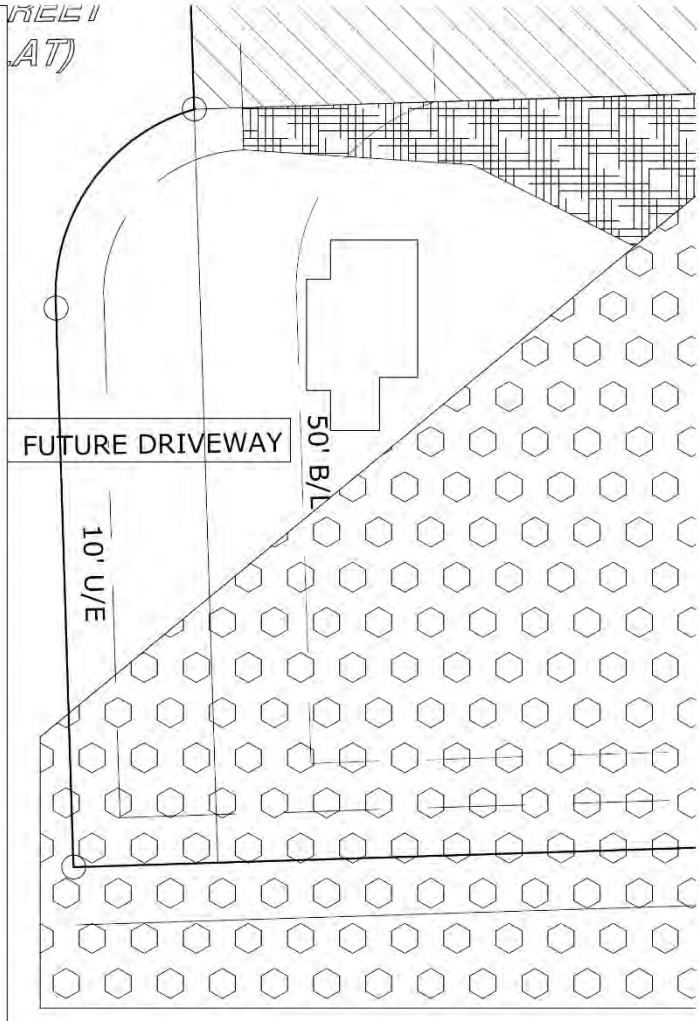
1 OVERALL SITE PLAN
NO SCALE

NOTE: THE SITE PLAN HERE IS TO SCALE, PER ATTACHED PLAT. SITE PLAN HAS BEEN PROVIDED HERE FOR REFERENTIAL PURPOSES AND TO PROVIDE THE LAYOUT STAKING PLAN FOR CONSTRUCTION.

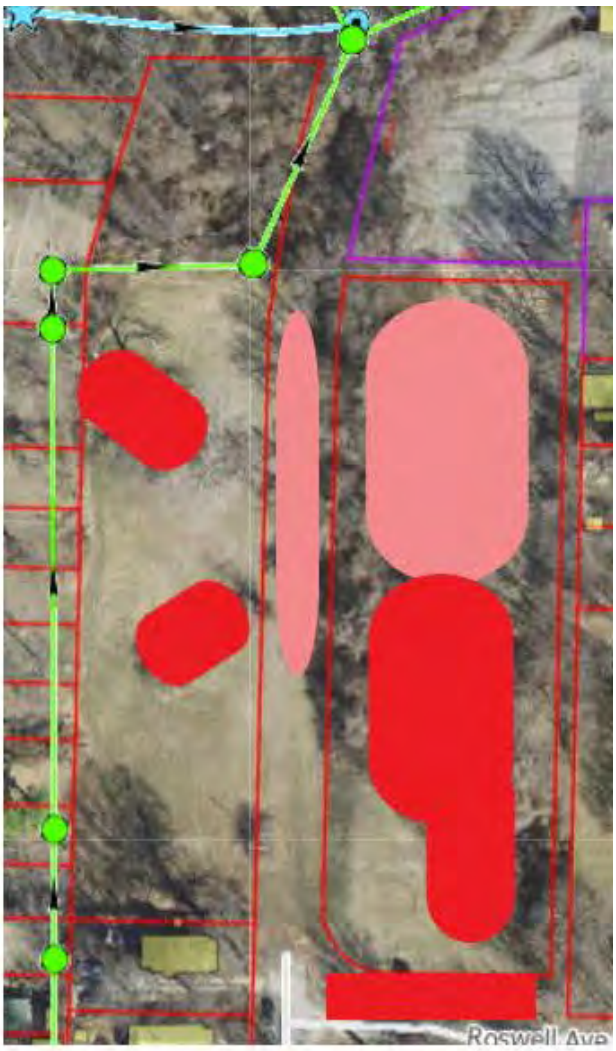


2 OVERALL SITE PLAN
NO SCALE

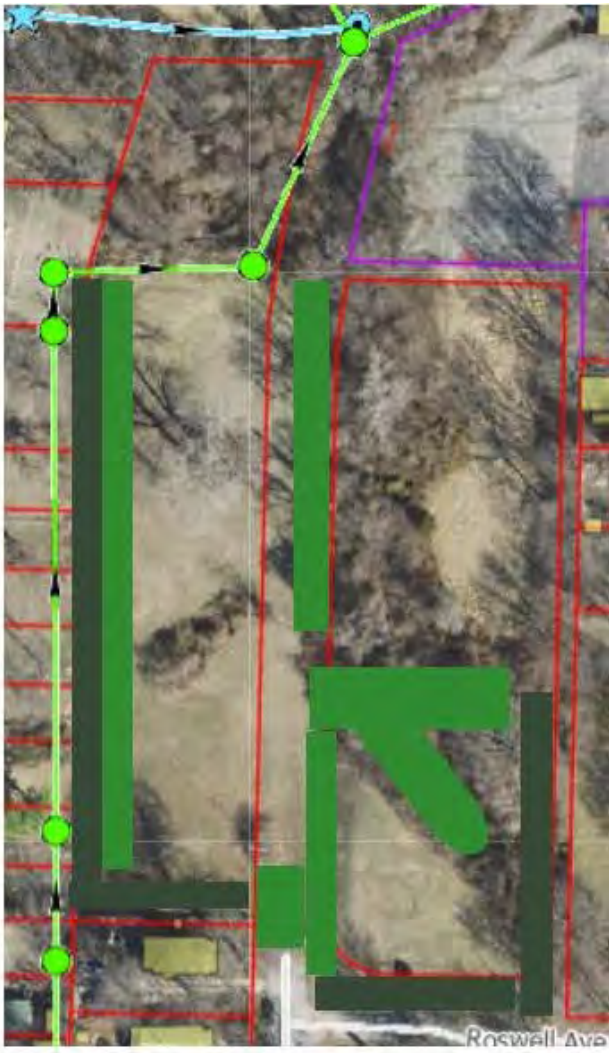
NOTE: THE SITE PLAN HERE IS TO SCALE, PER ATTACHED PLAT. SITE PLAN HAS BEEN PROVIDED HERE FOR REFERENTIAL PURPOSES AND TO PROVIDE THE LAYOUT STAKING PLAN FOR CONSTRUCTION.



LANDSCAPING PLANS OF 3015 AND 3020 NORTH BALTIMORE STREET



Landscape Demo



Re-grade and Permaculture

EXAMPLES OF PROPOSED LAND USES AND STRUCTURES, SUBMITTED BY THE APPLICANT

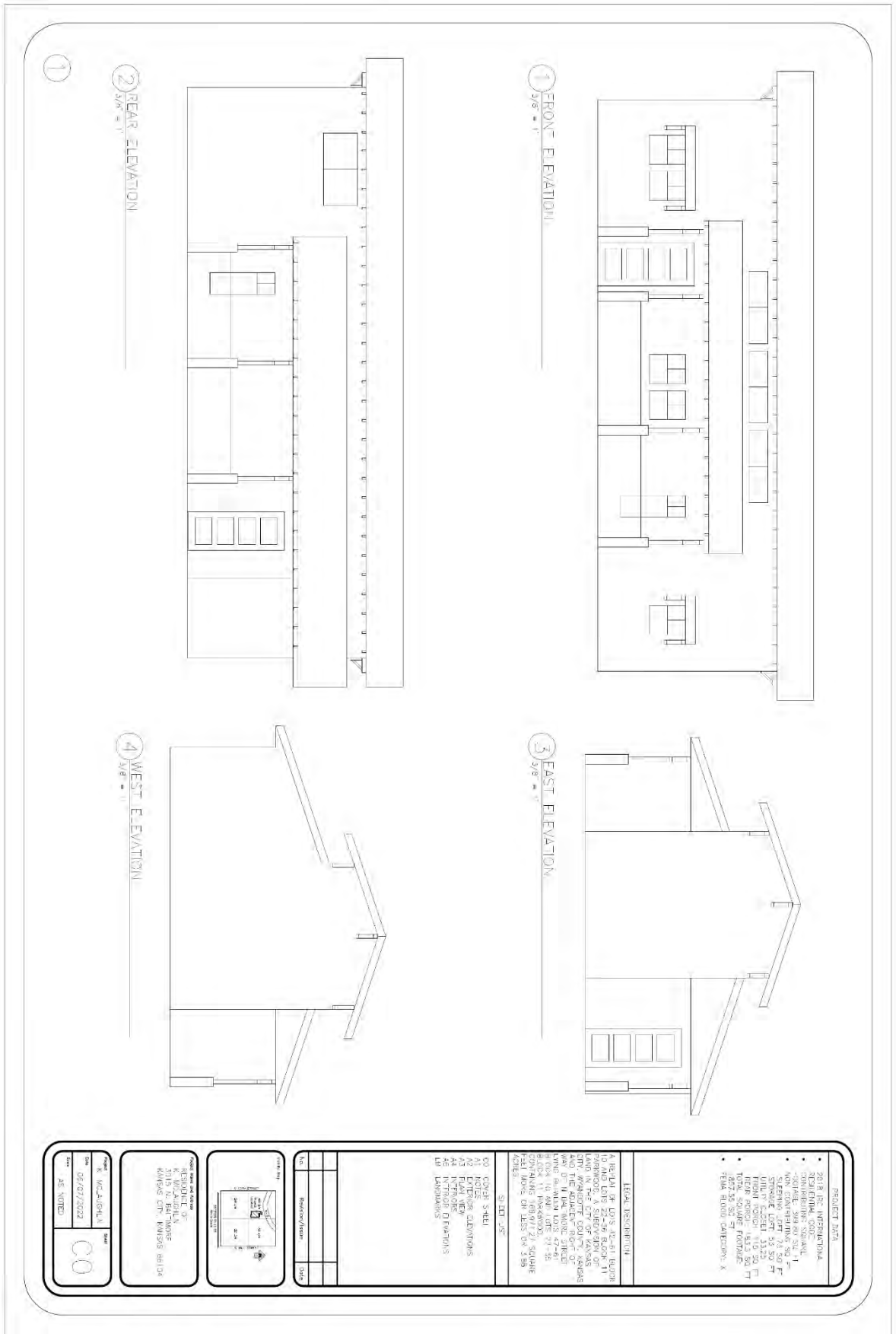




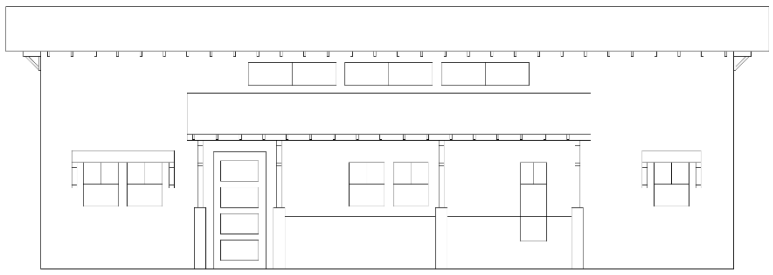




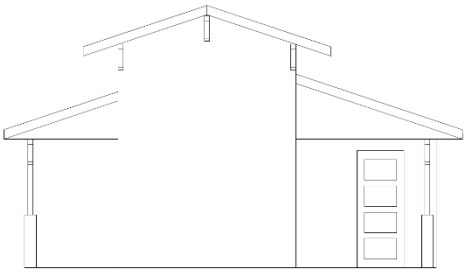
PROPOSED PRIMARY RESIDENCE ELEVATIONS



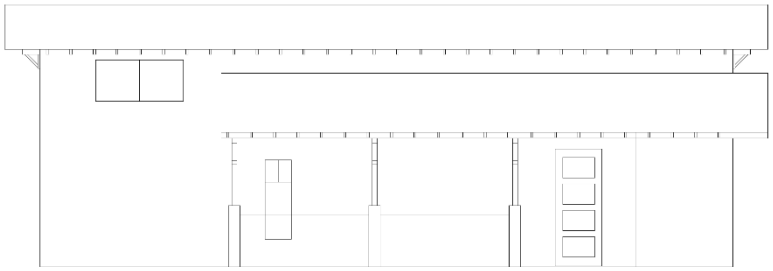
PROPOSED PRIMARY RESIDENCE ELEVATIONS, CONT.



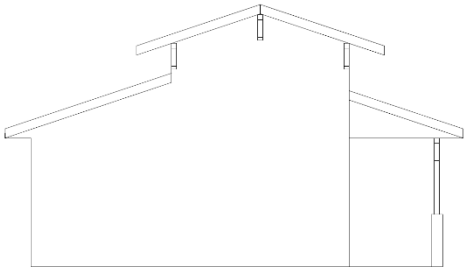
1 FRONT ELEVATION
3/8" = 1'



3 EAST ELEVATION
3/8" = 1'



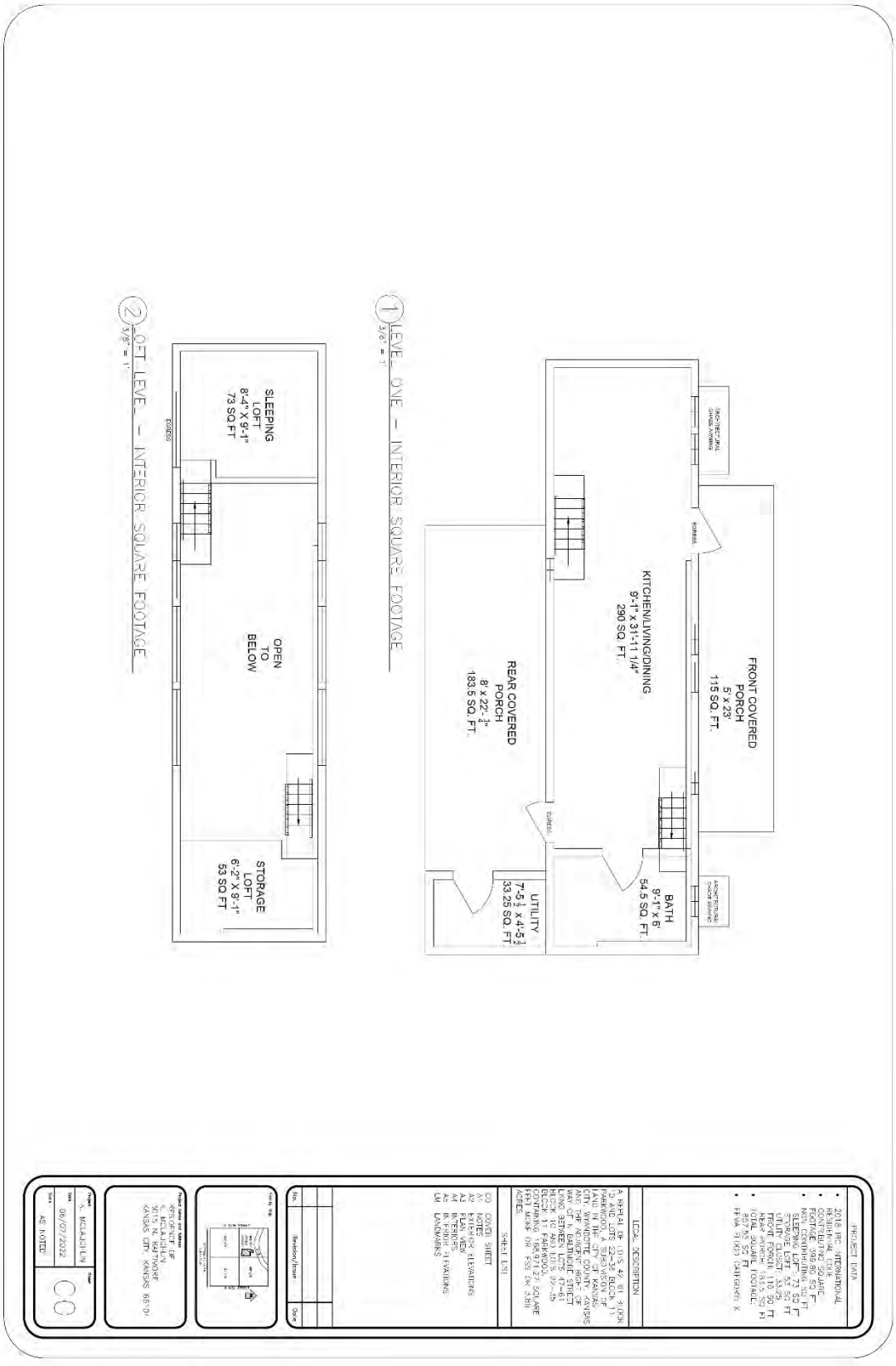
2 REAR ELEVATION
3/8" = 1'



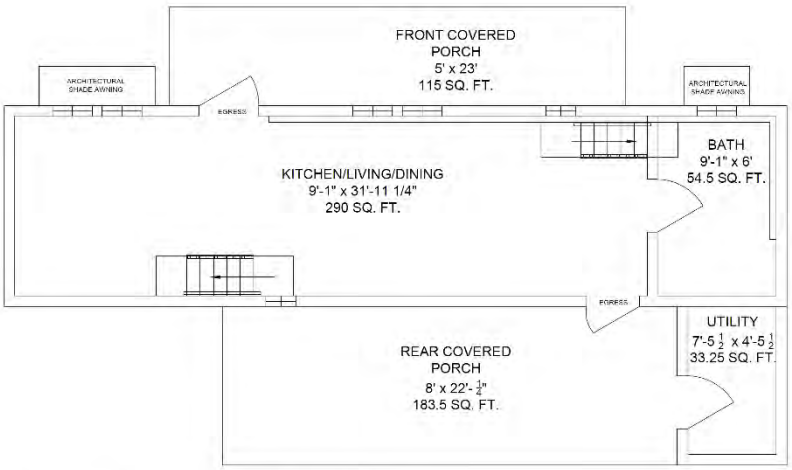
4 WEST ELEVATION
3/8" = 1'

1

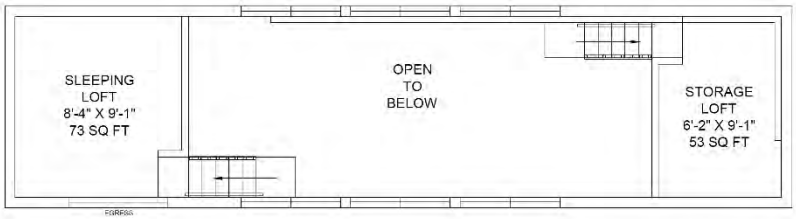
PROPOSED PRIMARY RESIDENCE FLOOR PLAN



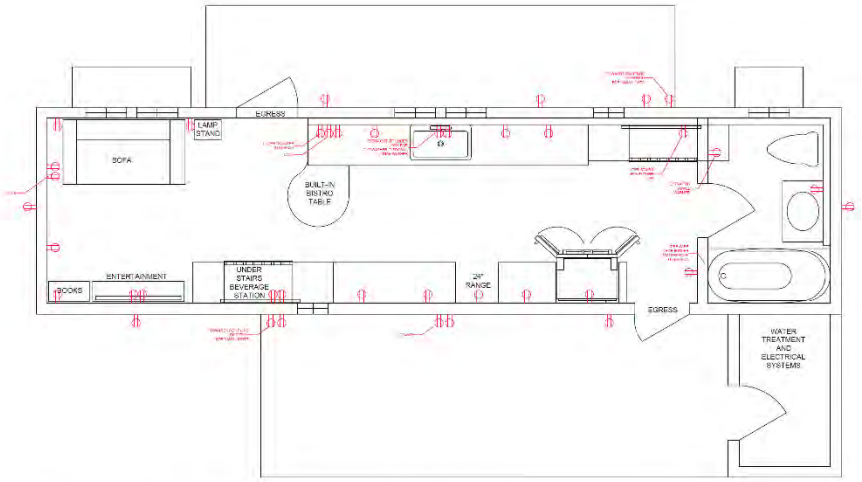
PROPOSED PRIMARY RESIDENCE FLOOR PLAN, CONT.



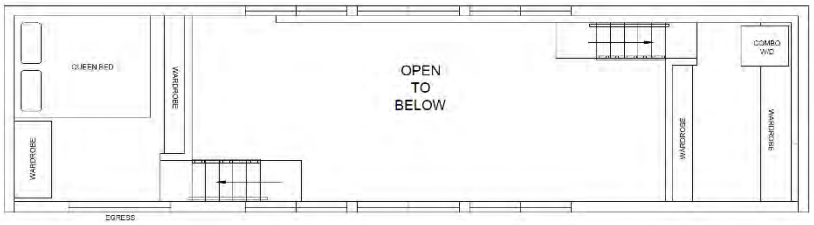
1 LEVEL ONE – INTERIOR SQUARE FOOTAGE
3/8" = 1'



2 LOFT LEVEL – INTERIOR SQUARE FOOTAGE
3/8" = 1'



1 LEVEL ONE – INTERIOR FIXTURES & FURNITURE
3/8" = 1'



2 LOFT LEVEL – INTERIOR FIXTURES & FURNITURE
3/8" = 1'

COMPARISON OF NEARBY RESIDENTIAL ARCHITECTURE





Produce Safety
ALLIANCE

ASSOCIATION OF FOOD & DRUG OFFICIALS SINCE 1896

Certificate of Training

is awarded to

Kalla McLaughlin

in recognition for having successfully completed the Produce Safety Alliance course:

PSA Grower Training Course

Delivered by PSA Lead Trainers and/or PSA Trainers

Patrick Byers, Londa Nwadike, Zachary Hoppenstedt, Ariel Whitely-Noll, James Meyer, Justin Keay, Pat Miller

Steven Mandernach
Executive Director, AFDO

Elizabeth A. Bihn, Ph.D.
Produce Safety Alliance Director

Class Number
MO-220125-GRRD
Grower ID Number
194781
Training Date and Location
1/25/2022–1/27/2022
Remote Delivery Course

COMMUNITY GARDENS & FARMS

PROJECT DESCRIPTION

- The Northeast Area is already home to an array of urban gardens and farms, which serve to connect residents to healthy food options, prevent food insecurity, create job and volunteer opportunities, build community and provide green space.
- Establish an online database and forum through which organizers, residents and organizations can manage garden and farm maintenance, share information regarding local events, services, programs, volunteer opportunities and advocacy issues relating to local community gardening and farming.
- Identify areas of potential growth in area and capacity for existing community gardens and farms.
- Market and distribute educational material on the Environmental Quality Incentives Program (EQIP) On-Farm Energy Initiative, which helps farmers make voluntary improvements that can boost energy efficiency on the farm.
- Market and distribute educational material on the North Central Region Sustainable Agriculture Research and Education (NCR SARE) programs, which help support sustainable agriculture efforts.
- Work with local retailers and seek other opportunities to brand and sell produce grown in the Northeast Area.
- Plant micro-orchards on vacant and underutilized land, avoiding areas of future redevelopment. Grow in raised bed or ensure that soil is safe for food growth through testing and, if necessary, remediation.
- Assess and adjust zoning regulations to encourage desired agricultural activities where appropriate.

POTENTIAL PROJECT PARTNERS

- Cultivate Kansas City
- Juniper Gardens Training Farm
- Kansas City Community Gardens
- Wyandotte Health Foundation
- Grocery Access Task Force
- Community Health Council of Wyandotte County
- Dotte Agency
- NourishKC, formerly Episcopal Community Services
- Health Communities Wyandotte
- K-State Research and Extension
- Kansas City Kansas Community College
- Camp Carver
- Salt of the Earth Farm
- J-14 Agricultural Enterprises
- Isaac Eugene Jefferson (IEJ) Farms

POTENTIAL PROJECT FUNDING OPPORTUNITIES

- Kansas Health Foundation Grants
- Health Care Foundation of Greater Kansas City Grants
- Greater Kansas City Community Foundation Grants
- USDA Food Insecurity Nutrition Incentive
- USDA Farm to School Grants
- United Way
- EQIP
- NCR SARE

EVALUATION CRITERIA

- Community garden and farm land area growth
- Increase in volume and sales of locally grown produce
- Improvement in resident health indicators









RESTAURANT & FOOD BUSINESS INCUBATOR

PROJECT DESCRIPTION

- Survey residents and businesses in the area to determine feasibility, business model, demand and types of facilities and equipment needed.
- Identify site and pursue for-profit or non-profit operator of community kitchen and/or restaurant incubator.
- Explore shared use of existing commercial kitchens.
- Through kitchen and incubator, provide low-cost access to licensed kitchens and professional-grade equipment.
- Make connections with local and regional farmers, suppliers and customers.
- Provide community college course offerings.
- Host monthly cooking and business workshops and one-on-one entrepreneur advising.

POTENTIAL PROJECT PARTNERS

- K-State Extension
- Kansas University School of Business
- Kansas City Kansas Community College
- NourishKC, formerly Episcopal Community Services
- Historic Northeast-Midtown Association (HNMA)
- Dotte Agency
- Cultivate Kansas City
- Wyandotte Economic Development Council
- Northeast Economic Development Council
- Young Women on the Move

POTENTIAL PROJECT FUNDING OPPORTUNITIES

- Kansas Health Foundation Grants
- USDA Farm to School Grants
- US SBA Growth Accelerator Fund
- Health Care Foundation of Greater Kansas City Grants

EVALUATION CRITERIA

- Development of community kitchen and/or restaurant incubator in the Northeast Area
- Resident participation in community kitchen and/or restaurant incubator
- Increase in new business licensing associated with community kitchen and/or restaurant incubator
- Increase in local sales tax revenue








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

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

April 12, 2022

RE: COZ2022-017, PLAT2022-011, SP2022-045 and BOZA2022-025 Kalla McLaughlin RP-5 to A-G for single family residence with urban farming at 3015 and 3020 Baltimore Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-017, PLAT2022-011, SP2022-045 and BOZA2022-025 Kalla McLaughlin RP-5 to A-G for single family residence with urban farming at 3015 and 3020 Baltimore Street.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 12 to 18 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- We didn't receive detailed information as to what urban agriculture was being planned. To provide more complete evaluation, we need to know what type of urban agriculture will be done on the property.
- Most of the area is steep and doesn't lend itself to much urban agriculture. Fruit trees would be a good alternative that would not cause a lot of erosion.

- Pasture is also an activity that could be looked into. If pastures are going to be used, then the trees need to be removed. It will take two years to get a good pasture established. A rotational pasture system can be planned to better utilize the resource.
- Fencing will be needed to keep livestock out of the drainage ways.
- A conservation plan and more options can be discussed on the acreage with the landowner through our office.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Soil Map—Wyandotte County, Kansas
(3015 & 3020 Baltimore)



USDA Natural Resources Conservation Service | Web Soil Survey National Cooperative Soil Survey | 4/8/2022 Page 1 of 3

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	0.3	8.8%
7956	Knox silt loam, 12 to 18 percent slopes	3.5	91.0%
9984	Made land	0.0	0.2%
Totals for Area of Interest		**3.8**	**100.0%**

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7955—Knox silt loam, 7 to 12 percent slopes

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Dwellings and Small Commercial Buildings–Wyandotte County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7956—Knox silt loam, 12 to 18 percent slopes							
Knox	90	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Shrink-swell	0.91	Shrink-swell	0.76	Shrink-swell	0.91
9984—Made land							
Arents	100	Not rated		Not rated		Not rated	

STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022



Above, Right, and Below: Various views of the subject property, facing north. Note the downward slope of the terrain from south to north, as well as the high ridges along the east and west sides, effectively creating a bowl-like effect.

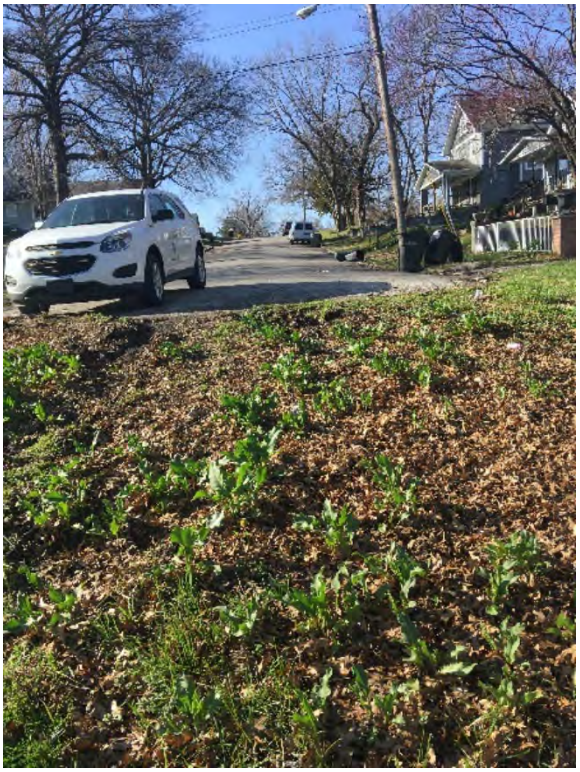






Above: View of the southern boundary of the subject property, facing the North Baltimore Street and Roswell Avenue rights-of-way.

Below: Closer view of the southern boundary of the subject property, with North Baltimore Street visible.



STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022, CONT.





Above: Views of the western boundary of the subject property and the adjacent residences.

Below: Views of the eastern boundary of the subject property.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Change of Zone Petition COZ2022-018**

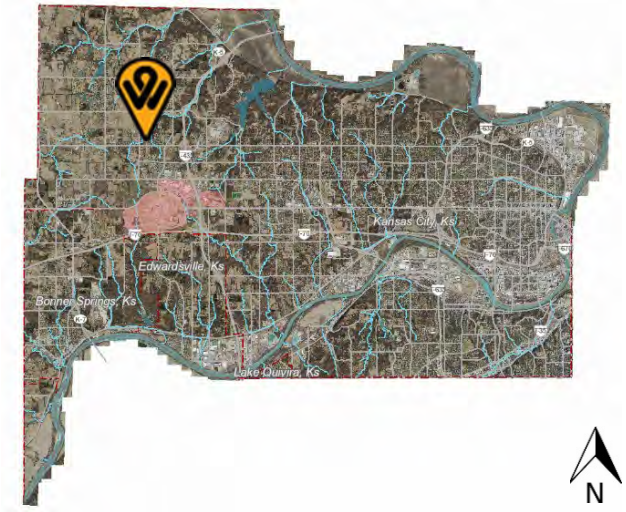
GENERAL INFORMATION

Applicant:
Judith Tramposh

Status of Applicant:
Owner
3430 North 115th Street
Kansas City, Kansas 66109

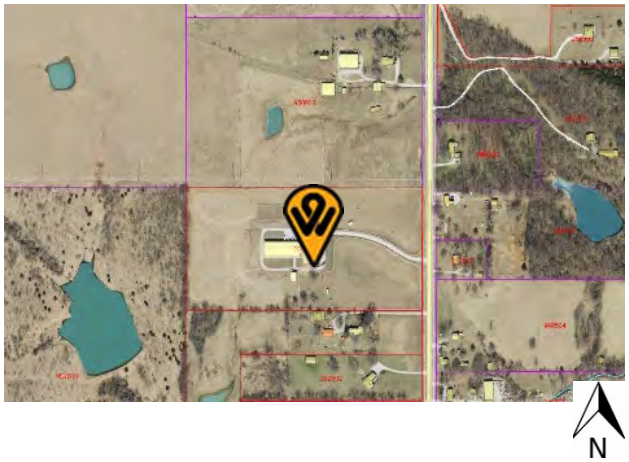
Requested Action:
Approval of a Change of Zone.

Date of Application:
April 29, 2022



Purpose:
To change the zoning district from A-G Agriculture District (WyCo) to A-G Agriculture District (City).

Property Location:
3430 North 115th Street
Kansas City, Kansas 66109



Commission Districts:
Commissioner At-Large, District 1:
Melissa Bynum

District #5 Commissioner:
Mike Kane

Existing Zoning:	A-G Agriculture District (WyCo)
Adjacent Zoning:	**North:** A-G Agriculture District (WyCo) **South:** A-G Agriculture District (WyCo) **East:** A-G Agriculture District (City) **West:** R-1 Single Family District
Adjacent Uses:	**North:** Ranch and single-family home **South:** Large lot single family home **East:** Large lot single-family residences **West:** Undeveloped land
Total Tract Size:	19.54 Acres
Master Plan Area:	Prairie-Delaware-Piper Master Plan
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with three (3) to four (4) units per acre.
Major Street Plan:	The Major Street Plan designates North 115th Street as a Class B Thoroughfare.
Parking Requirement:	Sec 27-452(e) states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. There are six (6) spaces provided.
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – May 20, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Judith Tramposh, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District (City) for the purposes of creating a preliminary and final plat for two (2) lots that will expand the subject property at 3430 North 115th Street.

City Ordinance Requirements: *27-592 through 27-606*

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complains on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on the subject property.

Outstanding or Related Permits and Cases:

1. 2022 - ELE22-0388 – Electrical Permit
2. 2022 – COZ2022-018 – Change of Zone
3. 2022 – PLAT2022-012 – Preliminary and Final Plat

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The subject property is located within a rural neighborhood with large lots, ranging from one (1) acre, to over 75 acres. All properties have rural attributes and uses; some underdeveloped, some used for agricultural, and others are simply large, single-family lots.

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

   The zoning and uses are set out above. The subject property is surrounded by parcels zoned in the A-G Agriculture, A-G Agriculture (WyCo) and R-1 Single-Family Districts. This matches the character of the surrounding parcels, as many of the surrounding parcels are large lots zoned for agriculture or single-family residences.

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

   The adjacent property and surrounding neighborhood are large lots that are used for agriculture, residences, or are preserved in their natural state. The proposed use is agricultural in nature. The removal of the restrictions will not detrimentally affect the nearby properties.

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

   The property is not vacant. The property has been used as a horse ranch since 2016.

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

   The proposed use is not changing; The property will continue to be a horse ranch. This Change of Zone is the result of a plat. The change of zone is bringing the zoning into conformance with the Unified Government zoning code, rather than the former Wyandotte County zoning. This proposal will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property, as the use is not changing, and the proposed zoning is consistent with the surrounding properties.

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

   The use of the property is not changing and will not increase the traffic or parking demand in ways that would adversely affect the Class B thoroughfare, safety, or create parking problems. This is a rezoning as part of a plat.

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

   The Prairie-Delaware-Piper Master Plan designates this property as Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. The property is a large-lot property used for agricultural purposes.

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

   The proposed use will not cause environmental harm, as it is an existing use, located in an existing building in a rural residential area.

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

   a. Water service

   BPU provides water service.

   b. Sanitary sewer service

   The Unified Government does not provide sanitary sewer service to the subject property.

   c. Storm water control

   No storm water lines serve the subject property.

d. Police

Police service is provided by West Patrol, District #228.

e. *Fire*

Fire service is provided by Station #8.

f. Transit

No transit service is provided to this area.

g. Schools

Public Education is provided by Piper East Elementary School, Piper Middle School, and Piper High School, under Piper USD 203.

h. Streets

The subject property is currently accessible from North 115th Street.

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

The economic impact of the proposed use will be minimal. The use of the property is not changing. This Change of Zone is the result of a plat application that will expand the subject property.

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

The current and proposed use is agricultural in nature and is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare is minimal. The proposed use is the expansions of an existing private horse ranch. This is an agricultural use that is not changing from its current use, but is increasing the size of the parcel from 19.54 acres to 31.97 acres.

PREVIOUS ACTIONS

There has been no previous Planning action at the subject property.

NEIGHBORHOOD MEETING

The applicant accepted comments on the proposed development between May 23, 2022 and June 4, 2022. Attached is the affidavit and submitted comments to the applicant.

KEY ISSUES

UG Standard Driveway Apron
Gravel Driveway
Proposed Use of New Land
Buffering and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-018**, subject to:

1. **The applicant shall ensure that gravel from their gravel driveway does not track onto North 115th Street. If any gravel tracks onto North 115th Street, the applicant shall clean the roadway;**
2. **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;**
3. **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;**
4. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
5. **The applicant must file and maintain a current business occupation tax application;**
6. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
7. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
8. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**

9. **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
10. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
11. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-018** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Preliminary Plat
Final Plat
Planning Engineering Comments, Provided by Travis Trumble, Dated May 17, 2022
Neighborhood Meeting Materials
UG Pictometry, Dated March 3, 2021
Site Photos, Taken by Staff, Dated May 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 13, 2022	June 30, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-018** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-018,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:42:50:

CHANGE OF ZONE APPLICATION COZ2022-018 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3430 North 115th Street.
Detailed Outline of Requested Action: The applicant, Judith Tramposh, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District (City) for the purposes of creating a preliminary and final plat for two (2) lots that will expand the subject property at 3430 North 115th Street.

CHANGE OF ZONE APPLICATION COZ2022-019 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3548 North 115th Street.
Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District for the purposes of creating a Preliminary and Final Plat on the property at 3548 North 115th Street.

PLAT2022-012 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Final Plat for two (2) residential lots (Sass Addition) at 3430 and 3548 North 115th Street.
Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Preliminary and Final Plat (Sass Addition) to replat two (2) agricultural lots at 3430 North 115th Street and 3548 North 115th Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Andrea Weishaubt, applicant, Atlas Surveyors, 2300 Hutton Road, Kansas City, Kansas
- Mark and Nancy Evans, 3515 North 115th Street, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:46:45: Planning Director Hand stated that that the two (2) change of zone applications and plat are being heard together. One (1) property owner is purchasing additional property from the other and they need to replat the property and as they do that they are removing the properties from A-G (WYCO) zoning from before unification. The new zoning will be A-G Agriculture (City) District. The properties are in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. He stated that there are no Notices of Violation on the property. Staff does have one (1) condition of approval. On a site visit, Staff noticed that some of the gravel from the stable was tracking into the public right-of-way. Staff has conditioned a mitigation measure to prevent tracking of gravel in the future. Staff recommends approval of all three (3) applications subject to the conditions in the staff report.

Motion starts at 3:48:00:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-018:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1. **The applicant shall ensure that gravel from their gravel driveway does not track onto North 115th Street. If any gravel tracks onto North 115th Street, the applicant shall clean the roadway;**
2. **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;**
3. **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;**
4. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

5. **The applicant must file and maintain a current business occupation tax application;**
6. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
7. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
8. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
9. **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
10. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
11. **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.**

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-019:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1. **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;**
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3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
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7. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**

8. **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.**

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE PLAT2022-012:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to **APPROVE** Passed: 9 to 0

Subject to

1. **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;**
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8. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; and,**
9. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**

ATTACHMENTS

AERIAL IMAGERY



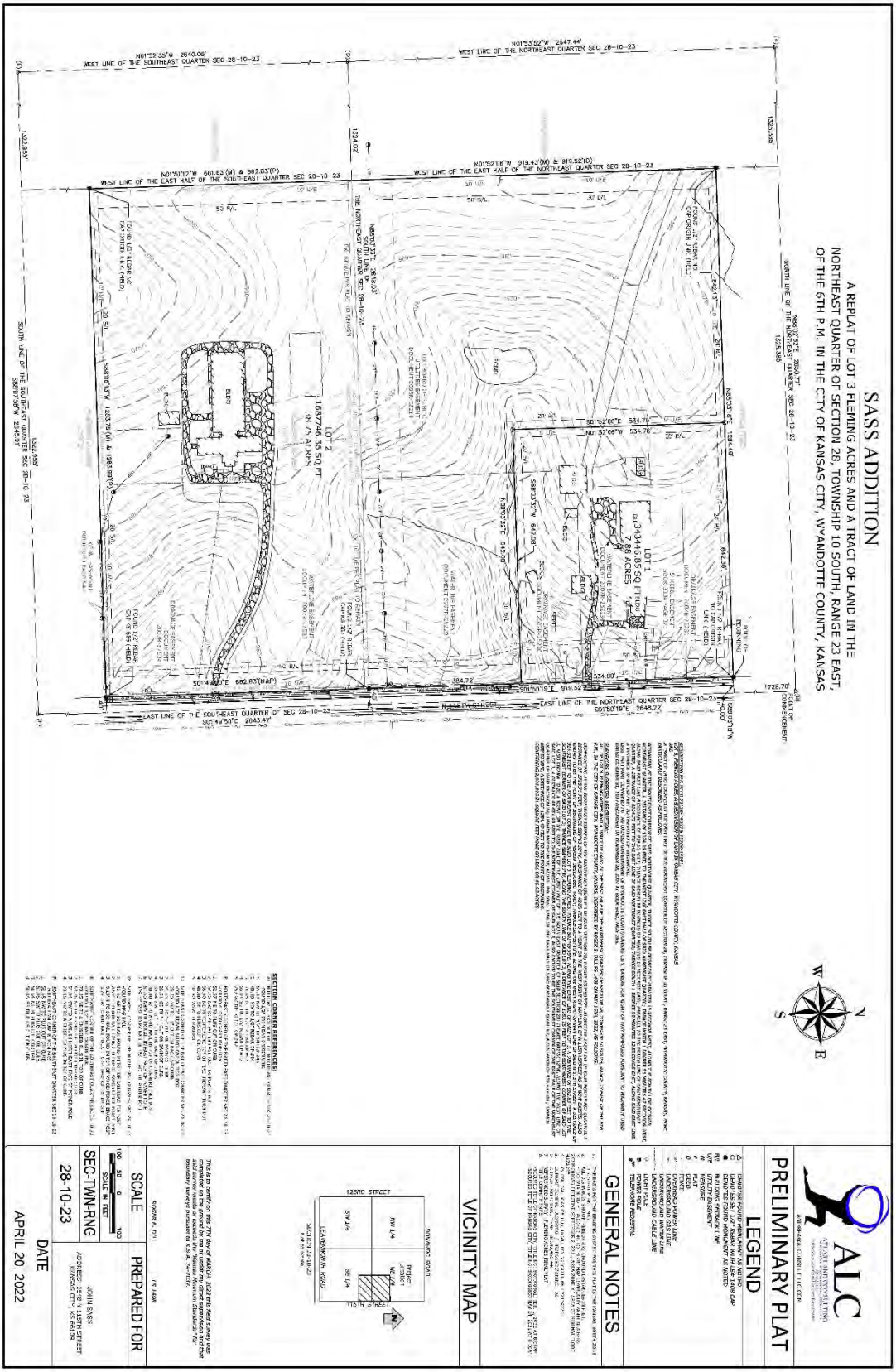
ZONING MAP



LAND USE MAP


SORTOR
112TH
113TH
112TH
115TH
Planned Suburban Residential District
SLOAN
N

PRELIMINARY PLAT



SASS ADDITION
A REPLAT OF LOT 3 FLEMING ACRES AND A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 23 EAST, OF THE 6TH P.M. IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS
LOT 1
3439446.95 SQ FT
7.88 ACRES
LOT 2
1687746.36 SQ FT
38.75 ACRES
N 115TH STREET
EAST LINE OF THE NORTHEAST QUARTER SEC 28-10-23
WEST LINE OF THE NORTHEAST QUARTER SEC 28-10-23
WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER SEC 28-10-23
WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER SEC 28-10-23
EAST LINE OF THE SOUTHEAST QUARTER OF SEC 28-10-23
SOUTH LINE OF THE SOUTHEAST QUARTER SEC 28-10-23
GENERAL NOTES
VICINITY MAP
FINAL PLAT
LEGEND
PREPARED FOR
SCALE
SEC-TWN-RNG
28-10-23
DATE
APRIL 20, 2022

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: May 17, 2022

SUBJECT: John Sass – Sass Addition – (PLAT2022-012, COZ2022-018, COZ2022-019)
3528 N. 115th Street
General Engineering Review No. 1 (of the plat sealed 3/14/2022, received 4/20/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Revise to indicate all the existing private utilities and septic tank, as applicable. This requirement is to establish property boundaries and utility easements etc., as applicable. Any septic tank and lateral line(s) shall not encroach or cross into the proposed adjacent property(s).
2) If planning to relocate the septic tank, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system. Provide staff with copies of the approval(s) and/or permit from Wyandotte County Health Dept., as applicable.
3) Please coordinate with James Molloy, jlmolloy@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
4) The final plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.
5) Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.05.17 15:28:40 -05'00'
Travis Trumble, Project Engineer

General Engineering Review Comments 1 of 1

May 23rd, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-018
The purpose of this is for a change of zone at the following address:
3430 N 115th Street Kansas City, Kansas 66109

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned **A-G "Agriculture District (Wyco)"** and with this proposed change of zone, the property will be changing to **A-G "Agriculture District".** The purpose of the change of zone is to make the property compliant with the Department of Urban Planning and Land Use requirements. This property currently is in ties with **PLAT2022-012 "Sass Addition".**

If you have any questions, comments or concerns please reach out to one of the contacts below.

Please Contact:

Austin Thompson
austin.thompson@atlassureyors.com
austin@alconsult-llc.com
(913)-957-3315

Andrea Weishaubt
andrea.weishaubt@atlassurveyors.com
andrea@alconsult-llc.com
(913)-702-5073

Sincerely,

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913 702 5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

Neighborhood Meeting Reponses
COZ2022 018 & 019

May 31, 2022
-Karen Ferbezar at 3535 N 115th Street Kansas City, KS 66109, called Austin Thompson wanting to know what the change of zone was for. She was concerned that single family development was going to be built. Austin explained to Karen that the change of zone was in reference to the current properties being zoned AG (WYCO) and they were changing to AG. Austin also explained that Cobalt Horse was purchasing more land from John Sass for his horses.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

That I am the petitioner for Petition #COZ 2022 - 018
A. That I conducted a neighborhood meeting on via email / phone.
B. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3rd day of June, 2022.

My commission expires 20th of December, 2022.

Notary Public

NOTARY PUBLIC - STATE OF KANSAS
DOMONIQUE DENICE KETTLER
My Appt. Exp 12-20-2022

UG MAP IMAGERY, DATED MARCH 3, 2021





SITE PHOTOS, TAKEN BY STAFF – DATED MAY 6. 2022











Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

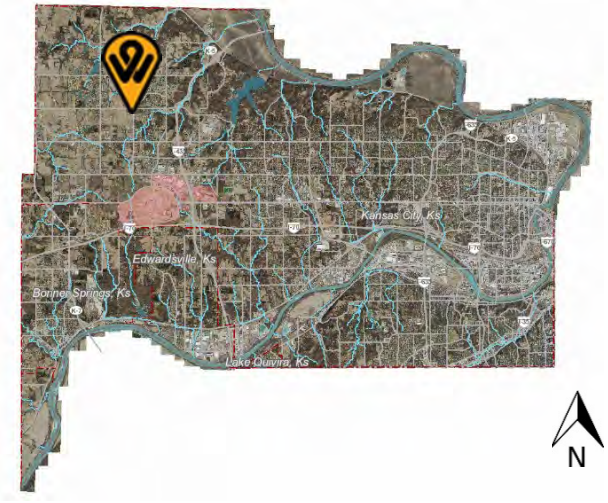
To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Change of Zone Petition COZ2022-019**

GENERAL INFORMATION



Applicant:
John Sass

Status of Applicant:
Owner
3548 North 115th Street
Kansas City, Kansas 66109

Requested Action:
Approval of a Change of Zone.

Date of Application:
April 29, 2022



Purpose:
To change the zoning from A-G Agriculture District (WyCo) to A-G Agriculture District (City).

Property Location:
3548 North 115th Street
Kansas City, Kansas 66109

Commission Districts:
Commissioner At-Large, District #1: Melissa Bynum
District #5 Commissioner: Mike Kane

Existing Zoning:
A-G Agriculture District (WyCo)

Adjacent Zoning:	**North:** A-G Agriculture District (WyCo) **South:** A-G Agriculture District (WyCo) **East:** A-G Agriculture District (City) **West:** A-G Agriculture District (WyCo)
Adjacent Uses:	**North:** Agricultural farmland **South:** Ranch **East:** Large lot single-family residences **West:** Agricultural farmland
Total Tract Size:	27.12 Acres
Master Plan Area:	Prairie-Delaware-Piper Master Plan
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre.
Major Street Plan:	The Major Street Plan designates North 115th Street as a Class B Thoroughfare.
Parking Requirement:	Sec 27-452(e) states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. There are more than two (2) spaces provided.
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – May 20, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District for the purposes of creating a Preliminary and Final Plat on the property at 3548 North 115th Street.

City Ordinance Requirements: *27-592 through 27-606*

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complains on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There was one (1) Notice of Violation on the subject property for having a pool without a fence. The violation was corrected and closed as of October 5, 2021.
    a. 2021 – ENV21-3962 – Code Enforcement

Outstanding or Related Permits and Cases:

1. 2022 – COZ2022-018 – Change of Zone
2. 2022 – PLAT2022-012 – Preliminary and Final Plat

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within a rural neighborhood with large lots, ranging from one (1) acre, to over 75 acres. All properties have rural attributes and uses; some underdeveloped, some used for agricultural, and others are simply large, single-family lots.

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

The zoning and uses are set out above. The subject property is surrounded by parcels zoned in the AG Agriculture, AG Agriculture (WyCo) and R-1 Single-Family Districts. This matches the character of the surrounding parcels, as many of the surrounding parcels are large lots zoned for agriculture or single-family residences.

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

The adjacent property and surrounding neighborhood are large lots that are used for agriculture, residences, or are preserved in their natural state. The proposed use is agricultural in nature. The removal of the restrictions will not detrimentally affect the nearby properties.

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

The property is not vacant.

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

   The proposed use is not changing; The property will continue to be a single-family residence with agricultural activity. This Change of Zone is the result of a plat and property line change, which brings the subject property below the required lot size to maintain its current zoning. This proposal will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property, as the use is not changing, and the proposed zoning is consistent with the surrounding properties.

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

   The use of the property is not changing and will not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. This is a rezoning as part of a plat.

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

   The Prairie-Delaware-Piper Master Plan designates this property as Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. The property is a large-lot property used for a single-family agricultural purpose.

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

   The proposed use will not cause environmental harm, as it is an existing use, located in an existing, built-out rural residential area.

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

   a. Water service

   BPU provides water service.

   b. Sanitary sewer service

   No sanitary sewer lines serve the subject property.

   c. Storm water control

   No storm water lines serve the subject property.

d. Police

Police service is provided by West Patrol, District #228.

e. *Fire*

Fire service is provided by Station #8.

f. Transit

No transit service is provided to this area.

g. Schools

Public Education is provided by Piper East Elementary School, Piper Middle School, and Piper High School, under Piper USD 203.

h. Streets

The subject property is currently accessible from North 115th Street.

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

The economic impact of the proposed use will be minimal. The use of the property is not changing. This Change of Zone is the result of a plat application and a reduction in lot size as a result.

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

The current and proposed use is agricultural in nature and is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare is minimal. The proposed use is a private horse ranch. This is an agricultural use that is not changing from its current use but decreasing the size of the lot from 27.12 acres to 14.66 acres.

PREVIOUS ACTIONS

There has been no previous Planning action at the subject property.

NEIGHBORHOOD MEETING

The applicant accepted comments on the proposed development between May 23, 2022 and June 4, 2022. Attached is the affidavit and submitted comments to the applicant.

KEY ISSUES

UG Standard Driveway Apron
Proposed use of land
Accessory Structures
Buffering and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-019**, subject to:

1. **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;**
2. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
5. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
6. **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;

7. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
8. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-019** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Preliminary Plat
Final Plat
Planning Engineering Comments, Provided by Travis Trumble, Dated May 17, 2022
Neighborhood Meeting Materials
UG Pictometry, Dated March 3, 2021
Site Photos, Taken by Staff, Dated May 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 13, 2022	June 30, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-019** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-019,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:42:50:

CHANGE OF ZONE APPLICATION COZ2022-018 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3430 North 115th Street. *Detailed Outline of Requested Action*: The applicant, Judith Tramposh, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District (City) for the purposes of creating a preliminary and final plat for two (2) lots that will expand the subject property at 3430 North 115th Street.

CHANGE OF ZONE APPLICATION COZ2022-019 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3548 North 115th Street. *Detailed Outline of Requested Action*: The applicant, John Sass, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District for the purposes of creating a Preliminary and Final Plat on the property at 3548 North 115th Street.

PLAT2022-012 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Final Plat for two (2) residential lots (Sass Addition) at 3430 and 3548 North 115th Street.
Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Preliminary and Final Plat (Sass Addition) to replat two (2) agricultural lots at 3430 North 115th Street and 3548 North 115th Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Andrea Weishaubt, applicant, Atlas Surveyors, 2300 Hutton Road, Kansas City, Kansas
- Mark and Nancy Evans, 3515 North 115th Street, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:46:45: Planning Director Hand stated that that the two (2) change of zone applications and plat are being heard together. One (1) property owner is purchasing additional property from the other and they need to replat the property and as they do that they are removing the properties from A-G (WYCO) zoning from before unification. The new zoning will be A-G Agriculture (City) District. The properties are in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. He stated that there are no Notices of Violation on the property. Staff does have one (1) condition of approval. On a site visit, Staff noticed that some of the gravel from the stable was tracking into the public right-of-way. Staff has conditioned a mitigation measure to prevent tracking of gravel in the future. Staff recommends approval of all three (3) applications subject to the conditions in the staff report.

Motion starts at 3:48:00:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-018:**

Carson	Chairman
Connelly	Aye

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1. **The applicant shall ensure that gravel from their gravel driveway does not track onto North 115th Street. If any gravel tracks onto North 115th Street, the applicant shall clean the roadway;**
2. **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;**
3. **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;**
4. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
5. **The applicant must file and maintain a current business occupation tax application;**
6. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
7. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
8. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
9. **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;

10. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
11. **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.**

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-019:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to

1. **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;**
2. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
5. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
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7. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
8. **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.**

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE PLAT2022-012:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye

Beth Aye
Motion to **APPROVE** Passed: 9 to 0
Subject to

1. **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;**
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8. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; and,**
9. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and**

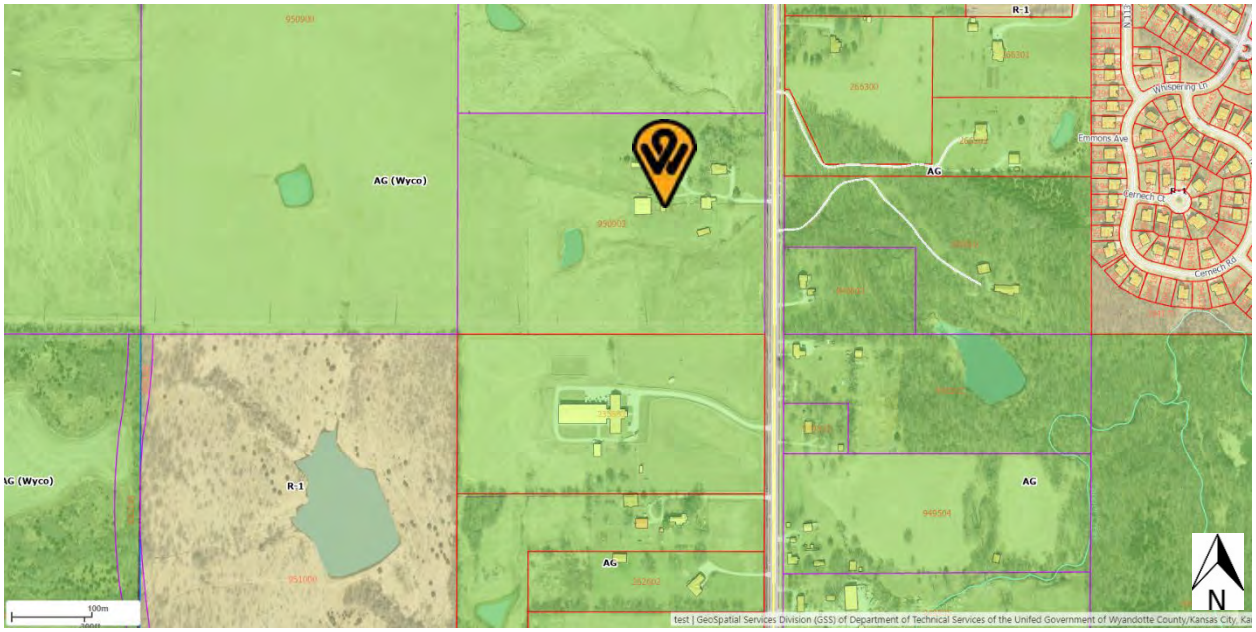
enforceable CC&R of the plat or subdivision within which the subject property is located.

ATTACHMENTS

AERIAL IMAGERY



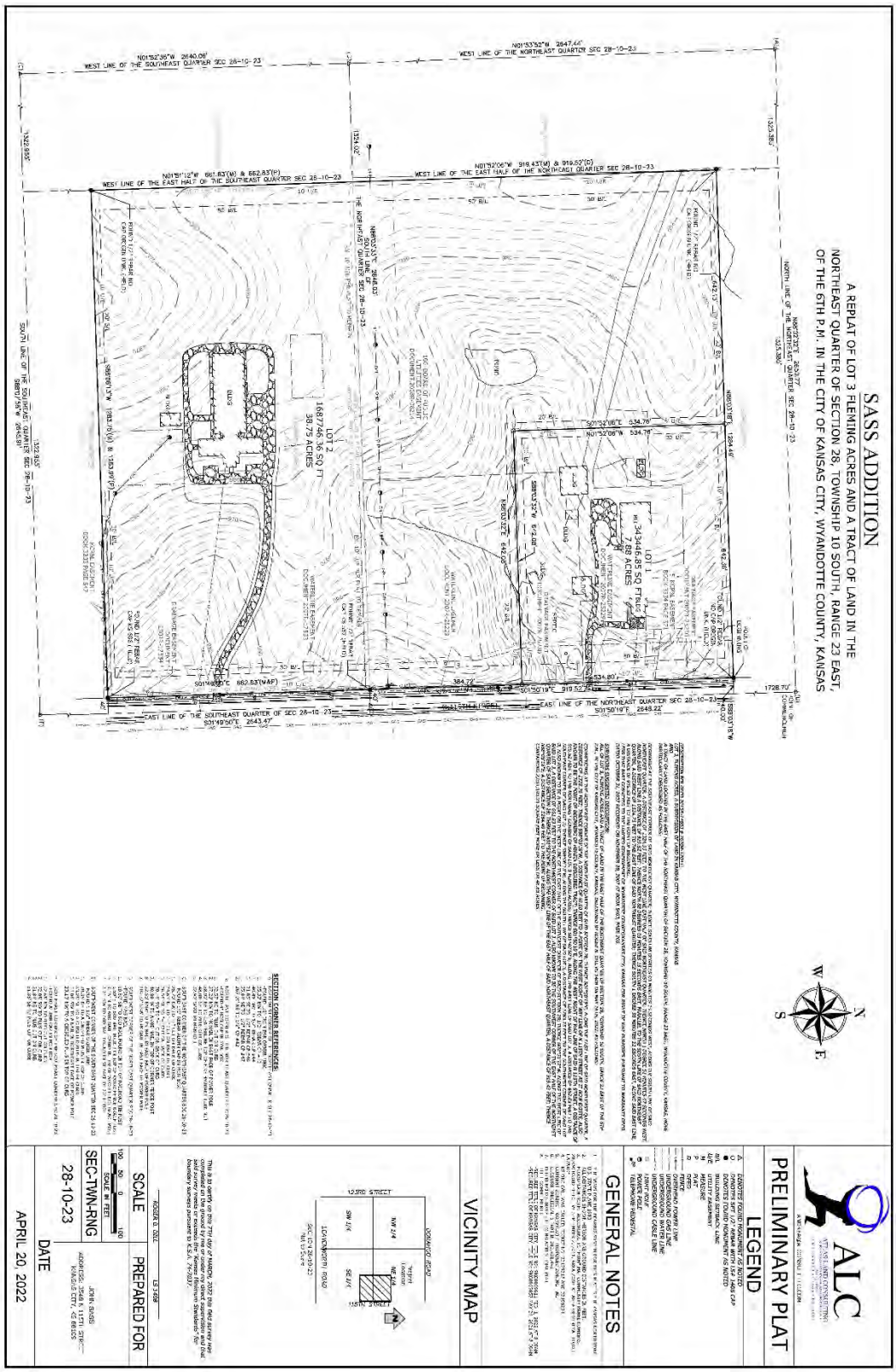
ZONING MAP



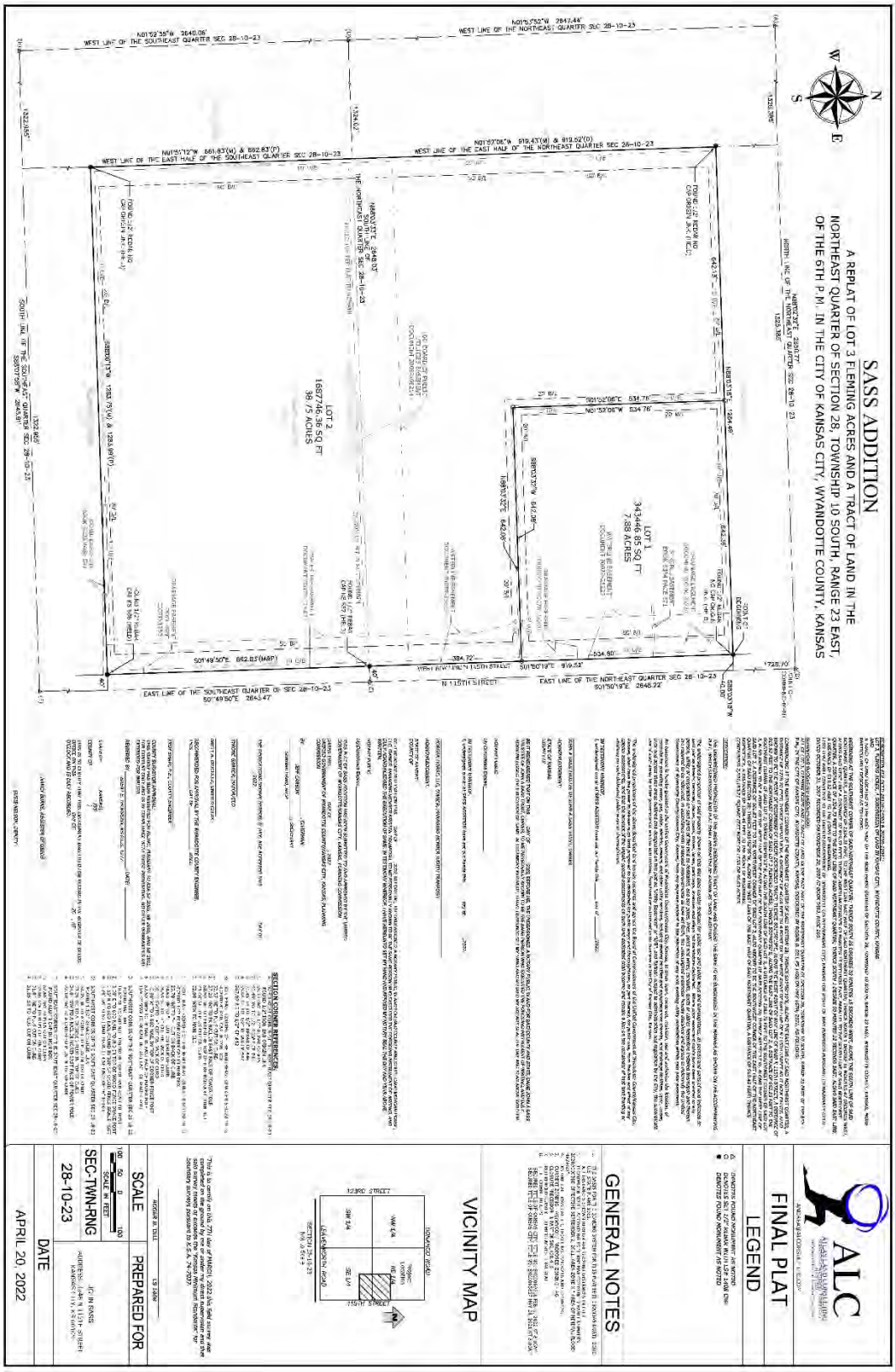
LAND USE MAP


SORTOR
112TH
113TH
112TH
113TH
Planned Suburban Residential District
SLOAN
N

PRELIMINARY PLAT



FINAL PLAT



PLANNING ENGINEERING COMMENTS, PROVIDED BY TRAVIS TRUMBLE, DATED MAY 17, 2022

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: May 17, 2022

SUBJECT: John Sass – Sass Addition – (PLAT2022-012, COZ2022-018, COZ2022-019)
3528 N. 115th Street
General Engineering Review No. 1 (of the plat sealed 3/14/2022, received 4/20/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Revise to indicate all the existing private utilities and septic tank, as applicable. This requirement is to establish property boundaries and utility easements etc., as applicable. Any septic tank and lateral line(s) shall not encroach or cross into the proposed adjacent property(s).
2) If planning to relocate the septic tank, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system. Provide staff with copies of the approval(s) and/or permit from Wyandotte County Health Dept., as applicable.
3) Please coordinate with James Molloy, jlmolloy@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
4) The final plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.
5) Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.05.17 15:28:40 -05'00'
Travis Trumble, Project Engineer

May 23rd, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-019
The purpose of this is for a change of zone at the following address:
3548 N 115th Street Kansas City, Kansas 66109

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned **A-G "Agriculture District (Wyco)"** and with this proposed change of zone, the property will be changing to **A-G "Agriculture District".** The purpose of the change of zone is to make the property compliant with the Department of Urban Planning and Land Use requirements. This property currently is in ties with **PLAT2022-012 "Sass Addition".**

If you have any questions, comments or concerns please reach out to one of the contacts below.

Please Contact:

Austin Thompson
austin.thompson@atlassureyors.com
austin@alconsult-llc.com
(913)-957-3315

Andrea Weishaubt
andrea.weishaubt@atlassurveyors.com
andrea@alconsult-llc.com
(913)-702-5073

Sincerely,

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913 702 5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

Neighborhood Meeting Reponses
COZ2022 018 & 019

May 31, 2022
-Karen Ferbezar at 3535 N 115th Street Kansas City, KS 66109, called Austin Thompson wanting to know what the change of zone was for. She was concerned that single family development was going to be built. Austin explained to Karen that the change of zone was in reference to the current properties being zoned AG (WYCO) and they were changing to AG. Austin also explained that Cobalt Horse was purchasing more land from John Sass for his horses.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

That I am the petitioner for Petition # COZ2022-019
A. That I conducted a neighborhood meeting on via email/phone.
B. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3rd day of June, 2022.

My commission expires 20th of December 2022.

Notary Public

NOTARY PUBLIC - STATE OF KANSAS
DOMONIQUE DENICE KETTLER
My Appt. Exp 12-20-2022

UG MAP IMAGERY, DATED MARCH 3, 2021





SITE PHOTOS, TAKEN BY STAFF – DATED MAY 6. 2022













SITE PHOTOS, TAKEN BY STAFF – DATED MAY 6. 2022













SITE PHOTOS, TAKEN BY STAFF – DATED MAY 6. 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

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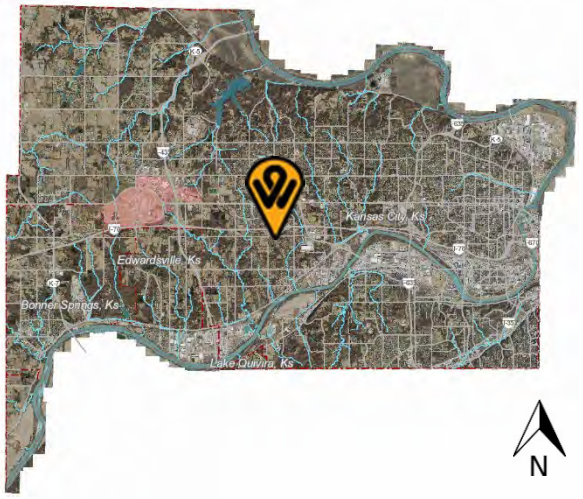
To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Special Use Petition SP2022-017**

GENERAL INFORMATION



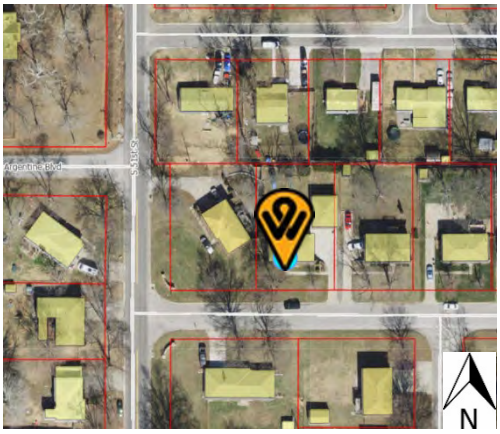
Applicant:
Alma Barajas

Status of Applicant:
Owner
5044 Powell Avenue
Kansas City, KS 66106

Requested Action:
Renewal of a Special Use Permit for a Home Occupation.

Date of Application:
January 28, 2022

Purpose:
To renew a Special Use Permit for a home occupation (expired 12/1/2021) to continue to operate a beauty salon.



Property Location:
5044 Powell Avenue
Kansas City, KS 66106

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:
R-1 Single-Family District

Adjacent Zoning:	**North:** R-1 Single Family District **South:** R-1 Single-Family District **East:** R-1 Single-Family District **West:** R-1 Single-Family District
Adjacent Uses:	**North:** Single-family residence **South:** Single-family residence **East:** Single-family residence **West:** Single-family residence
Total Tract Size:	0.23 Acre
Master Plan Designation:	The Citywide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city.
Major Street Plan:	The Major Street Plan Designates Powell Avenue as a Local/Collector Street.
Parking Requirement:	The R-1 Single Family District requires two (2) off-street parking spaces be provided on the premises for each single-family dwelling, one (1) of which must be either in a garage or under a carport.
Advertisement:	The Wyandotte Echo – February 17, 2022 Letters to Property Owner – February 28, 2022, March 6, 2022, April 4, 2022 and June 6, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alma Barajas, is seeking a renewal of a Special Use Permit for a Home Occupation (SP-2016-85) at 5044 Powell Avenue, to continue to operate a beauty salon. The Special Use permit was approved initially in 2009 (SP-2009-22) for two (2) years and was renewed in 2011 (SP-2011-19) and 2016 (SP-2016-85), both for five (5) years. Ms. Barajas's takes care of her children and wishes to continue to operate the beauty salon at her home to continue to supervise her children during the day.

City Ordinance Requirements: *27-592 through 27-606*

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2018 – (2018-37701) – Noise Complaint

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on the property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or other related permits or cases on this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is a well-established single-family and two-family neighborhood, comprised of ranch style and split-level single-family homes, as well as duplexes to the south and east.

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

The zoning and adjacent uses are set out above. The scale of the home occupation does not lend itself to be incompatible with nearby properties, however, if the applicant's client base grew, then there could be compatibility issues, particularly with traffic and parking.

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

The removal of these restrictions will not determinately affect nearby property unless the business grew to a point where it created parking and traffic issues.

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

The property is not vacant, it has been occupied by the current owners since 2002, and operating with a beauty salon since 2009.

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

The City-Wide Master Plan does not address home occupations or Special Use Permits. The Citywide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city. If the business does not increase to the point where it exceeds the

parking and traffic capacity, the business is compatible with a Special Use Permit.

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

   This is an existing use and should not lead to an increase in traffic. If the applicant's serves more than one (1) client at a time, however, this could lead to issues with parking and potentially increase to a point where it exceeds the capacity of Powell Avenue, a Local Street.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the general public, as there are hair salons nearby. The proposed use is reasonably necessary for the convenience of the applicant, as she can continue to supervise her children while operating her business. The proposed use will not substantially or permanently injure the appropriate use or visual quality, as long as the applicant continues to follow stipulations and the applicant's cliental base does not substantially increase.

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

   Noise is a typical issue with this type of use, as the noise from appliances use for services such as haircare can be loud at times. This should not, however, be an issue if it is managed properly and if all conditions of approval are adhered to.

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

   The proposed use should not pollute the air, land, or water as long as care products are disposed of properly and secured properly upon disposal. The proposed use is located in an existing, built out residential area.

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

    The proposed use will not damage or destroy and irreplaceable natural resource, as it is in an existing, built-out residential neighborhood.

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

The relative gain to public health, safety, and welfare is minimal. A denial of this application would require the applicant to relocate or shut down her business, causing hardship on her and her family.

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

    As long as the conditions of approval are met, the proposed use should not result in the overcrowding of land or undue concentrations of population. This could be an issue however, if more than one (1) client is served at a time, as this could result in there being too few parking spaces for clients, resulting in overflow parking.

PREVIOUS ACTIONS

Approval for a Special Use Permit for Home Occupation (SP-2009-22) for two (2) years.
Approval for a Special Use Permit for Home Occupation (SP-2011-19) for five (5) years.
Approval for a Special Use Permit for Home Occupation (SP-2016-85) for five (5) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on May 17, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Business Plan – Present and Future Operation Disposal of Salon Products
Parking
Overcrowding
Hours of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-017** for **ten (10) years**, subject to:

1. **The applicant may not serve more than two (2) clients at a time;**
2. **The applicant shall not operate after 10:00 a.m. to 6:00 PM on any day;**
3. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

4. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
5. **The applicant has filed and maintained a current business occupation tax application;**
6. **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;**
7. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
8. **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;**
9. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
10. **The Special Use Permit shall be valid for ten (10) 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 (2) months prior to the expiration of the permit 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,**
11. **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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-017** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response to draft report, Dated May 3, 2022
Neighborhood Meeting Information, Dated May 17, 2022
Site Photos, taken by staff, Dated February 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 13, 2022	June 30, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-017** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-017,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:51:45:

SPECIAL USE PERMIT APPLICATION SP2022-017 – ALMA BARAJAS -
SYNOPSIS: Renewal of a Home Occupation Special Use Permit (SP-2016-85 – expired 12/1/2021) for a beauty salon at 5044 Powell Avenue.
Detailed Outline of Requested Action: The applicant, Alma Barajas, is seeking a renewal of a Special Use Permit for a Home Occupation (SP-2016-85) at 5044 Powell Avenue, to continue to operate a beauty salon. The Special Use permit was approved initially in 2009 (SP-2009-22) for two (2) years and was renewed in 2011 (SP-2011-19) and 2016 (SP-2016-85), both for five (5) years. Ms. Barajas's takes care of her children and wishes to continue to operate the beauty salon at her home to continue to supervise her children during the day.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Alma Barajas, applicant, represented by her son

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:55:20: Planning Director Hand stated this is the third renewal and fourth approval for this home occupation hair salon. The property is in the Turner area and is part of the City-Wide Master Plan. Staff received no letters in support nor in opposition. There are some very old noise violations on the property and Staff does not believe the violations pertain to this project. The applicant has stated that

she will only have two (2) people at a time at most. The condition in the staff report states that closing is at 6:00 p.m. As a clarification for two (2) of the existing conditions Staff would like to amend them to say that all parking for customers has to be off street in their driveway and the hours of operation will be 10:00 a.m. to 6:00 p.m. Director Hand stated Staff confirmed the hours of operation with the applicant. With these two (2) changes Staff recommends approval for ten (10) years, subject to the conditions in the staff report.

Motions starts at 3:56:35:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-017 for ten (10) years:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

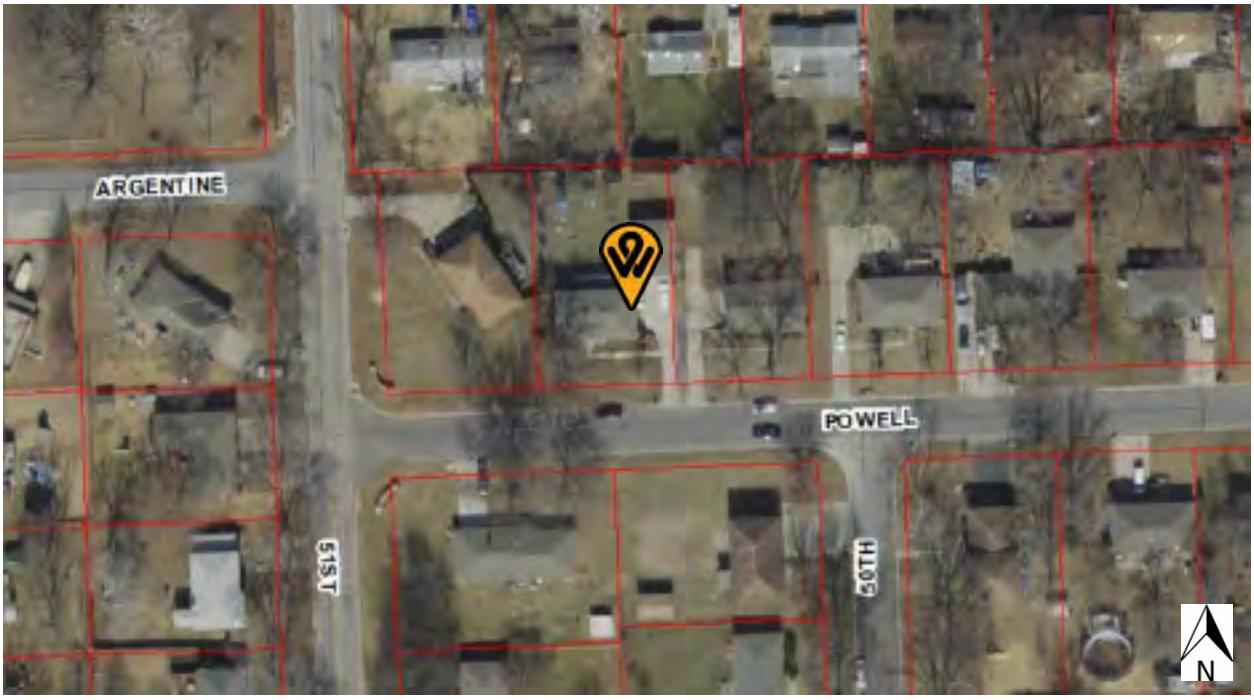
Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1. **The applicant may not serve more than two (2) clients at a time;**
2. **The applicant shall not operate after 10:00 a.m. to 6:00 PM on any day;**
3. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
4. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
5. **The applicant has filed and maintained a current business occupation tax application;**
6. **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;**

7. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
8. **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;**
9. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
10. **The Special Use Permit shall be valid for ten (10) 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 (2) months prior to the expiration of the permit 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,**
11. **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.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP


Low-Density Residential
Low-Density Residential
Low-Density Residential
Low-Density Residential
N

1) The entrance is held at the side door on the east side of the house. The entrance to the drive way will take you straight to it. A clean and sanitized environment is held at all times. Parking is available for clientele in our own driveway as well as the north side of Powell Ave where our property aligns.

2) Appointments are made through our home phone line. No walk ins are available. The majority of my clientele is family and close friends.

3) Due to also being a stay at home mom, I only have time to do 1-4 haircuts per day. I only allow up to two people in the salon at the same time.

4) I don't keep many chemicals inside of my salon, but the ones that I do I properly dispose of them in separate containers that is secluded from my other trash. When my hairsprays, sanitizing sprays, hair dye, etc. are completely empty, they are disposed of.

5) My operation hours are held from 10am-5pm Tuesday- Saturday.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS: 6403476 24
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-017.
2. That I conducted a neighborhood meeting on 5/17/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Alma Barajas
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____day of _____, 200_.

My commission expires _____ of _____, 200_.

_____
Notary Public

Date: May 2, 2022

Name: Alma Barajas
Address: 5044 Powell Ave
City/State/Zip: Kansas City, Kansas 66106

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2022-017. The purpose of this:

special use permit for a Hair Salon at the following address: 5044 Powell Ave Kansas City, Kansas 66106.

I/We am having a neighborhood meeting on May 17, 2022 at 6:00p.m.Through via email or over the phone due to COVID-19.

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

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

5044 Powell Ave Kansas City, Kansas 66106
Home: 9132877096
Cell: 8168100144
Email: Barajas.alma@yahoo.com

Sincerely,

Alma Barajas

SITE PHOTOS, TAKEN BY STAFF – DATED FEBRUARY 15, 2022











Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **SP2022-041**

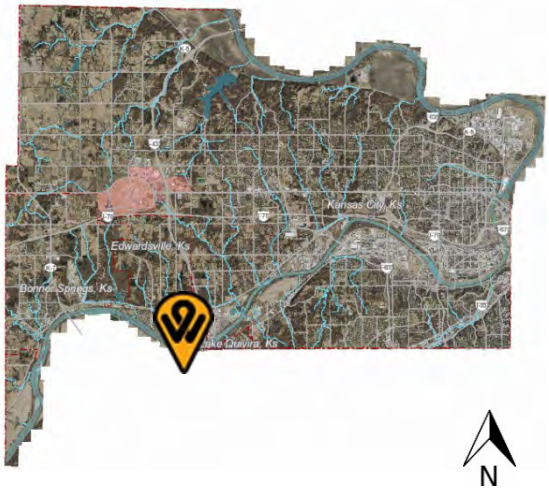
GENERAL INFORMATION

Applicant:
Harjot Singh
DBA Elite Motor Group KC

Status of Applicant:
Tenant/Applicant
20708 West 61st Street
Shawnee, Kansas 66218

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 25, 2022



Purpose:
The approval of a Special Use Permit for automotive sales.



Property Location:
2205 South 88th Street
Kansas City, Kansas 66111

Commission District:
Commissioner At Large, District #2: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:
M-3 Heavy Industrial District

Adjacent Zoning:	**North:**	MP-3 Planned Heavy Industrial District
	South:	R-1 Single Family Residential and M-3 Heavy Industrial Districts
	East:	MP-3 Planned Heavy Industrial District
	West:	M-3 Heavy Industrial District
Adjacent Uses:	**North:**	Concrete Materials Plant
	South:	Public Utility Station
	East:	Lumber Company
	West:	Lubrication Manufacturing Plant

Total Tract Size: 5.0005 Acres

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use.

Major Street Plan: The City-Wide Master Plan designates this tract of Kaw Drive as Class A Thoroughfare and this tract of South 88th Street as a Class C Thoroughfare.

Required Parking: Section 27-470(f) states that parking requirements for this district varies with no less than one (1) space for each 500 square feet of building proposed. The subject property has one building with 11,882 square feet requiring 24 parking spaces. It is undetermined how many parking spaces are available between the automobile repair tenant and the additional applicant desiring to co-exist at the same location for automotive sales. A site plan showing 139 parking spaces has been provided, meeting this requirement.

Advertisement: The Wyandotte Echo – April 14, 2022
Letters to Property Owners – April 15, 2022

Public Hearings: June 13, 2022 and June 30, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Hariot Singh DBA Elite Motor Group KC, is requesting a Special Use Permit for the operation of an automotive sales facility as a co-tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The automotive portion of the business involves the purchase of like-new vehicles for resale on a virtual platform without the regular or frequent presence of customers. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks.

This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-047.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The applicant has had no noise or disturbance complaints at the subject property. There were multiple calls for police disturbance although they were with other tenants or during periods of vacancy.
    a. 2021: 2021-00084150 - theft
    b. 2020: 2020-00142340 – criminal damage
    c. 2020: 2020-00135642- theft
    d. 2020: 2020-00055412- theft
    e. 2020: 2020-00044437- theft
    f. 2020: 2020-00006702- theft
    g. 2020: 2020-00006702 – criminal damage
    h. 2020: 2019-00093026- theft
    i. 2020: 2019-00007868- theft

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had two (2) code enforcement cases:
    a. 2012: 13212-01370 – Tall grass on the vacant part of the property (closed)
    b. 2012: 12212-00977 – Weeds

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits or planning cases at the subject property within the last 10 years.
    a. 2020: 12212-00977 – Business Occupancy – Completed/Closed

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The neighborhood is transitional in nature from the industrial uses and residences on the north and south of Kaw Drive. The subject property is surrounded by uses that are of similar industrial nature and used for industrial purposes, with a large-scale industrial and rural feel. Residences across Kaw Drive are large lots with deep setbacks and are typically greater than two (2) acres.

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

   The zoning uses of the nearby properties are set out above. Other uses in the area include manufacturing plants of hazardous, noxious, or of an unsightly nature. Automotive sales, virtual or in person, is not prohibited, although automotive sales businesses require a Special Use Permit to operate. The proposed development will not impact the Class C Thoroughfare's ability to accommodate traffic, as similar uses are currently in the area.

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

   The property is suitable for automotive sales if managed properly. It has historically been used as a fleet sales repair shop with the prior tenant relocating in January 2022.

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

   The property is currently vacant with the last tenant relocating prior to the rental listing in January, 2022. The property owner purchased the property in 2012.

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

   Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use. The subject property is currently a heavy industrial use, and its land use is not changing with this plans review, therefore the subject property maintains a high degree of conformance to the Master Plan.

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

   The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class C Thoroughfare or the adjacent Class A Thoroughfare, however vehicle sales could result in overcrowding especially when combined with the storage of vehicles, operable or inoperable, as requested with the additional application of heavy truck and automotive repair.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the property for sales purchases. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses if managed appropriately.

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

   Noise, vibration, illumination, and environmental hazards are not foreseen to be issues that may be associated with the operation of an automotive sales business. Automotive sales are ostensibly conducted during daytime hours and surrounding businesses are generally operating on all shifts during all days of the week.

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

   The applicant is not proposing any new structures or activity with automotive repair that would cause undue pollution to natural resources.

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

    The subject property is within a built-out mixed-use industrial area and its continued operation would not damage or destroy an irreplaceable natural resource if managed properly.

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

    The relative public gain is negligible, as the operation of an automotive sales shop is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a potential tenant and experience loss of rental income before finding another tenant.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately, however, it could become an issue when combining sales with the adjacent applicant's desire to perform automotive repair. The subject property has an off-street parking lot with an unknown amount of spaces. There is no foreseen problem with undue concentrations of population, if managed appropriately, but the total occupancy should be reflected as an aggregate among both tenants and needs additional review.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of June 5, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Dust and Noxious
Automotive Use
Building Materials
Fencing
Flood Plain Hazards

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-041**, subject to:

1. **Please provide an inventory of all structures and their status with LOMR-F;**
2. **The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty**

(20%) percent, a traffic impact study shall be required;

7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
    a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
    b. **Construction with materials resistant to flood damage;**
    c. **Utilization of methods and practices that minimize flood damages;**
    d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
14. **New or replacement water supply systems and/or sanitary sewage**

systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;

15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:**
    a. **All such proposals are consistent with the need to minimize flood damage;**
    b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
    c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
    d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**
16. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
    c. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
        i. **Certificate of elevation shall be provided when the top of the first floor has been constructed;**
        ii. **Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);**
17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

19. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
20. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
21. **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;**
22. **Compliance with the Commercial Design Guidelines to be reviewed at the DRC;**
23. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
24. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-041** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Flood Hazard Map
Site Plan
Neighborhood Meeting Information
Planning Engineering Comment Letters
Site Visit Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Special Use Permit	June 13, 2022 - Approval	June 30, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-041** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-041,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:57:45:

SPECIAL USE PERMIT APPLICATION SP2022-041 – HARIOT SINGH WITH ELITE MOTORS GROUP KC - SYNOPSIS: Special Use Permit for auto sales at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Hariot Singh DBA Elite Motor Group KC, is requesting a Special Use Permit for the operation of an automotive sales facility as a co-tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The automotive portion of the business involves the purchase of like-new vehicles for resale on a virtual platform without the regular or frequent presence of customers. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-047.

SPECIAL USE PERMIT APPLICATION SP2022-047 – MANJIT KAUR WITH CITY TRUCK AND TIRE REPAIR - SYNOPSIS: Special Use Permit for auto repair at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Manjit Kaur DBA City Truck & Tire Repair, is requesting a Special Use Permit for the operation of an automotive sales facility as a tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The applicant currently operates at 6666 Inland Drive. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-041.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Harjot Singh, applicant, 2205 South 88th Street, Kansas City, Kansas, 66111, representing both applications

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:01:37: Planning Director Hand stated that these two (2) special use permits are being heard together as these are two tenants co-locating in the same building at this address. These are two (2) separate businesses, and each requires its own special use permit. This property is in the Riverview neighborhood of the City-Wide Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The property is not in the floodplain but basically everything south of Kaw Drive is in the floodplain. He further stated that both projects need to comply with the Commercial Design Guidelines even though they are in an industrial district. Staff included conditions of approval from the Commercial Design Guidelines such as restriping the parking lot, enhanced landscaping, fixing some of the curbs and other improvements to the property. Staff would like to add a condition of approval that says it needs to meet the Commercial Design Guidelines and all of the things that are required by this type of special use permit use in the Code of Ordinances. All of the items in the Commercial Design Guidelines were not listed but can be picked up at the building permit stage. Staff recommends approval subject to the revised conditions.

Motion starts at 4:03:40:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-041:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Please provide an inventory of all structures and their status with LOMR-**

F;

2. **The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the**

following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:

a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
b. **Construction with materials resistant to flood damage;**
c. **Utilization of methods and practices that minimize flood damages;**
d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**

14. **New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;**
15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:**
    a. **All such proposals are consistent with the need to minimize flood damage;**
    b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
    c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
    d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**
16. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
    c. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
        i. **Certificate of elevation shall be provided when the top of the first floor has been constructed;**

ii. **Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);**

17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
19. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
20. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
21. **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;**
22. **Compliance with the Commercial Design Guidelines to be reviewed at the DRC;**
23. **The Special Use Permit shall be valid for two (2) 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 (2)**

months prior to the expiration of the permit 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,

24. **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.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-047:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Please provide an inventory of all structures and their status with LOMR-F;**
2. **The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
    a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
    b. **Construction with materials resistant to flood damage;**
    c. **Utilization of methods and practices that minimize flood damages;**
    d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
14. **New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;**
15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood**

hazard areas are required to assure that

a. **All such proposals are consistent with the need to minimize flood damage;**
b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**

16. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
    c. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
        i. **Certificate of elevation shall be provided when the top of the first floor has been constructed.**
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Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

19. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
20. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
21. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
22. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
23. **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**

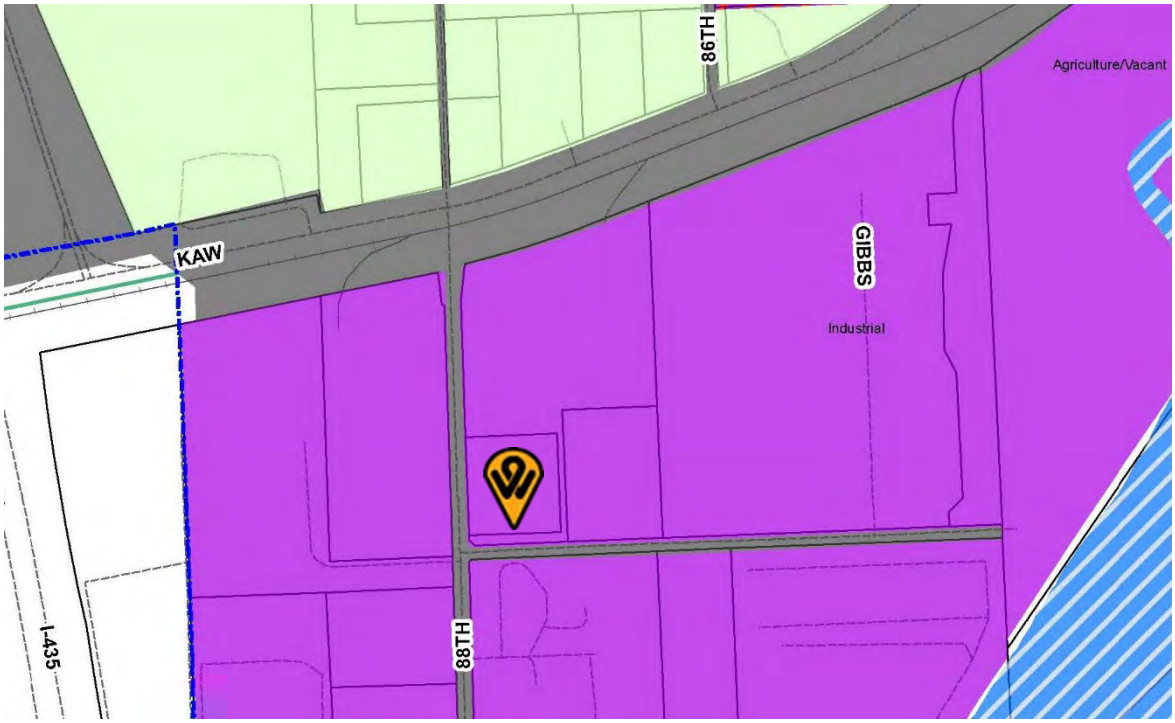
AERIAL MAP



ZONING MAP



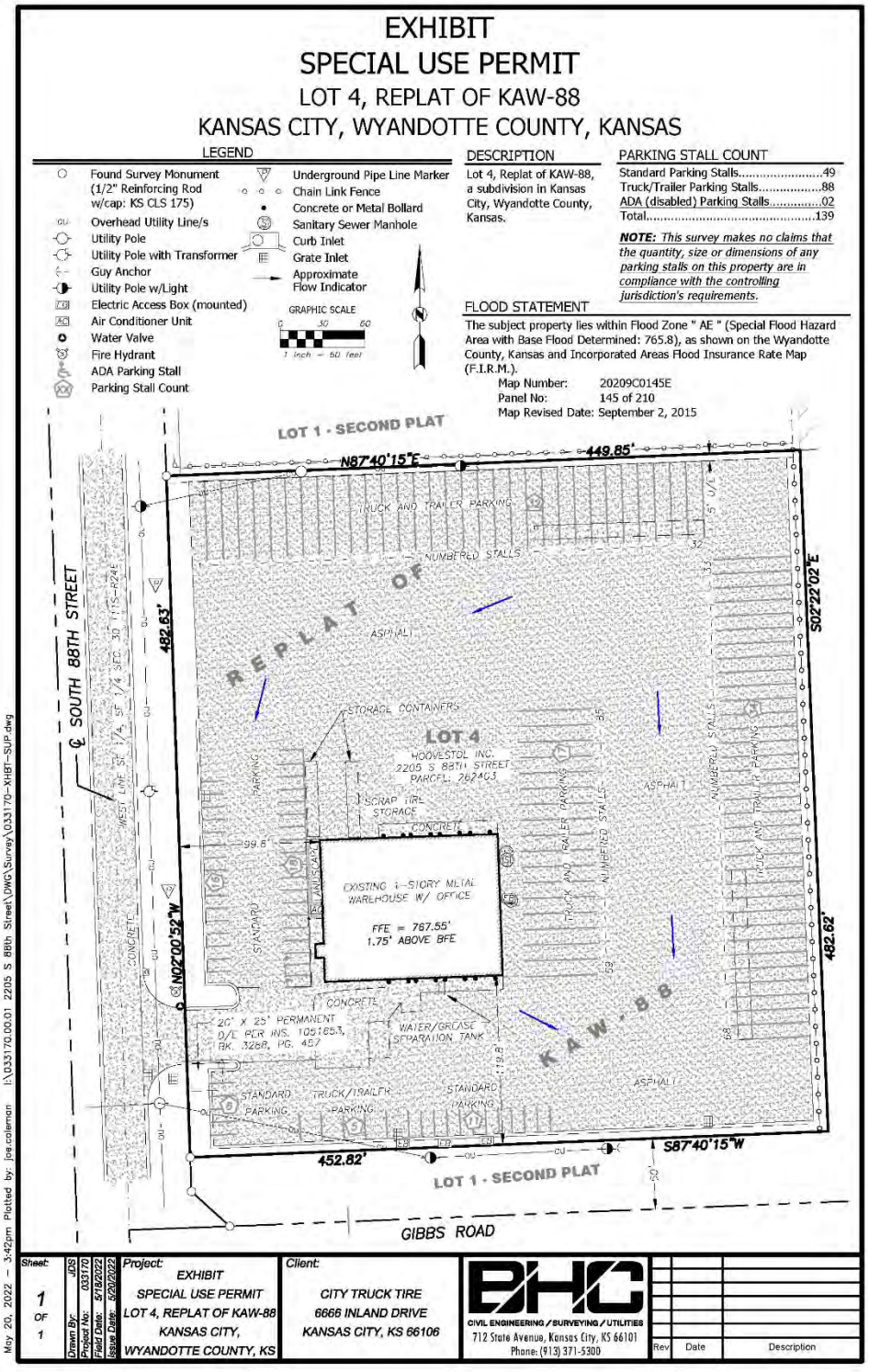
LAND USE MAP



FLOOD HAZARD MAP



SITE PLAN


EXHIBIT
SPECIAL USE PERMIT
LOT 4, REPLAT OF KAW-88
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
LEGEND
Found Survey Monument (1/2" Reinforcing Rod w/cap: KS CLS 175)
Overhead Utility Line/s
Utility Pole
Utility Pole with Transformer
Guy Anchor
Utility Pole w/Light
Electric Access Box (mounted)
Air Conditioner Unit
Water Valve
Fire Hydrant
ADA Parking Stall
Parking Stall Count
Underground Pipe Line Marker
Chain Link Fence
Concrete or Metal Bollard
Sanitary Sewer Manhole
Curb Inlet
Grate Inlet
Approximate Flow Indicator
GRAPHIC SCALE
1 inch = 60 feet
DESCRIPTION
Lot 4, Replat of KAW-88, a subdivision in Kansas City, Wyandotte County, Kansas.
PARKING STALL COUNT
Standard Parking Stalls.....49
Truck/Trailer Parking Stalls.....88
ADA (disabled) Parking Stalls.....02
Total.....139
NOTE: This survey makes no claims that the quantity, size or dimensions of any parking stalls on this property are in compliance with the controlling jurisdiction's requirements.
FLOOD STATEMENT
The subject property lies within Flood Zone " AE " (Special Flood Hazard Area with Base Flood Determined: 765.8), as shown on the Wyandotte County, Kansas and Incorporated Areas Flood Insurance Rate Map (F.I.R.M.).
Map Number: 20209C0145E
Panel No: 145 of 210
Map Revised Date: September 2, 2015
LOT 1 - SECOND PLAT
N87°40'15"E
449.85'
TRUCK AND TRAILER PARKING
NUMBERED STALLS
REPLAT OF
ASPHALT
S02°22'02"E
482.62'
℄ SOUTH 88TH STREET
WEST LINE SE 1/4 SE 1/4 SEC. 30 T11S-R24E
482.63'
N02°00'52"W
STORAGE CONTAINERS
LOT 4
HOOVESTOL INC.
2205 S 88TH STREET
PARCEL: 262403
SCRAP TIRE STORAGE
CONCRETE
99.8'
EXISTING 1-STORY METAL WAREHOUSE W/ OFFICE
FFE = 767.55'
1.75' ABOVE BFE
20' X 25' PERMANENT D/E PER INS. 1051853, BK. 3268, PG. 457
WATER/GREASE SEPARATION TANK
KAW-BB
STANDARD PARKING
TRUCK/TRAILER PARKING
S87°40'15"W
452.82'
LOT 1 - SECOND PLAT
GIBBS ROAD
Sheet: 1 OF 1
Drawn By: JDS
Project No: 033170
Field Date: 5/18/2022
Issue Date: 5/20/2022
Project: EXHIBIT SPECIAL USE PERMIT LOT 4, REPLAT OF KAW-88 KANSAS CITY, WYANDOTTE COUNTY, KS
Client: CITY TRUCK TIRE 6666 INLAND DRIVE KANSAS CITY, KS 66106
BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300
Rev
Date
Description
May 20, 2022 - 3:42pm Plotted by: joe.coleman I:\033170.00.01 2205 S 88th Street\DWG\Survey\033170-XHBT-SUP.dwg

ENGINEERING COMMENT LETTERS

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: April 13, 2022

SUBJECT: Hariot Singh – Elite Motor Group LLC – (SP2022-041)
2205 S. 88th Street
General Engineering Review No. 1 (of the application received 3/25/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Provide information regarding the condition of vehicles that will be parked and sold at this site. Will there be maintenance services, i.e., oil change? How do the oil changing areas drain, i.e., are there floor drains? In work areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable. Further discussion with staff may be needed prior to resubmittal.

2) Depending on the condition of the vehicles being parked and sold on site, stormwater quality hotspots may be applicable. **See Stormwater Quality review for additional comments.**

3) Please confirm if there are proposed site improvements e.g., mill and overlay of the parking area. If so, the site plan shall illustrate these areas and erosion control plans shall be required.

4) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

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

Reviewer: Travis Trumble Digitally signed by Travis Trumble DN: cn=Travis Trumble, ou=Unified Government of Wyandotte County / KCK, ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US Date: 2022.04.13 16:58:39 -05'00'

Travis Trumble, Project Engineer

General Engineering Review Comments 1 of 1

ENGINEERING COMMENT LETTERS

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: April 13, 2022

SUBJECT: Hariot Singh – Elite Motor Group LLC – (SP2022-041)
2205 S. 88th Street
Stormwater Quality Review No. 1 (of the application received 3/25/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Stormwater Quality design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) As mentioned in general engineering, vehicle storage and maintenance sites with high likelihood of oil and grease releases are considered "hotspots" for stormwater quality and treatment and are subject to additional consideration for pollution control measures. If the building or parking area(s) will be used to store and maintain vehicles, there is potential for oil and grease spills. Therefore, appropriate measures shall be provided to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements. In this regard, provide staff with measures to be taken on site for handling and disposal of waste motor vehicle fluids. Further discussion with staff may be required.

Reviewer: Travis Trumble Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County / K.C., ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US
Date: 2022.04.13 16:57:05 -05'00'
Travis Trumble, Project Engineer

SITE VISIT PHOTOS



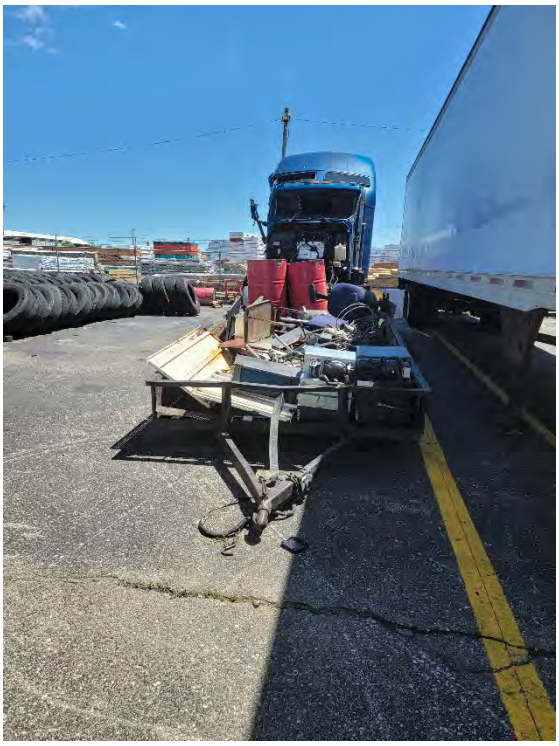






SITE VISIT PHOTOS

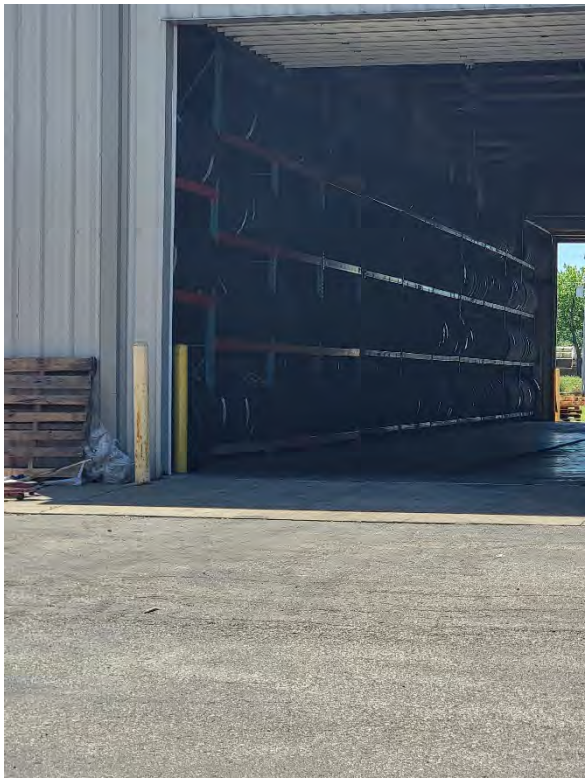








SITE VISIT PHOTOS









SITE VISIT PHOTOS



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Petitions COZ2022-017 and SP2022-045**

GENERAL INFORMATION

Applicant:
Kalla McLaughlin

Status of Applicant:
Representative
City Beautiful, LLC
4000 Denton Road,
Kansas City, Missouri 64133

Requested Action:
Approval of a Change of Zone.

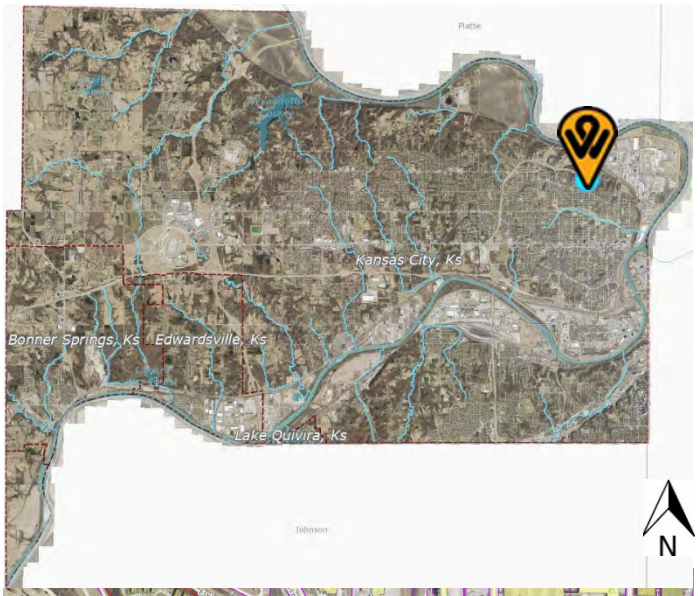
Approval of a Special Use Permit.

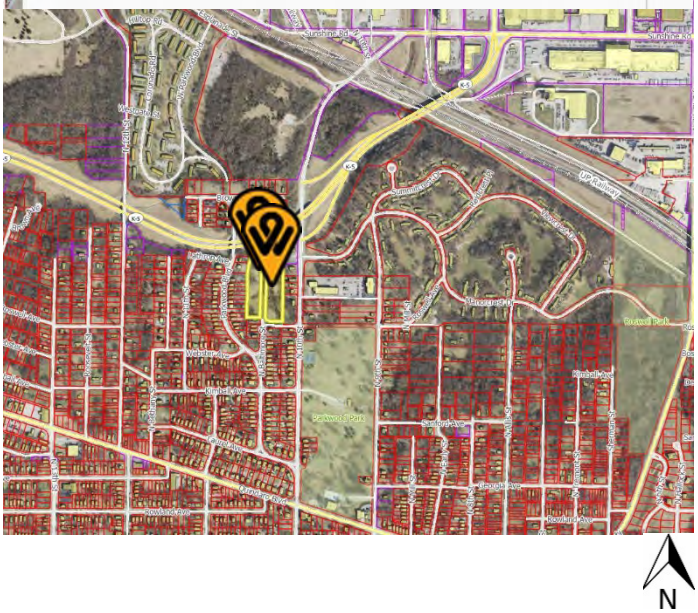
Date of Application:
March 25, 2022

Purpose:
Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District.

Approval of Preliminary Plat for one (1) single-family parcel at 3015 and 3020 North Baltimore Street. (Approved)

Approval of a Special Use Permit for the sale of produce grown on-site and other farm products processed on-site.





Property Location:	3015 and 3020 North Baltimore Street Kansas City Kansas 66104	
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend	
Existing Zoning:	RP-5 Planned Apartment District	
Adjacent Zoning:	**North:**	R-1(B) Single Family District; Right-of-Way
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	R-1 Single Family District
Adjacent Uses:	**North:**	Vacant community/religious center; K-5 Highway
	South:	Single-family residences
	East:	Single-family residences
	West:	Single-family residences
Total Tract Size:	3.79 Acres (Total) 1.68 Acres (3015 North Baltimore Street) 1.67 (3020 North Baltimore Street) 0.44 (Existing right-of-way)	
Master Plan Area:	The subject property is within the Northeast Area Master Plan.	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Single Family. The Single Family Land Use District is intended to protect established single-family neighborhoods. Single-family homes are the only listed allowed building type within this Land Use District.	
Major Street Plan:	The Major Street Plan classifies North Baltimore Street as a Local/Neighborhood Street. The Major Street Plan classifies South 51st Street as a Collector Street.	
Parking Requirement:	**RP-5 District (current district):** Section 27-460(d) requires one and one-half (1.5) parking spaces to be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. The subject property is currently undeveloped, and therefore has no dwelling units nor currently requires any parking spaces.	

	A-G District (requested district): Section 27-452(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The current site plan does not show any parking spaces; the current site plan does not show any development at all. The applicant must submit a revised site plan that demonstrates two (2) paved parking spaces in conjunction with the proposed single-family residence.
Advertisement:	The Wyandotte Echo – April 14, 2022; and May 19, 2022 Letters to Property Owner – April 15, 2022; and May 20, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	Several neighbors have expressed support through communication with the applicant.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject property.

City Ordinance Requirements: Article VI, Sections 27-210, 27-214—215; Article VIII, Sections 27-452, 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. A previous property owner received one (1) code enforcement citation. This citation was later rescinded, presumably because the subject property was in the Landbank.
    - 06212-00000-01746, September 29, 2006 (Neighbor called to complain that there was overgrown vegetation on the property and that it needed to be cut)

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Northeast Statistical Neighborhood and is within the Parkwood Colony Neighborhood Group. The subject property is also located within the Parkwood Historic District. The local neighborhood is roughly bordered by K-5 Highway to the north, by Quindaro Boulevard to the south, by North 10th Street and Parkwood Park to the east, and by North 12th Street to the west. The character of the neighborhood is predominately single-family residential with streets that roughly follows a grid system but also meander; the neighborhood layout and most residences were established in the 1920s and 1930s. The neighborhood density is approximately six (6) dwellings per acre.

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

The subject property is adjacent to small-lot, single-family residential parcels to the south, east, and—predominately—the west. One (1) adjacent parcel to the northeast of the subject property is partially zoned CP-0 Planned Nonretail Commercial but is currently used for residential purposes. Farming is typically not compatible with residential uses, which is rationale for requiring an agriculturally zoned property to have a minimum of five (5) acres and increased setbacks. There are other methods, however, to achieve a buffer between urban agricultural and residential uses to the extent that all such uses can exist compatibly. These methods include planting or maintaining trees along the property boundary lines, installing architectural screening or fencing, and creating landscaped berms. Current plans submitted to Staff show the intention to create tree screening along the west boundary line of the subject property, which is adjacent to the most exposed of the neighboring properties. Under this plan, the proposed uses are compatible with the zoning and uses of nearby properties.

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

   Although the subject property does not meet the five (5) acre minimum required by Section 27-452(a), its 3.79 acres are still sufficient for the urban farming uses proposed by the applicant. Agricultural uses may need to be adjusted in order to fit with the sloped terrain, but these adjustments are anticipated by the applicant and do not have any effect on neighboring properties. The applicant must follow and comply with all suggestions and requirements provided by the Wyandotte County Conservation District. The applicant should reference the letter from the Wyandotte County Conservation District to the Director of Planning (see "Wyandotte County Conservation District Letter, Dated April 14, 2022" in the *Attachments* section of this report) and the Conservation Plan produced specifically for the subject property.

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

   The subject property is vacant and is currently within the Unified Government Landbank. A portion of the current subject property has been developed previously (as separate parcels addressed as 3021 and 3025 North Baltimore Street, respectively). Aerial photography, however, demonstrates that even these properties have been vacant as early as 1983. The entirety of the subject property has confirmed to have been vacant since 1997.

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

   The subject property has sat vacant for at least 25 years, and likely much longer. In that time the property has experienced erosion that makes a low-lying terrain which is already difficult to develop much more difficult to develop with every passing year. The subject property has also faced illegal dumping issues, which resulted in the installation of streetlights to prevent this practice. In light of the subject property's recent history, the proposed development would be supportive of the nearby properties.

   Additionally, the utilization of a significant portion of the subject property for agriculture and food production is a use beyond that of a typical single-family residential property. The occupation and productive use of the land is reasonably necessary for the welfare of the public, and the forthcoming produce to be sold locally makes the proposed use even more reasonably necessary ad convenient.

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

   The applicant has stated that a portion of the farmland would be leased to New Roots for Refugees, a local farming non-profit. If this is the case, then several

third parties will be on the land frequently. While the farmers coming to the subject property are expected to take the bus or engage in ridesharing, there may be circumstances in which additional vehicles beyond the applicant's own will be parked on the subject property. The applicant has identified the neighboring property at 3040 North 10th Street to provide the necessary parking for these circumstances. Either a notarized parking agreement must be recorded with the Register of Deeds for this arrangement, or some other additional off-street, on-site parking must be provided in order to satisfy this factor. This scenario in which several vehicles coming to the subject property at the same time is unlikely, however, and would not be in numbers or with a frequency great enough to adversely affect road capacity, safety, or create parking problems.

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

The Northeast Area Master Plan designates this property as Single Family. The Single Family Land Use District is intended to protect established single-family neighborhoods. Single-family homes are the only listed allowed building type within this Land Use District. While the Land Use District does not appear to be conducive to urban farming, in a separate section of the Northeast Area Master Plan it is stated that the area "is already home to an array of urban gardens and farms, which serve to connect residents to healthy food options, prevent food insecurity, create job and volunteer opportunities, build community and provide green space." As there is no exclusive agricultural or urban farming land use district designated in the Northeast Area Master Plan, it must be understood that urban farming is compatible in any land use district so long as all other conditions allow for compatible use between urban farms and residences. The proposed use, therefore, conforms with the Northeast Area Master Plan, but must meet all other requirements of the A-G District.

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

The construction of the primary residence and driveway will increase the impermeable surface on the entire 3.79-acre parcel by approximately 1,000 square feet. Historical site photos show that erosion has an effect on the land as it sits undeveloped. Given these conditions, use of the subject property as an urban farm can be beneficial. Planting additional trees for landscape screening, building garden terraces on the hillsides, and the general cultivation of the land will do well to prevent additional erosion, while the small increase in impermeable surfaces is negligible.

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

a. Water service

There are currently no water lines on the subject property. Water lines must be installed on the subject property and connected to the public water main. For more details, see the applicant's response under

"Planning and Urban Design Comments: General #7" under the *Staff Comments and Suggestions* section of this report.

b. Sanitary sewer service

Sanitary sewer lines run along the majority of the west side of the subject property and cuts across the northern portion of the subject property.

c. Storm water control

The subject property is served by storm water lines north of the parcel, within the K-5 right-of-way.

d. Police

Police service is provided by East Division, District #113.

e. Fire

Fire service is provided by Fire Station #5.

f. Transit

The subject property is within one-half (0.5) mile of a bus stop on Coronado Road/West Parkwood Boulevard, within the Fairfax Bluffs Apartments complex. The bus stop is served by Bus Route 103 (3rd Street-Fairfax). The subject property is also within one-half (0.5) mile of pair of bus stops at the intersection of North 11th Street and Quindaro Boulevard. The bus stops are served both eastbound and westbound by Bus Route 106 (Quindaro-Amazon).

g. Schools

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kanas City USD 500.

h. Streets

The subject property is adjacent to the North Baltimore Street right-of-way, but a UG-compliant driveway will need to be installed in order to provide compliant vehicular access between the subject property and the public right-of-way.

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

The applicant is proposing to live in a primary residence on the subject property. By allowing a Change of Zone of the subject property, the applicant will be able to operate an urban farm as an accessory use and will thus make the subject

property more productive. The corresponding Special Use Permit would allow for the applicant to package and sell the produce grown on site to local customers, thus creating a business that produces locally and keeps money circulating within the community.

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

    There are several existing conditions that prevent the propose used from meeting the applicable ordinance requirements. Therefore, this Change of Zone is heard simultaneously with a Preliminary Plat, a Special Use Permit, and a variance. The Preliminary Plat, PLAT2022-011, has been applied for in order to create one (1) single-family parcel through the process of combining two (2) existing parcels, a vacated right-of-way, and a vacated utility easement. The Special Use Permit, SP2022-045, has been applied for to allow the subject property to have an accessory business use by serving as the business address, producing the fresh produce and farm products, being the location from which products are shipped, and occasionally hosting on-site sales. The variance, BOZA2022-025, has been applied for to deviate from the A-G District size minimum and single-family residence habitable space minimum. The proposed uses are otherwise capable of meeting the applicable ordinance requirements.

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

    The A-G Agriculture District allows for several uses that are not allowed in residential districts, such as the keeping of livestock and the allowance of more accessory buildings. These uses can be mitigated by landscaping, architectural screening, buffering, and berming. Therefore, granting of the Change of Zone would create a gain in public health, safety, and welfare relative to the hardship imposed on the individual landowner or landowners.

Preliminary Plat (Approved)

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

   The steep terrain runs downward from south to north and features hills on the east and west boundaries that creates a bowl-like effect. This leaves the subject property vulnerable to flash flooding from the groundwater runoff flowing from the impermeable surfaces on the Baltimore Street right-of-way. Mitigation measures, such as planting vegetation to absorb water runoff and installing landscape berming to redirect water around the proposed primary residence should be taken to address flooding and groundwater issues.

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

   See Change of Zone Review Factor #1.

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

   No additional streets will be created as part of this plat. The applicant will install a driveway and parking areas, which will be paved in compliance with UG standards. Any off-site parking for accessory uses on the subject property will require a signed, notarized, and recorded parking agreement.

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

   Only one (1) residence will be constructed, and it is proposed to be located close to North Baltimore Street on level ground, so there are no concerns regarding access to adequate light, open space, or air. The remainder of the subject property will be wooded or farmed/landscaped. These uses also allow for sufficient light, open space, and air. The size of the residence (350 square feet) will make the development more affordable to build—and to sell in the future—while maintaining a steady property value as part of the urban farm.

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

   Only one (1) residence will be constructed, and it is proposed to be located close to North Baltimore Street on level ground. The proposed accessory structures will be developed in a manner that accommodates the terrain. One (1) accessory building will be an earthen structure built into the side of a hill, and the others will be roofed but open-air, to allow for flexibility with the steep terrain.

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

   The proposed plat features one (1) parcel with one (1) primary residence and several proposed accessory buildings (more a full list of identified accessory structure, see the applicant's response to "Planning and Urban Design Comments: General #5" under the *Staff Comments and Suggestions* section of this report). A plat with this number of parcels and/or primary residences is not required by the Zoning Code, City-Wide Master Plan, or Northeast Area Master Plan to provide amenities.

Special Use Permit

1. ***The Character of the Neighborhood.***

   See Change of Zone Review Factor #1.

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

   See Change of Zone Review Factor #2

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

   See Change of Zone Review Factor #3.

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

   See Change of Zone Review Factor #4.

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

   See Change of Zone Review Factor #7.

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

   See Change of Zone Review Factor #6.

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

   See Change of Zone Review Factor #5.

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

   Noise, vibration, dust, and illumination are all, in various degrees, inherent to farming activities. The terrain and arrangement of the subject property can be utilized to mitigate such externalities so that they do not create problems for nearby property. As previously mentioned, fencing, landscape screening, and buffering can all be used in various ways to deaden noise and vibration from common agricultural activities and to block light from leaving the subject property. In addition to screening mitigation, all lighting on the subject property shall be directed downward at a 90-degree angle in order to keep the direct light on site as per UG Code. Furthermore, dust mitigation measures, such as watering, should be utilized during activities that are at high risk for dust.

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

   An urban farm will likely have positive effects on land, air, and water quality, if conducted properly. The increase in vegetation such as trees and crops, as well

as the proposed terraced gardens on the hillsides, will aid in soil erosion prevention and repair. The net increase in vegetation will also have positive impacts on the air, and the small carbon footprint created by the proposed 350-square-foot residence will be minimal. Water quality could benefit as well from the increase in plant roots, and well-managed fields would keep any undesirable runoff from getting into the soil and water table.

The applicant must also follow and comply with all suggestions and requirements provided by the Wyandotte County Conservation District. The applicant should reference the letter from the Wyandotte County Conservation District to the Director of Planning (see "Wyandotte County Conservation District Letter, Dated April 14, 2022" in the *Attachments* section of this report) and the Conservation Plan produced specifically for the subject property.

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

Although development is proposed to take place on previously vacant land, the establishment of an urban farm will aid in the preservation of irreplaceable natural resources. Staff cannot identify any irreplaceable natural resources that could be damaged or destroyed by the homestead and urban farm as proposed by the applicant.

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

See Change of Zone Review Factor #12.

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

The Special Use Permit is to allow the subject property to host a business that sells, packages, and ships the produce grown on site; there will not be farmers' markets or other consistent sales conducted on the subject property. The applicant has stated that a portion of the farmland would be leased to a local farming non-profit. If this is the case, then several third parties will be on the land frequently. While the farmers coming to the subject property are expected to take the bus or engage in ridesharing, there may be circumstances in which additional vehicles beyond the applicant's own will be parked on the subject property. The applicant has identified the neighboring property at 3040 North 10th Street for possible additional off-street parking for this use. Either a notarized parking agreement must be recorded with the Register of Deeds for this arrangement, or some other additional off-street, on-site parking must be provided in order to satisfy this factor.

PREVIOUS ACTIONS

- COZ2022-017, a simultaneous Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District

- PLAT2022-011, a simultaneous Preliminary Plat for the combination of one (1) single-family lot
- SP2022-045, a simultaneous Special Use Permit to sell produce and farm goods grown on site

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compatibility of Uses
Driveway and Parking
Erosion Control
Historic District Certificate of Appropriateness
Livestock
Noise, Vibrations, and Dust
Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-017**, subject to:

1) **Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**

8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-045**, subject to:

1) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
2) **Any additional violations created in the development process must receive a separate variance;**
3) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
4) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
5) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
6) **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;

7) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
8) **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;**
9) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
10) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
11) **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;**
12) **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
13) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the**

approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

14) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
15) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
16) **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-017 and SP20922-045,** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Preliminary Plat of 3015 and 3020 North Baltimore Street
Site Plans of 3015 and 3020 North Baltimore Street
Landscaping Plans of 3015 and 3020 North Baltimore Street

Examples of Proposed Land Uses and Structures, Submitted by the Applicant
Proposed Primary Residence Elevations
Proposed Primary Residence Floor Plan
Comparison of Nearby Residential Architecture
Applicant's Produce Safety Alliance Certificate of Training
Excerpts from the Northeast Area Master Plan
Wyandotte County Conservation District Letter, Dated April 14, 2022
Staff Site Visit Photographs, Dated April 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Board of Commissioners
Public Hearing		
Change of Zone	June 13, 2022 Approval	June 30, 2022
Preliminary Plat	June 13, 2022 Approved	Not required
Special Use Permit	June 13, 2022 Approval	June 30, 2022

STAFF CONTACT: **Michael Farley**
mfarley@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-017** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-017** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-045** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-045** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:30:25:

CHANGE OF ZONE APPLICATION COZ2022-017 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct a single-family residence with urban farming at 3015 and 3020 Baltimore Street.

SPECIAL USE PERMIT APPLICATION SP2022-045 – KALLA MCLAUGHLIN WITH CITY BEAUTIFIUL ENTERPRISE LLC - SYNOPSIS: Home Occupation Special Use Permit to sell produce and farm goods grown on the property at 3015 and 3020 Baltimore Street.

PLAT2022-011 - KALLA MCLAUGHLIN WITH CITIY BEAUTIFIUL ENTERPRISE LLC - SYNOPSIS: Preliminary Plat for two (2) single-family lots at 3015 and 3020 Baltimore Street.

Detailed Outline of Requested Action: The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Kallie McLaughlin, applicant, 4000 Denton Road, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:37:54: Planning Director Hand stated that these three (3) applications are being heard in conjunction with BOZA2022-025 which was approved by the Board of Zoning Appeals earlier this evening. This is a Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District for agricultural purposes and a Special Use Permit to do canning, sales and homesteading agro-tourism on this site. He further stated for the applicant to live on the site a replat of two (2) parcels and some right-of-way and some utilities is also being considered. Director Hand stated that Ms. McLaughlin is employed by the Unified Government in the Planning + Urban Design Department. She was not in any meetings, discussions or have input for her applications in order to avoid a conflict of interest. This property is in the Parkwood Historic District and in the Northeast Area Master Plan. He stated that the applicant has a conservation plan and discussed tonight enhanced landscaping and screening and maintenance of tree stands to shield the adjacent neighbors from this development. Before the house is constructed, the applicant will be required to file a Certificate of Appropriateness before a building permit can be pulled and approved by the Landmarks Commission. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:39:45:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-017**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**
8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-045:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to

1) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
2) **Any additional violations created in the development process must receive a separate variance;**
3) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
4) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
5) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**

6) **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;**
7) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
8) **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;**
9) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
10) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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;**
11) **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;**
12) **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure**

to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

13) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
14) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
15) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
16) **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.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2022-011:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to **APPROVE** Passed: 9 to 0
Subject to:

1) **A Final Plat must be approved before the MCLAUGHLIN ADDITION may be filed;**
2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
3) **Any additional violations created in the development process must receive a separate variance;**
4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
7) **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;**
8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that 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) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
11) **Site improvements that include land disturbance activity on greater than one (1) 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, Sections 8-610 through 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; and,**
12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the**

approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

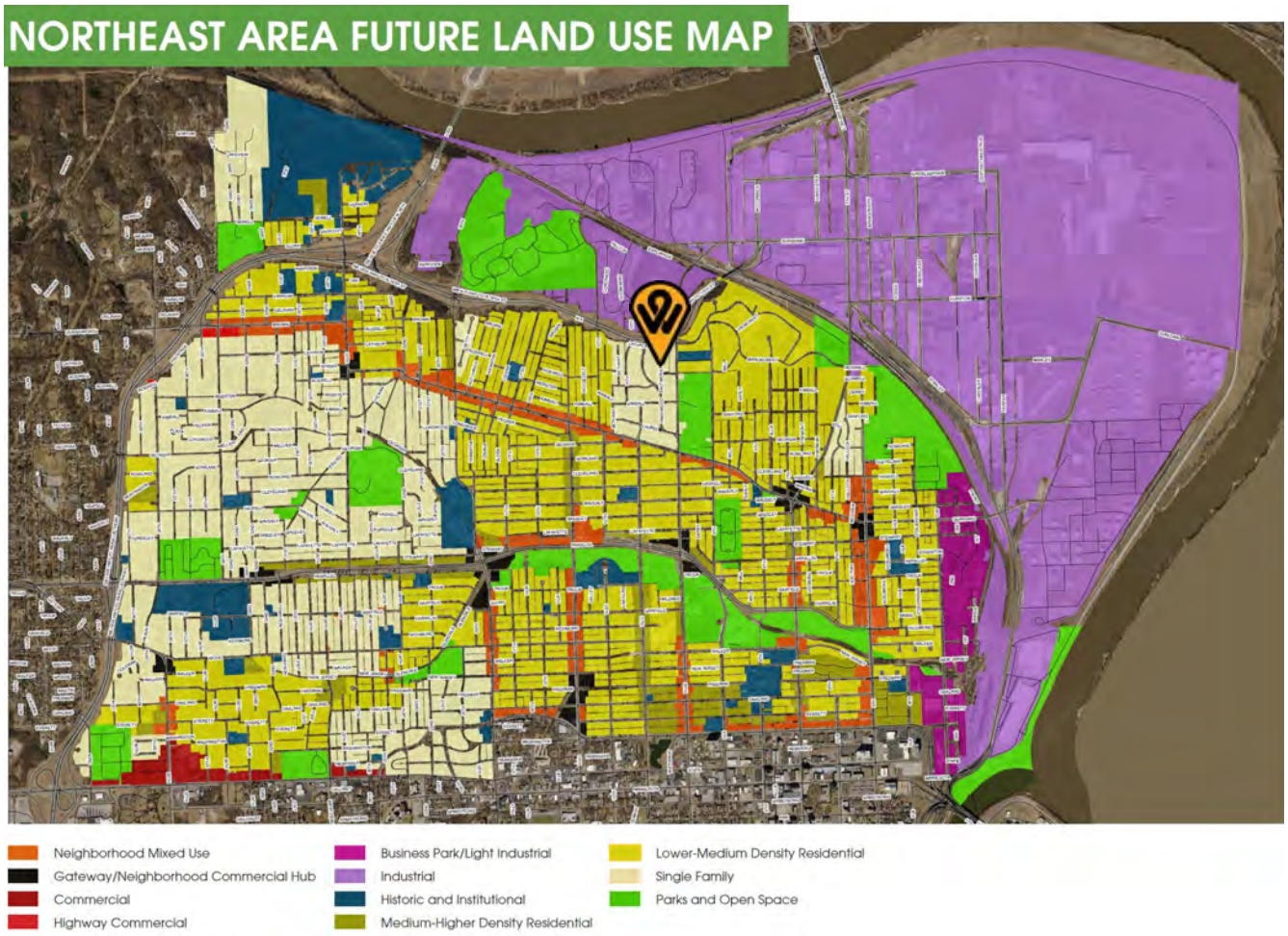
AERIAL MAP



ZONING MAP



LAND USE MAP


NORTHEAST AREA FUTURE LAND USE MAP
Neighborhood Mixed Use
Gateway/Neighborhood Commercial Hub
Commercial
Highway Commercial
Business Park/Light Industrial
Industrial
Historic and Institutional
Medium-Higher Density Residential
Lower-Medium Density Residential
Single Family
Parks and Open Space

CITY BEAUTIFUL
URBAN FARM

DEAR FUTURE NEIGHBOR,

April 7, 2022

You are receiving this letter as a property owner or designated interested party within 200 feet of the addresses of 3020 and 3015 North Baltimore, Kansas City, Kansas.

I am currently under contract with the Land Bank to purchase these addresses to start an Urban Farm and to build my home. Here are the applications that I am applying for:

- COZ2022-017 - Change of Zone from RP-5 Apartment District to AG Agricultural District
- BOZA2022-025 - Variance for Minimum Required Lot Size of an AG District, Variance for Minimum Required Home Square Footage
- SP2022-045 - Special Use Permit to sell produce and farm goods
- PLAT2022-011 - Plat to Combine the two lots together

Due to the pandemic, I am taking any feedback via phone call or email. My phone number is 785-477-1352 or you may reach me via email at ksukallie@gmail.com. Please submit any feedback by April 20th.

Sincerely,

Kallie McLaughlin

KALLIE MCLAUGHLIN
Owner

Hello Ms. Malabre,

Thank you for your email. I hope this answers your questions but if not please let me know.

1. What is the anticipated date construction is to begin and be completed?
I am hoping to get started on construction this summer, mid June or early July. The public hearing process and final publication will take me until mid June, and after that I am just waiting on my building plans to get approved to get on a construction schedule. The house is small, and shouldn't take but about 4-6 months to complete. I hesitate to make those timelines definite as the supply of materials hasn't been steady and last I knew, windows were 12 weeks from order to delivery. I am also waiting on some reviews and certifications, as I am trying to build this home to meet energy and environmental criteria. I want to be done and fully moved in before winter weather, and ideally I'd be in by Thanksgiving at the latest.

2. Will there be disruption of traffic flow on Roswell?
This project is relatively small and crews working on the building will likely park in the grass in front of the home. Currently the resident at 2929 N. Baltimore uses this as parking for his friends and family who visit. I anticipate 2-5 trucks or vans parked in that space depending on the trade. For instance, my framing may need a few trucks for lumber but all my electrician needs is his single van. Generally there should be little, if any, congestion or traffic disruption. I attached a picture to give you a better idea.

3. How will access to the property be gained?
Access to the property will be gained off of Roswell. The front door will face Roswell Street and the driveway will be on the side of the home. I do not have a car and utilize bus stops, bikes, and ride shares, so there may not be a driveway put in immediately, but that is how it is being pre-planned so that I may have visitors.

4. What type of produce will be grown and will there be animals ie. chickens, etc.?
The type of produce grown will vary largely on a few factors - soil nutrients, erosion control, and sunlight. I will grow a variety of produce, especially root veggies, berries, herbs, and greens. I love to cook, preserve, and can. I grew up with Amish, German, and Irish family members who practiced Victory Gardens and they have become family traditions. Additionally, I will produce larger quantities for resale in the Cultivate KC CSA box and for farmers markets. I'd like to test some uncommon heirloom varieties of some vegetables to try something new and be a little unique from other growers. I plan on adding chickens for egg production and to decrease the amount of bugs in the property. They will be confined and there will be no roosters. After everything is more established, In a few years I may introduce a few more small size animals, but they will be for milk, meat, and to be an educational example of where food comes from, but they would be limited to small quantities and be small animals that are of "petting zoo" size.

Please let me know if there's anything else I can answer as I would be happy to do so.



Good Morning Dorothy!

Thanks for copying me to the other neighbors. It would be great to start networking with others in the area to pool resources. I'm already doing some of that as an unofficial pet project at work and have some great contacts. I know this property would need quite a bit of work to really reach its full potential but would be worth it in the long run and I'm sure I'll see neighbors more and more as I get it developed (if the project is approved).

I drove by the church at 10th and Manorcrest, but according to records it is now owned by a single person and is no longer a church. I would love to have a parking agreement with them though for a future farmers market or farm tour once everything is up and running. I also saw a "Disciple Garden" further north on 10th run by St. Lukes, but it looks like it might not be maintained. I'll have to check it out too!

Thanks again for your emails. Hope to meet some of you soon!

Kallie McLaughlin

Hi Dorothy,

Thanks for reaching out, I wasn't sure how active Parkwood Colony was so I'm happy to see its still active. I am planning on attending the neighborhood clean up on Friday with my co-workers, so if you are there perhaps we can run into each other.

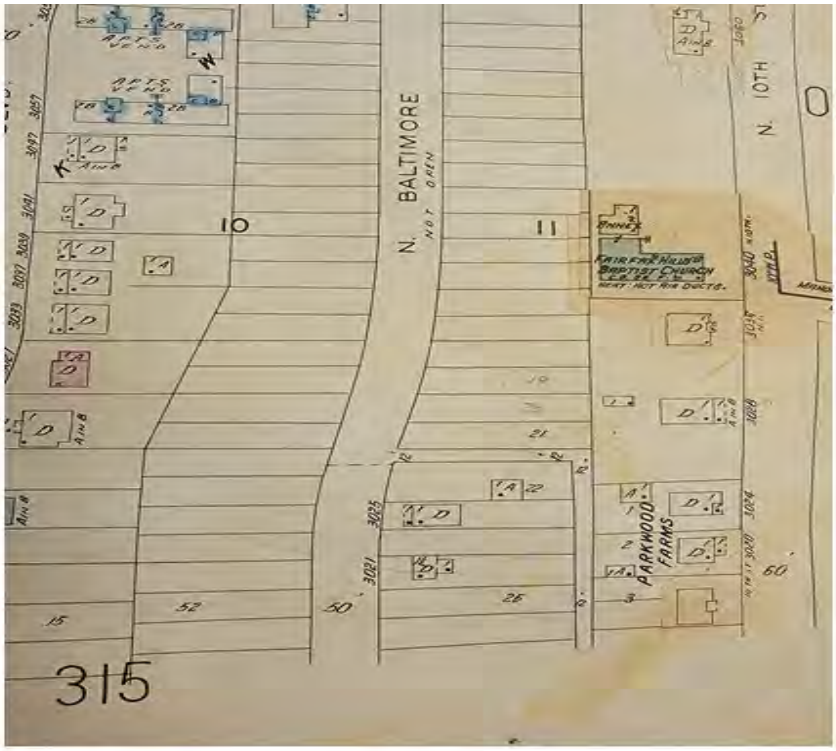
Because of my line of work, I have access to some maps and other tools that may answer your rumor about someone living on the property at some point in the past. There was a small home with a garage at 3025 N. Baltimore and another at 3021 that was accessible off North Baltimore before it eroded away. I found those on the Sanborn Fire Insurance Maps although theres no evidence of them now when walking the property. Here are some historic images for you to look at:

1959:



1963





As far as my plan moving forward, It will be a few years before I can really get this property developed and in the shape it needs to be since it has been neglected. I have a landscape architect that I will be working with as well as with the conservation district on erosion and soil mitigation. It will most likely be a combination of permaculture/landscaping and some artificial soil barriers like retaining walls. If the Change of Zone application is approved, I hope to qualify for some grant funding as Agriculture designation opens up more opportunities and I expect some of this to be expensive. I think it will definitely take a few years for everything to begin growing in and take root.

I think the best way to describe building the house and fixing the site is that it will be a "broken egg stage of the omelet." It will be a little hectic at that intersection while I build a new home, but that will be temporary. I'm proposing a small home, partly for necessity (I'm single with no kids), partly for cost (building is expensive) and also for speed of construction. I do work for the UG, so I have a timeline to relocate or else I lose my job. The smallest houses in the UG are 252, 258, 260, and 288 square feet. I'm not going quite that small but will be somewhere around 500 feet. I'd like to stay here, as I love the work that I do as a public servant. Additionally, I've located some infrastructure issues on this site, particularly with the power lines on the property. They are currently sinking into the ground and falling over as a result of the erosion, and I've reached out to BPU engineering to begin working on a plan, but they will not begin working on the project until the property transfers to my name (it's currently a landbank property until these applications are approved.) These power lines are a hazard waiting to happen, whether I am building there or not. I'm not sure what the solution will be or how quickly it will be addressed, but it's on the task list. As far as any other site work or utilities, I am working on being as close to "off grid" as possible. Some of that is for environmental reasons and some of it is because the infrastructure is aging. I'd like to not span utilities under areas where I would want to dig for planting produce for safety reasons and to prevent soil contamination. This should also minimize the amount of land and site disturbance for neighbors as well. I am working on plans with my architect right now, and if approved, I hope to be built and living in the home by fall.

As for farming programming, I have a few goals for the property. First, some erosion and clearing as mentioned earlier. I will attach a few images at the bottom to better illustrate. The majority of the property will be produce, but I did plan on introducing some small livestock, particularly animals that are smaller in scale and neighborhood friendly. I want to have some "open house" events where neighborhood kids could visit and see where food comes from so anything introduced would need to be "kid friendly" and easily managed. That would be a few years down the road after the property is more established. I hope to form a parking agreement with the church on 10th street and share their parking lot, which does require planning commission approval, so again that is a few years down the road. I may bring over my chickens from my current residence in KCMO right away, of which there are 12 (no roosters), but those are for personal consumption. I currently work with CulivateKC and The Kansas City Farm School on Gibbs Road who will be assisting with what produce will be grown where, as there are some challenges with water/shade. I have a FSMA Certificate (the KS Dept of Ag Requirement for safe handling of farm produce and staff supervision) and I am waiting on acceptance to the K-State Graduate Program for Urban Food Systems. Any large-scale produce processing into goods (salsas, etc) will be done at a commissary kitchen off-site, which is a licensed commercial kitchen that rents space to tenants. I also retain a Class A General Contractor licensing credential for the State of Kansas and I am working on my LEED Certifications for Building, Construction, and Neighborhood design.

I apologize for the lengthy email, but I wanted to provide you with as much information as possible since I believe you will get most of the correspondence from neighbors. Please feel free to ask me any other questions.

Thank you,

K. McLaughlin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Kalla Mclaughlin, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 2022-017 SP2022-025 BOZA2022-025 Plat 2022-011.
2. That I conducted a neighborhood meeting on through 4/20/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

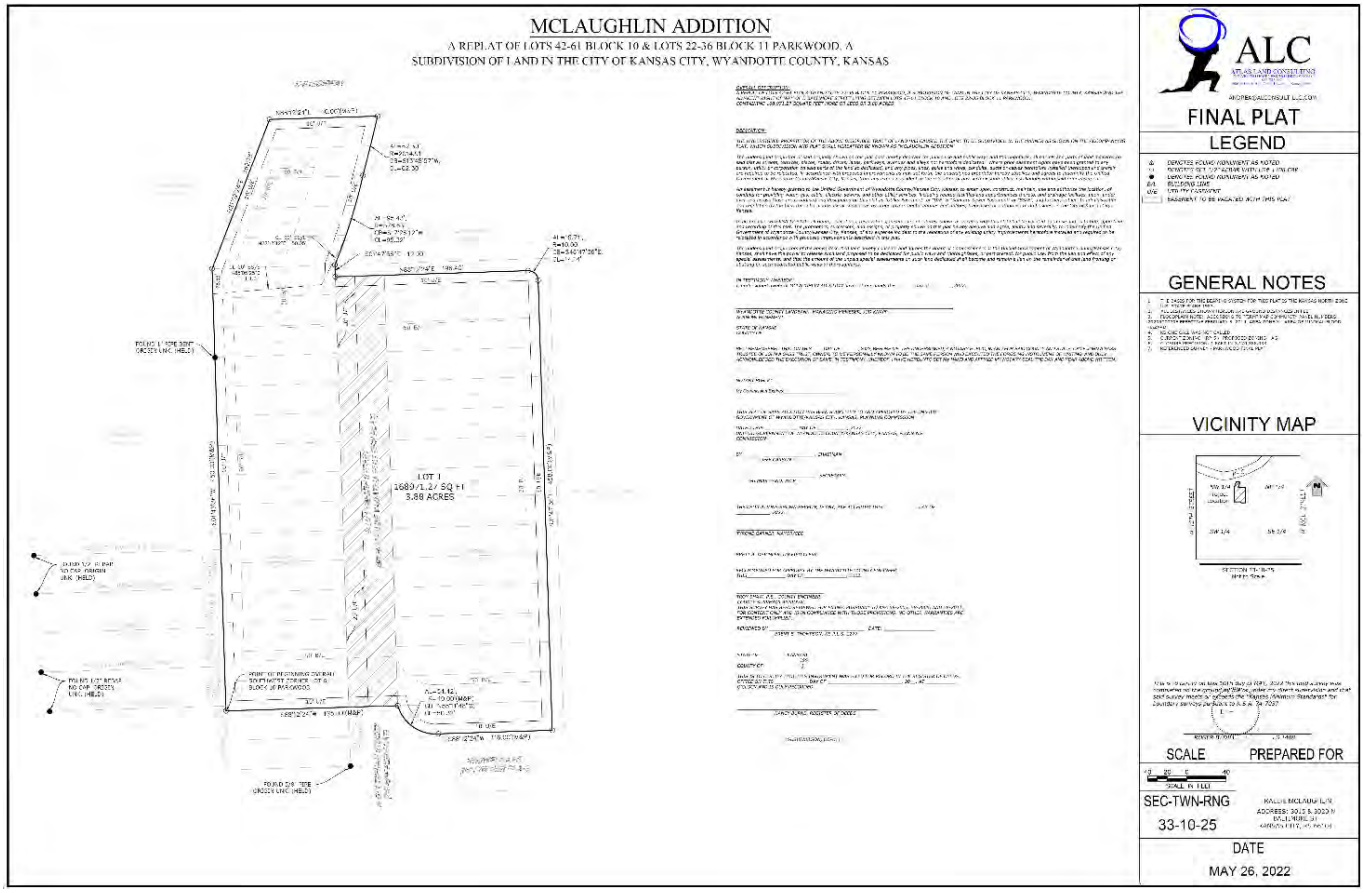
Affiant

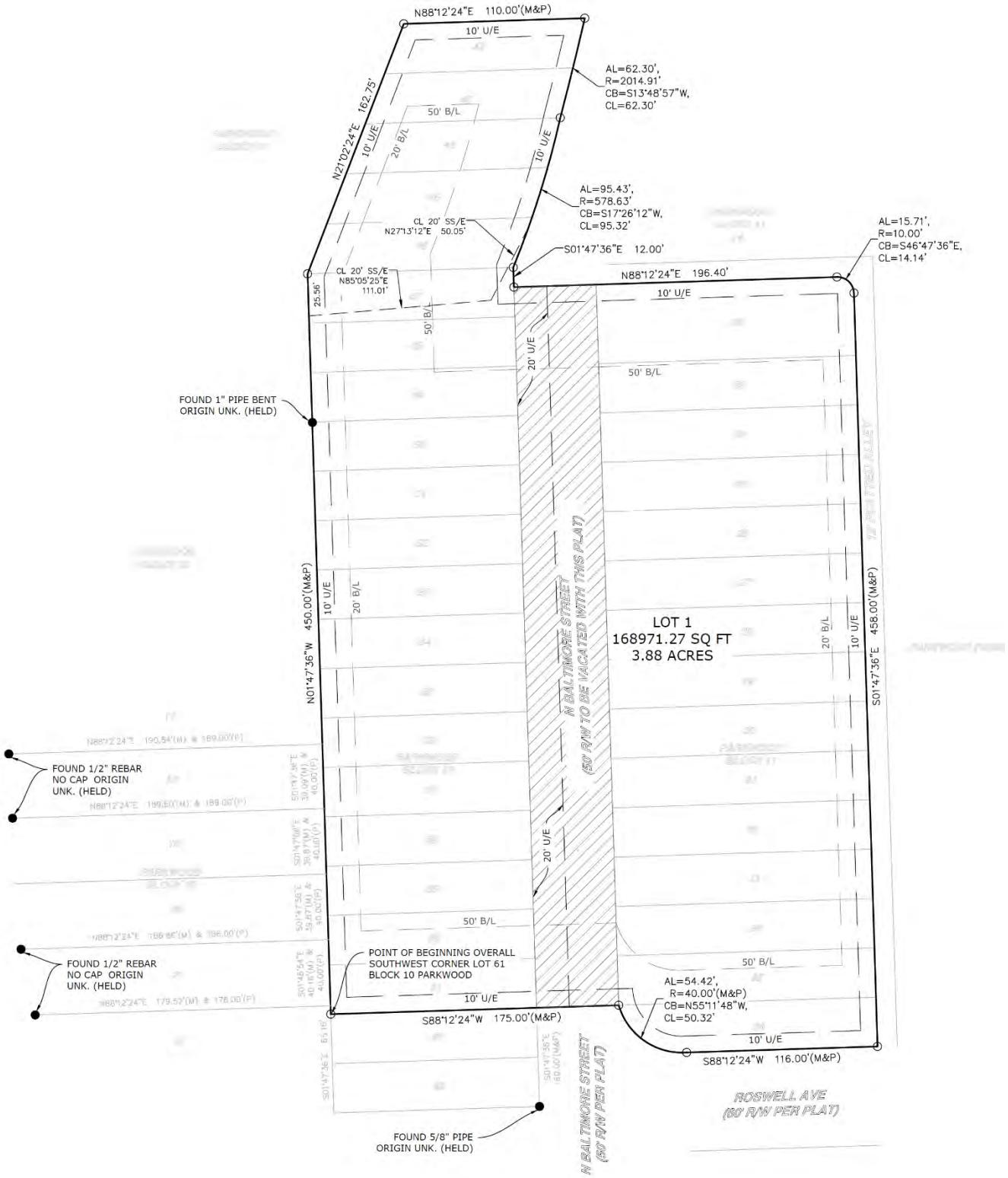
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____. 20__.

My commission expires _____ of _____, 20__.

Notary Public

PRELIMINARY PLAT OF 3015 AND 3020 NORTH BALTIMORE STREET




N88°12'24"E 110.00'(M&P)
10' U/E
AL=62.30',
R=2014.91'
CB=S13°48'57"W,
CL=62.30'
N21°02'24"E 162.75'
50' B/L
20' B/L
10' U/E
AL=95.43',
R=578.63'
CB=S17°26'12"W,
CL=95.32'
CL 20' SS/E
N27°13'12"E 50.05'
S01°47'36"E 12.00'
AL=15.71',
R=10.00'
CB=S46°47'36"E,
CL=14.14'
CL 20' SS/E
N85°05'25"E
111.01'
25.56'
N88°12'24"E 196.40'
FOUND 1" PIPE BENT
ORIGIN UNK. (HELD)
N01°47'36"W 450.00'(M&P)
LOT 1
168971.27 SQ FT
3.88 ACRES
S01°47'36"E 458.00'(M&P)
N BALTIMORE STREET
(60' R/W TO BE VACATED WITH THIS PLAT)
FOUND 1/2" REBAR
NO CAP ORIGIN
UNK. (HELD)
FOUND 1/2" REBAR
NO CAP ORIGIN
UNK. (HELD)
POINT OF BEGINNING OVERALL
SOUTHWEST CORNER LOT 61
BLOCK 10 PARKWOOD
AL=54.42',
R=40.00'(M&P)
CB=N55°11'48"W,
CL=50.32'
S88°12'24"W 175.00'(M&P)
S88°12'24"W 116.00'(M&P)
FOUND 5/8" PIPE
ORIGIN UNK. (HELD)
N BALTIMORE STREET
(60' R/W PER PLAT)
ROSWELL AVE
(60' R/W PER PLAT)

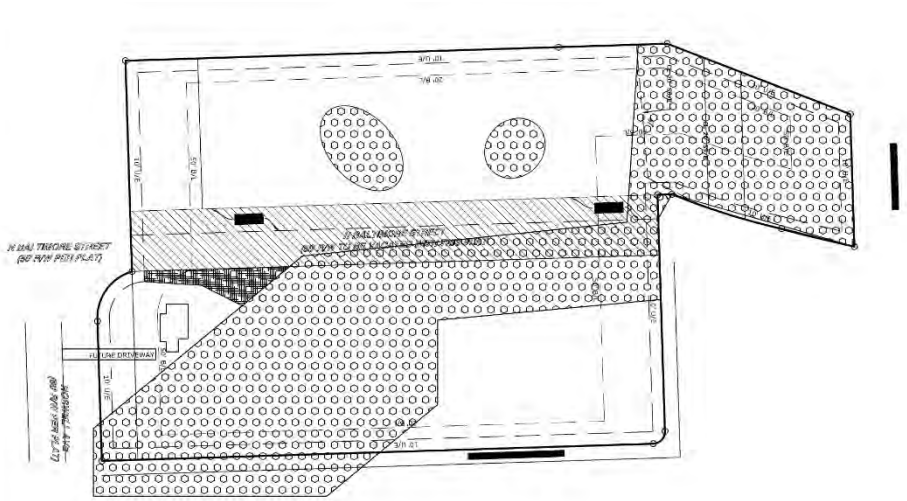
SITE PLANS OF 3015 AND 3020 NORTH BALTIMORE STREET



Homesite and AG Uses

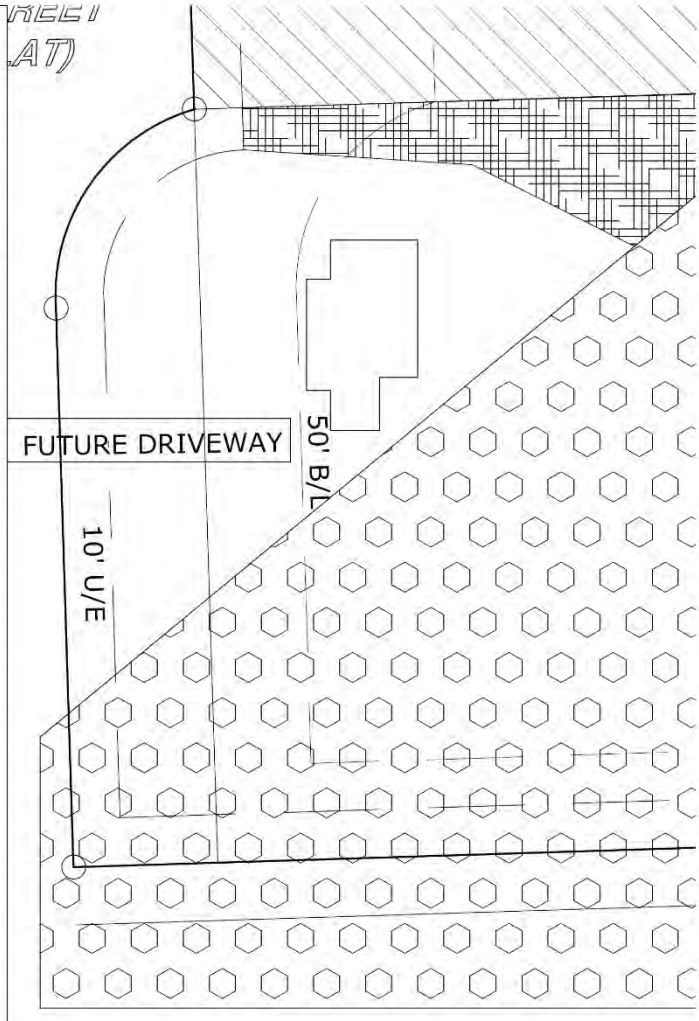
1 OVERALL SITE PLAN
NO SCALE

NOTE: THE SITE PLAN HERE IS TO SCALE, PER ATTACHED PLAT. SITE PLAN HAS BEEN PROVIDED HERE FOR REFERENTIAL PURPOSES AND TO PROVIDE THE LAYOUT STAKING PLAN FOR CONSTRUCTION.

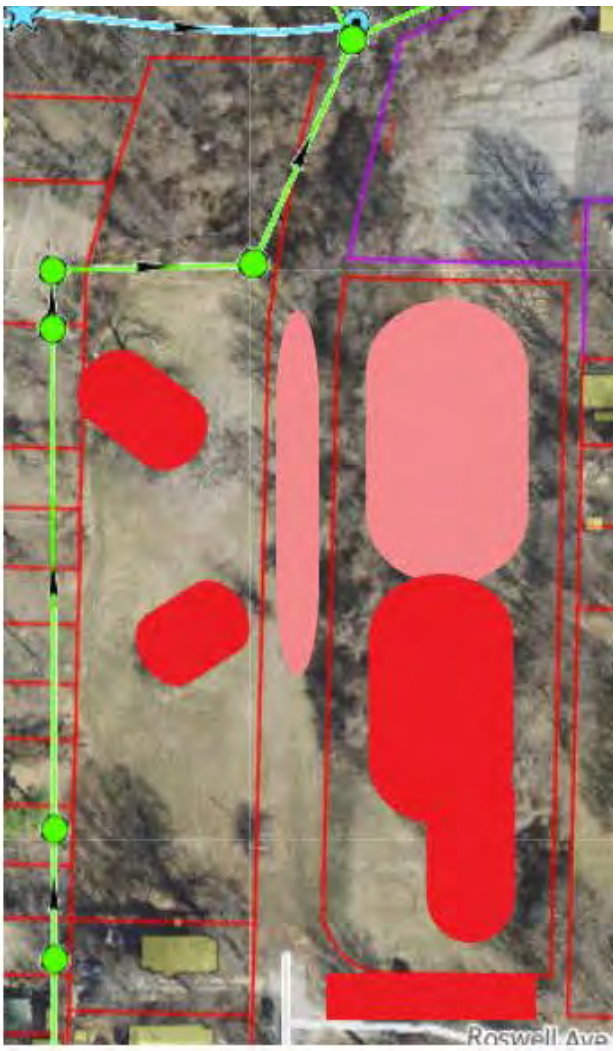


2 OVERALL SITE PLAN
NO SCALE

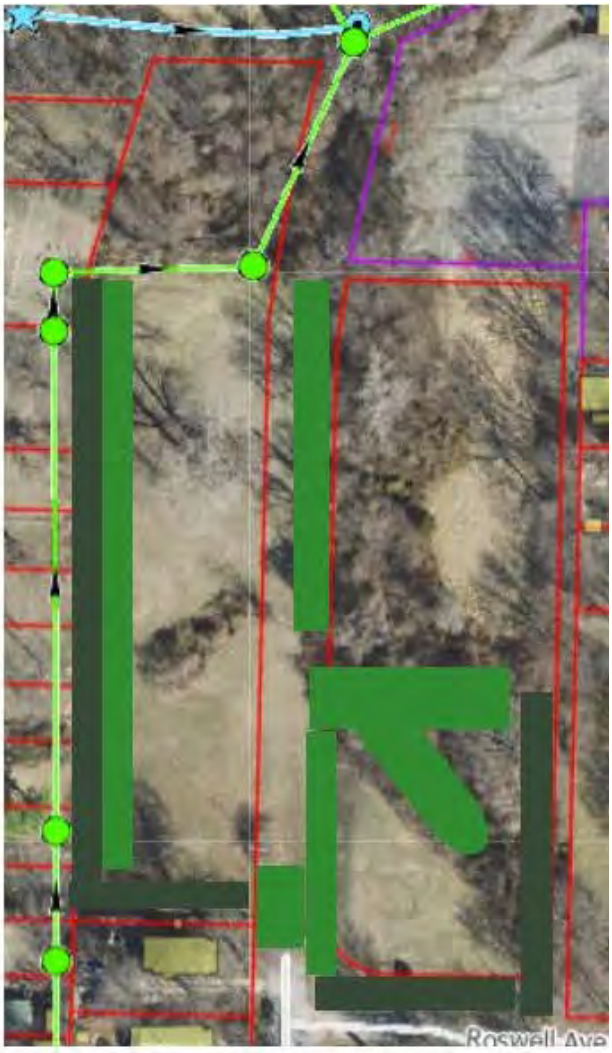
NOTE: THE SITE PLAN HERE IS TO SCALE, PER ATTACHED PLAT. SITE PLAN HAS BEEN PROVIDED HERE FOR REFERENTIAL PURPOSES AND TO PROVIDE THE LAYOUT STAKING PLAN FOR CONSTRUCTION.



LANDSCAPING PLANS OF 3015 AND 3020 NORTH BALTIMORE STREET



Landscape Demo



Re-grade and Permaculture

EXAMPLES OF PROPOSED LAND USES AND STRUCTURES, SUBMITTED BY THE APPLICANT

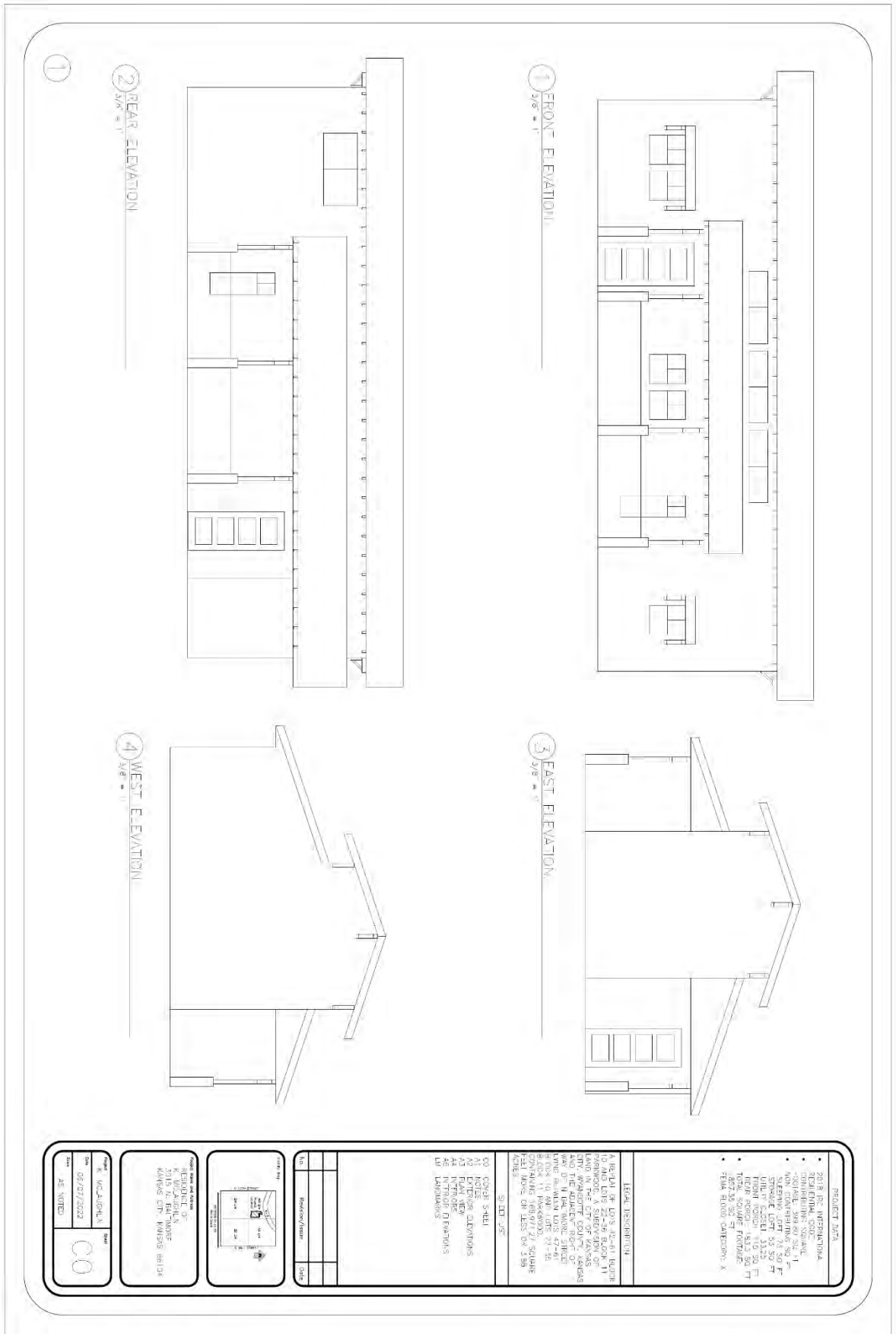




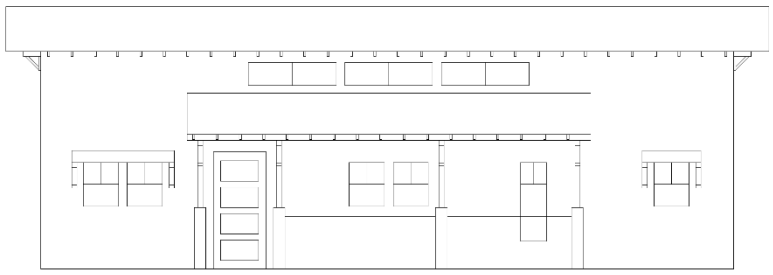




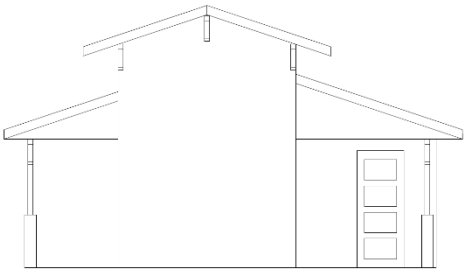
PROPOSED PRIMARY RESIDENCE ELEVATIONS



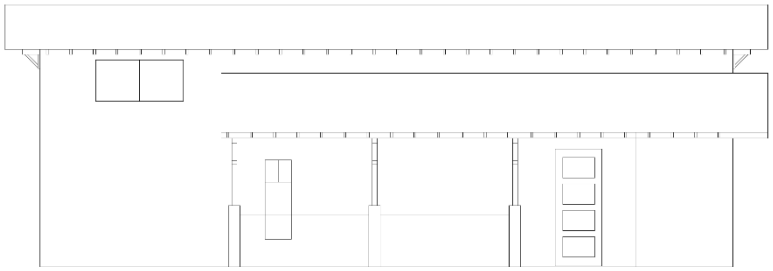
PROPOSED PRIMARY RESIDENCE ELEVATIONS, CONT.



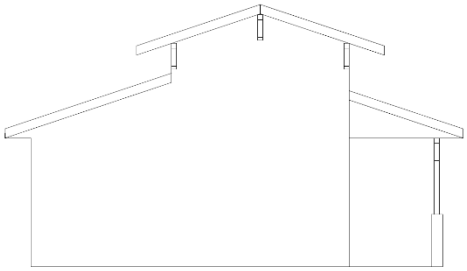
1 FRONT ELEVATION
3/8" = 1'



3 EAST ELEVATION
3/8" = 1'



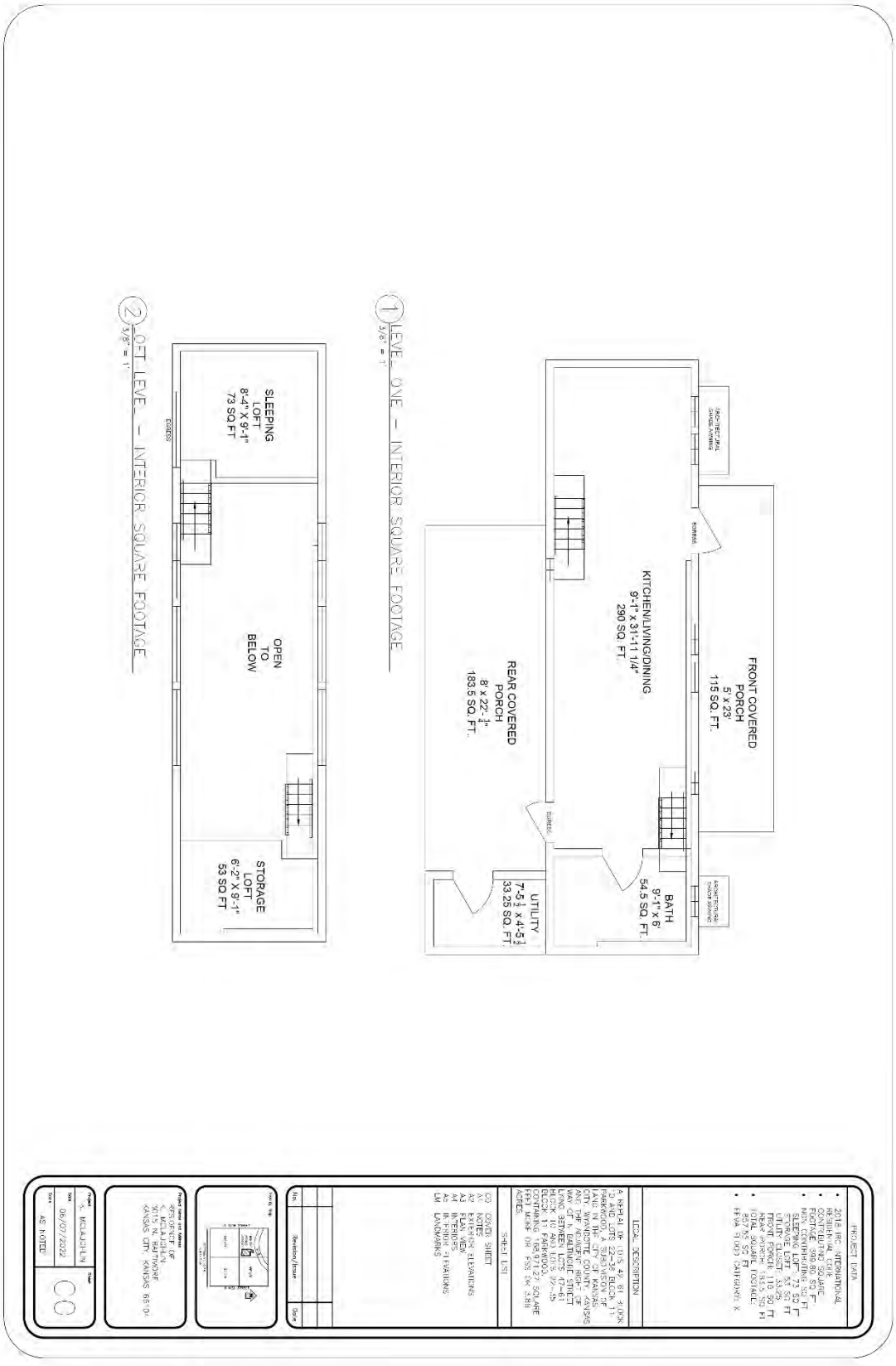
2 REAR ELEVATION
3/8" = 1'



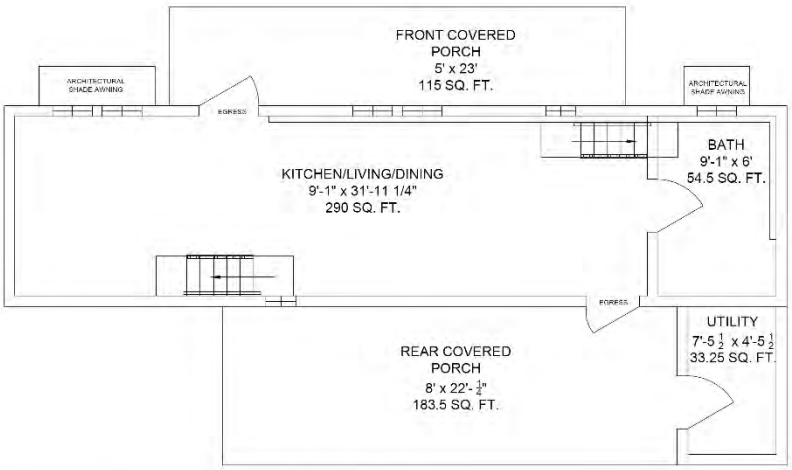
4 WEST ELEVATION
3/8" = 1'

1

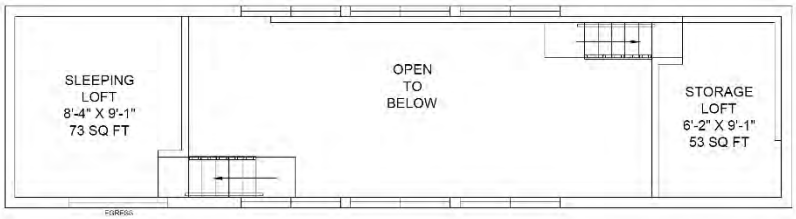
PROPOSED PRIMARY RESIDENCE FLOOR PLAN



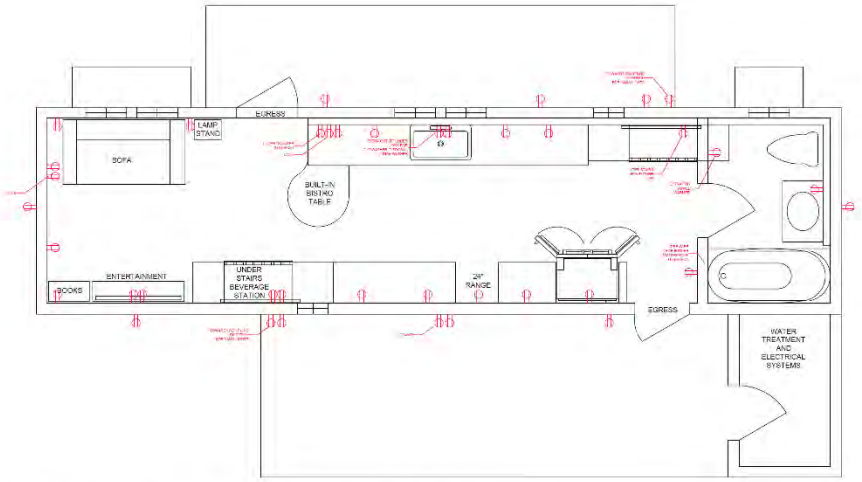
PROPOSED PRIMARY RESIDENCE FLOOR PLAN, CONT.



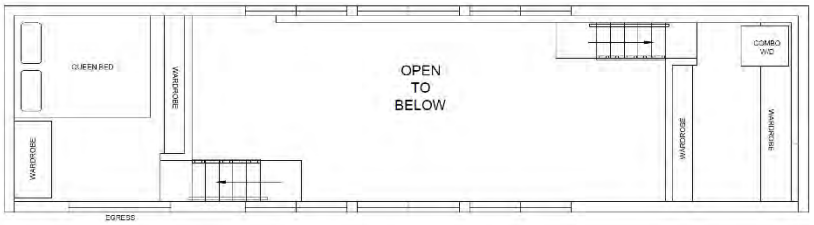
1 LEVEL ONE – INTERIOR SQUARE FOOTAGE
3/8" = 1'



2 LOFT LEVEL – INTERIOR SQUARE FOOTAGE
3/8" = 1'



1 LEVEL ONE – INTERIOR FIXTURES & FURNITURE
3/8" = 1'



2 LOFT LEVEL – INTERIOR FIXTURES & FURNITURE
3/8" = 1'

COMPARISON OF NEARBY RESIDENTIAL ARCHITECTURE





Produce Safety
ALLIANCE

ASSOCIATION OF FOOD & DRUG OFFICIALS SINCE 1896

Certificate of Training

is awarded to

Kalla McLaughlin

in recognition for having successfully completed the Produce Safety Alliance course:

PSA Grower Training Course

Delivered by PSA Lead Trainers and/or PSA Trainers

Patrick Byers, Londa Nwadike, Zachary Hoppenstedt, Ariel Whitely-Noll, James Meyer, Justin Keay, Pat Miller

Steven Mandernach
Executive Director, AFDO

Elizabeth A. Bihn, Ph.D.
Produce Safety Alliance Director

Class Number
MO-220125-GRRD
Grower ID Number
194781
Training Date and Location
1/25/2022–1/27/2022
Remote Delivery Course

COMMUNITY GARDENS & FARMS

PROJECT DESCRIPTION

- The Northeast Area is already home to an array of urban gardens and farms, which serve to connect residents to healthy food options, prevent food insecurity, create job and volunteer opportunities, build community and provide green space.
- Establish an online database and forum through which organizers, residents and organizations can manage garden and farm maintenance, share information regarding local events, services, programs, volunteer opportunities and advocacy issues relating to local community gardening and farming.
- Identify areas of potential growth in area and capacity for existing community gardens and farms.
- Market and distribute educational material on the Environmental Quality Incentives Program (EQIP) On-Farm Energy Initiative, which helps farmers make voluntary improvements that can boost energy efficiency on the farm.
- Market and distribute educational material on the North Central Region Sustainable Agriculture Research and Education (NCR SARE) programs, which help support sustainable agriculture efforts.
- Work with local retailers and seek other opportunities to brand and sell produce grown in the Northeast Area.
- Plant micro-orchards on vacant and underutilized land, avoiding areas of future redevelopment. Grow in raised bed or ensure that soil is safe for food growth through testing and, if necessary, remediation.
- Assess and adjust zoning regulations to encourage desired agricultural activities where appropriate.

POTENTIAL PROJECT PARTNERS

- Cultivate Kansas City
- Juniper Gardens Training Farm
- Kansas City Community Gardens
- Wyandotte Health Foundation
- Grocery Access Task Force
- Community Health Council of Wyandotte County
- Dotte Agency
- NourishKC, formerly Episcopal Community Services
- Health Communities Wyandotte
- K-State Research and Extension
- Kansas City Kansas Community College
- Camp Carver
- Salt of the Earth Farm
- J-14 Agricultural Enterprises
- Isaac Eugene Jefferson (IEJ) Farms

POTENTIAL PROJECT FUNDING OPPORTUNITIES

- Kansas Health Foundation Grants
- Health Care Foundation of Greater Kansas City Grants
- Greater Kansas City Community Foundation Grants
- USDA Food Insecurity Nutrition Incentive
- USDA Farm to School Grants
- United Way
- EQIP
- NCR SARE

EVALUATION CRITERIA

- Community garden and farm land area growth
- Increase in volume and sales of locally grown produce
- Improvement in resident health indicators









RESTAURANT & FOOD BUSINESS INCUBATOR

PROJECT DESCRIPTION

- Survey residents and businesses in the area to determine feasibility, business model, demand and types of facilities and equipment needed.
- Identify site and pursue for-profit or non-profit operator of community kitchen and/or restaurant incubator.
- Explore shared use of existing commercial kitchens.
- Through kitchen and incubator, provide low-cost access to licensed kitchens and professional-grade equipment.
- Make connections with local and regional farmers, suppliers and customers.
- Provide community college course offerings.
- Host monthly cooking and business workshops and one-on-one entrepreneur advising.

POTENTIAL PROJECT PARTNERS

- K-State Extension
- Kansas University School of Business
- Kansas City Kansas Community College
- NourishKC, formerly Episcopal Community Services
- Historic Northeast-Midtown Association (HNMA)
- Dotte Agency
- Cultivate Kansas City
- Wyandotte Economic Development Council
- Northeast Economic Development Council
- Young Women on the Move

POTENTIAL PROJECT FUNDING OPPORTUNITIES

- Kansas Health Foundation Grants
- USDA Farm to School Grants
- US SBA Growth Accelerator Fund
- Health Care Foundation of Greater Kansas City Grants

EVALUATION CRITERIA

- Development of community kitchen and/or restaurant incubator in the Northeast Area
- Resident participation in community kitchen and/or restaurant incubator
- Increase in new business licensing associated with community kitchen and/or restaurant incubator
- Increase in local sales tax revenue








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

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

April 12, 2022

RE: COZ2022-017, PLAT2022-011, SP2022-045 and BOZA2022-025 Kalla McLaughlin RP-5 to A-G for single family residence with urban farming at 3015 and 3020 Baltimore Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-017, PLAT2022-011, SP2022-045 and BOZA2022-025 Kalla McLaughlin RP-5 to A-G for single family residence with urban farming at 3015 and 3020 Baltimore Street.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 12 to 18 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- We didn't receive detailed information as to what urban agriculture was being planned. To provide more complete evaluation, we need to know what type of urban agriculture will be done on the property.
- Most of the area is steep and doesn't lend itself to much urban agriculture. Fruit trees would be a good alternative that would not cause a lot of erosion.

- Pasture is also an activity that could be looked into. If pastures are going to be used, then the trees need to be removed. It will take two years to get a good pasture established. A rotational pasture system can be planned to better utilize the resource.
- Fencing will be needed to keep livestock out of the drainage ways.
- A conservation plan and more options can be discussed on the acreage with the landowner through our office.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Soil Map—Wyandotte County, Kansas
(3015 & 3020 Baltimore)



USDA Natural Resources Conservation Service | Web Soil Survey National Cooperative Soil Survey | 4/8/2022 Page 1 of 3

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	0.3	8.8%
7956	Knox silt loam, 12 to 18 percent slopes	3.5	91.0%
9984	Made land	0.0	0.2%
Totals for Area of Interest		**3.8**	**100.0%**

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7955—Knox silt loam, 7 to 12 percent slopes

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Dwellings and Small Commercial Buildings–Wyandotte County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7956—Knox silt loam, 12 to 18 percent slopes							
Knox	90	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Shrink-swell	0.91	Shrink-swell	0.76	Shrink-swell	0.91
9984—Made land							
Arents	100	Not rated		Not rated		Not rated	

STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022



Above, Right, and Below: Various views of the subject property, facing north. Note the downward slope of the terrain from south to north, as well as the high ridges along the east and west sides, effectively creating a bowl-like effect.

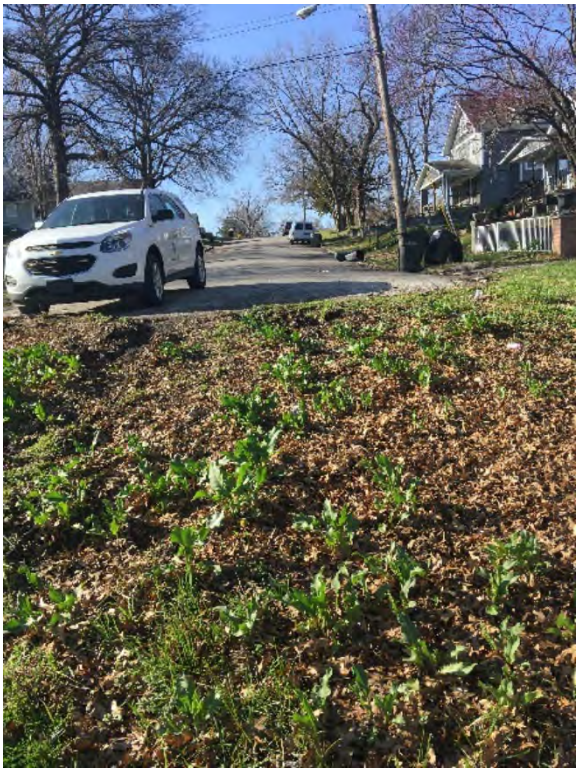






Above: View of the southern boundary of the subject property, facing the North Baltimore Street and Roswell Avenue rights-of-way.

Below: Closer view of the southern boundary of the subject property, with North Baltimore Street visible.



STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022, CONT.





Above: Views of the western boundary of the subject property and the adjacent residences.

Below: Views of the eastern boundary of the subject property.





Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
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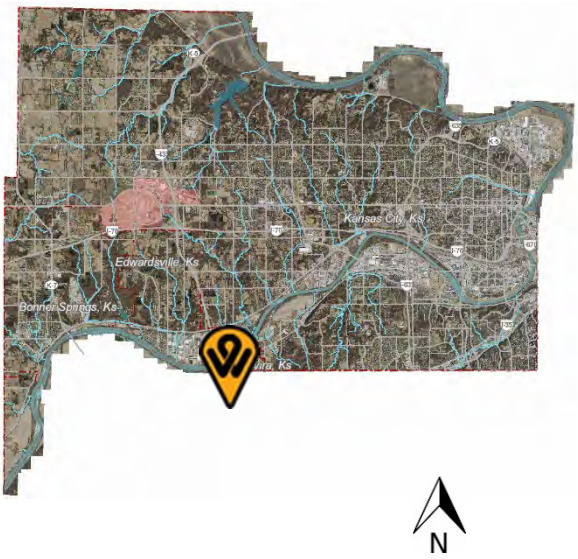
To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **SP2022-047**

GENERAL INFORMATION



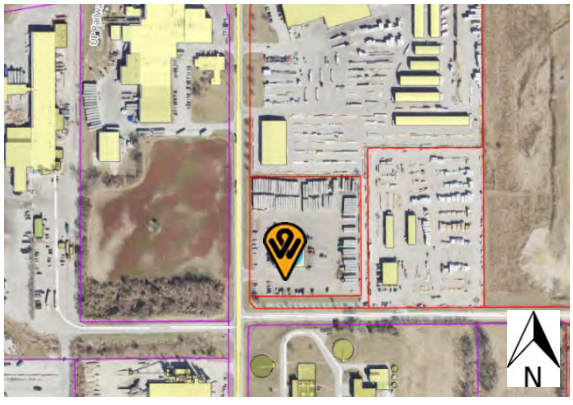
Applicant:
Manjit Kaur
DBA City Truck & Tire Repair

Status of Applicant:
Tenant/Applicant
7020 Cottonwood Drive
Shawnee, Kansas 66216

Requested Action:
Approval of a Special Use Permit

Date of Application:
March 25, 2022

Purpose:
The approval of a Special Use Permit for Auto Sales.



Property Location:
2205 South 88th Street
Kansas City, Kansas 66111

Commission District:

Commissioner At Large, District #2:
Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:
M-3 Heavy Industrial District

Adjacent Zoning:	**North:**	MP-3 Planned Heavy Industrial District
	South:	R-1 Single Family Residential and M-3 Heavy Industrial Districts
	East:	MP-3 Planned Heavy Industrial District
	West:	M-3 Heavy Industrial District
Adjacent Uses:	**North:**	Concrete Materials Plant
	South:	Public Utility Station
	East:	Lumber Company
	West:	Lubrication Manufacturing Plant

Total Tract Size: 5.0005 Acres

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use.

Major Street Plan: The City-Wide Master Plan designates this tract of Kaw Drive as Class A Thoroughfare and this tract of South 88th Street as a Class C Thoroughfare.

Required Parking: Section 27-470(f) states that parking requirements for this district varies with no less than one (1) space for each 500 square feet of building proposed. The subject property has one building with 11,882 square feet requiring 24 parking spaces. A site plan has been provided showing 139 parking spaces, exceeding this requirement.

Advertisement: The Wyandotte Echo – April 14, 2022
Letters to Property Owners – April 15, 2022

Public Hearings: June 13, 2022 and June 30, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Manjit Kaur DBA City Truck & Tire Repair, is requesting a Special Use Permit for the operation of an automotive sales facility as a tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The applicant currently operates at 6666 Inland Drive.

This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-041.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The applicant has had no noise or disturbance complaints at the subject property. There were multiple calls for police disturbance although they were with other tenants or during periods of vacancy.
    a. 2021: 2021-00084150 - theft
    b. 2020: 2020-00142340 – criminal damage
    c. 2020: 2020-00135642- theft
    d. 2020: 2020-00055412- theft
    e. 2020: 2020-00044437- theft
    f. 2020: 2020-00006702- theft
    g. 2020: 2020-00006702 – criminal damage
    h. 2020: 2019-00093026- theft
    i. 2020: 2019-00007868- theft

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had two (2) code enforcement cases:
    a. 2012: 13212-01370 – Tall grass on the vacant part of the property (closed)
    b. 2012: 12212-00977 – Weeds

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits or planning cases at the subject property within the last 10 years.
    a. 2020: 12212-00977 – Business Occupancy – Completed/Closed

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The neighborhood is transitional in nature from the industrial uses and residences on the north and south of Kaw Drive. The subject property is surrounded by uses that are of similar industrial nature and used for industrial purposes, with a large-scale industrial and rural feel. Residences across Kaw Drive are large lots with deep setbacks and are typically greater than two (2) acres.

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

   The zoning uses of the nearby properties are set out above. Other uses in the area include manufacturing plants of hazardous, noxious, or of an unsightly nature. Automotive sales are not prohibited, although automotive sales requires a Special Use Permit to operate. The proposed development should not impact the Class C Thoroughfare's ability to accommodate it as the same type of vehicles will be used for the operation.

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

   The property is suitable for automotive sales if managed properly. It has historically been used as a fleet sales repair shop with the prior tenant relocating in January 2022.

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

   The property is currently vacant with the last tenant relocating prior to the rental listing in January, 2022. The property owner purchased the property in 2012.

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

   Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use. The subject property is currently a heavy industrial use, and its land use is not changing with this plans review, therefore the subject property maintains a high degree of conformance to the Master Plan.

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

   The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class C Thoroughfare or the adjacent Class A Thoroughfare, however vehicle sales could result in overcrowding especially when combined with the storage of vehicles, operable or inoperable, as requested with the additional application of heavy truck and automotive repair.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the property for sales purchases. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses if managed appropriately.

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

   Noise, vibration, illumination, and environmental hazards are not foreseen to be issues that may be associated with the operation of an automotive sales business. Automotive sales is ostensibly conducted during daytime hours and surrounding businesses are generally operating on all shifts during all days of the week.

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

   The applicant is not proposing any new structures or activity with automotive repair that would cause undue pollution to natural resources.

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

    The subject property is within a built-out mixed-use industrial area and its continued operation would not damage or destroy an irreplaceable natural resource if managed properly.

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

    The relative public gain is negligible, as the operation of an automotive sales shop is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a potential tenant and experience loss of rental income before finding another tenant.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately, however, it could become an issue when combining sales with the adjacent applicant's desire to perform automotive repair. The subject property has an off-street parking lot with an unknown amount of spaces. There is no foreseen problem with undue concentrations of population, if managed appropriately, but the total occupancy should be reflected as an aggregate among both tenants and needs additional review.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of June 5, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Dust and Noxious
Automotive Use
Building Materials
Fencing
Floodplain Hazards

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-047**, subject to:

1. **Please provide an inventory of all structures and their status with LOMR-F;**
2. **The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty**

(20%) percent, a traffic impact study shall be required;

7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
    a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
    b. **Construction with materials resistant to flood damage;**
    c. **Utilization of methods and practices that minimize flood damages;**
    d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
14. **New or replacement water supply systems and/or sanitary sewage**

systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;

15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that**
    a. **All such proposals are consistent with the need to minimize flood damage;**
    b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
    c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
    d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**
16. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
    c. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
        i. **Certificate of elevation shall be provided when the top of the first floor has been constructed.**
        ii. **Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).**
17. **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;**
18. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

19. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
20. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
21. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
22. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
23. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-047** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Flood Hazard Map
Plan Set
Neighborhood Meeting Information
Planning Engineering Comment Letters
Site Visit Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Special Use Permit	June 13, 2022 - Approval	June 30, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-047** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-047,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 3:57:45:

SPECIAL USE PERMIT APPLICATION SP2022-041 – HARIOT SINGH WITH ELITE MOTORS GROUP KC - SYNOPSIS: Special Use Permit for auto sales at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Hariot Singh DBA Elite Motor Group KC, is requesting a Special Use Permit for the operation of an automotive sales facility as a co-tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The automotive portion of the business involves the purchase of like-new vehicles for resale on a virtual platform without the regular or frequent presence of customers. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-047.

SPECIAL USE PERMIT APPLICATION SP2022-047 – MANJIT KAUR WITH CITY TRUCK AND TIRE REPAIR - SYNOPSIS: Special Use Permit for auto repair at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Manjit Kaur DBA City Truck & Tire Repair, is requesting a Special Use Permit for the operation of an automotive sales facility as a tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The applicant currently operates at 6666 Inland Drive. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-041.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this

application. No one responded in the affirmative.

Present in Support:

- Harjot Singh, applicant, 2205 South 88th Street, Kansas City, Kansas, 66111, representing both applications

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:01:37: Planning Director Hand stated that these two (2) special use permits are being heard together as these are two tenants co-locating in the same building at this address. These are two (2) separate businesses, and each requires its own special use permit. This property is in the Riverview neighborhood of the City-Wide Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The property is not in the floodplain but basically everything south of Kaw Drive is in the floodplain. He further stated that both projects need to comply with the Commercial Design Guidelines even though they are in an industrial district. Staff included conditions of approval from the Commercial Design Guidelines such as restriping the parking lot, enhanced landscaping, fixing some of the curbs and other improvements to the property. Staff would like to add a condition of approval that says it needs to meet the Commercial Design Guidelines and all of the things that are required by this type of special use permit use in the Code of Ordinances. All of the items in the Commercial Design Guidelines were not listed but can be picked up at the building permit stage. Staff recommends approval subject to the revised conditions.

Motion starts at 4:03:40:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-041:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Please provide an inventory of all structures and their status with LOMR-F;**
2. **The parking lot shall be restriped to demonstrate adequate parking for all**

tenants and combined uses. Deteriorating surfaces shall be repaired;

3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements,**

prefabricated structures, placement of manufactured homes, and other development:

a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
b. **Construction with materials resistant to flood damage;**
c. **Utilization of methods and practices that minimize flood damages;**
d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**

14. **New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;**
15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:**
    a. **All such proposals are consistent with the need to minimize flood damage;**
    b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
    c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
    d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**
16. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
    c. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
        i. **Certificate of elevation shall be provided when the top of the first floor has been constructed;**
        ii. **Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final**

inspection (TCO/CO);

17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
19. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
20. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
21. **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;**
22. **Compliance with the Commercial Design Guidelines to be reviewed at the DRC;**
23. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,

24. **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.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-047:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Please provide an inventory of all structures and their status with LOMR-F;**
2. **The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
3. **The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
4. **The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**
5. **Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
6. **Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
7. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
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 at (913) 573-5750 or**

signpermits@wycokck.org to begin this process;

9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
12. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
    a. **A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
13. **The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
    a. **Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
    b. **Construction with materials resistant to flood damage;**
    c. **Utilization of methods and practices that minimize flood damages;**
    d. **All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
14. **New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;**
15. **Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that**
    a. **All such proposals are consistent with the need to minimize flood**

damage;

b. **All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
c. **Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
d. **All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**

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    a. **The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
    b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
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revocation of the Special Use Permit;

19. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
20. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
21. **Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;**
22. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
23. **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.**

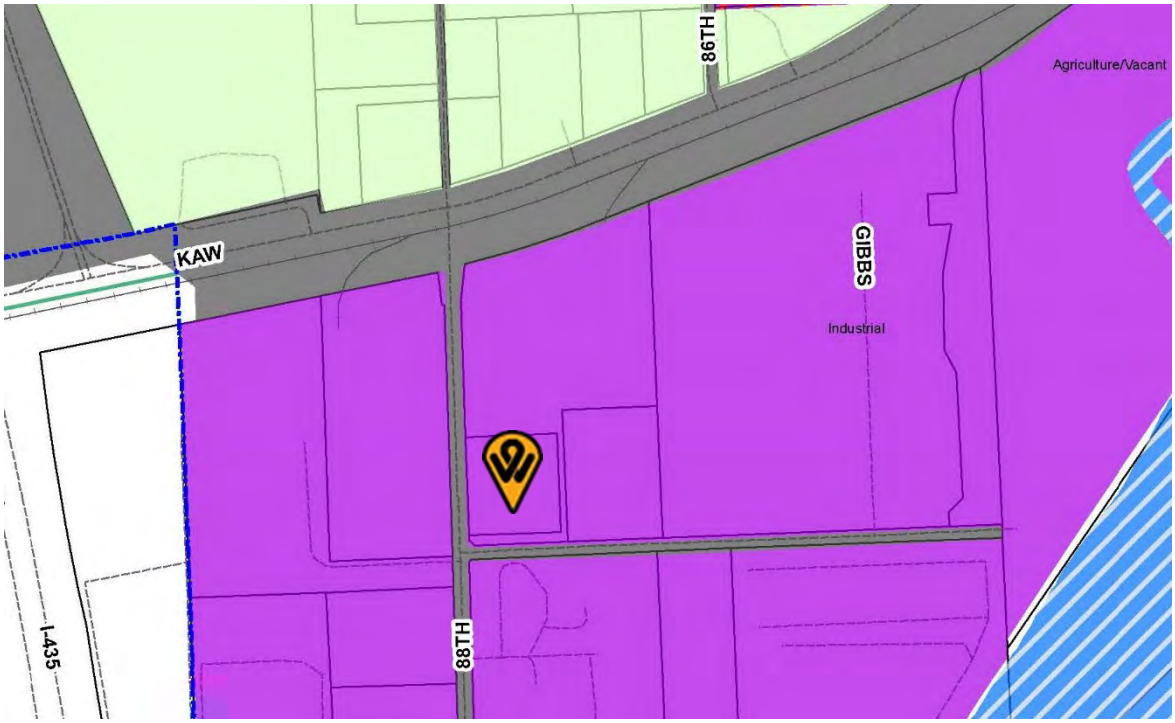
AERIAL MAP



ZONING MAP



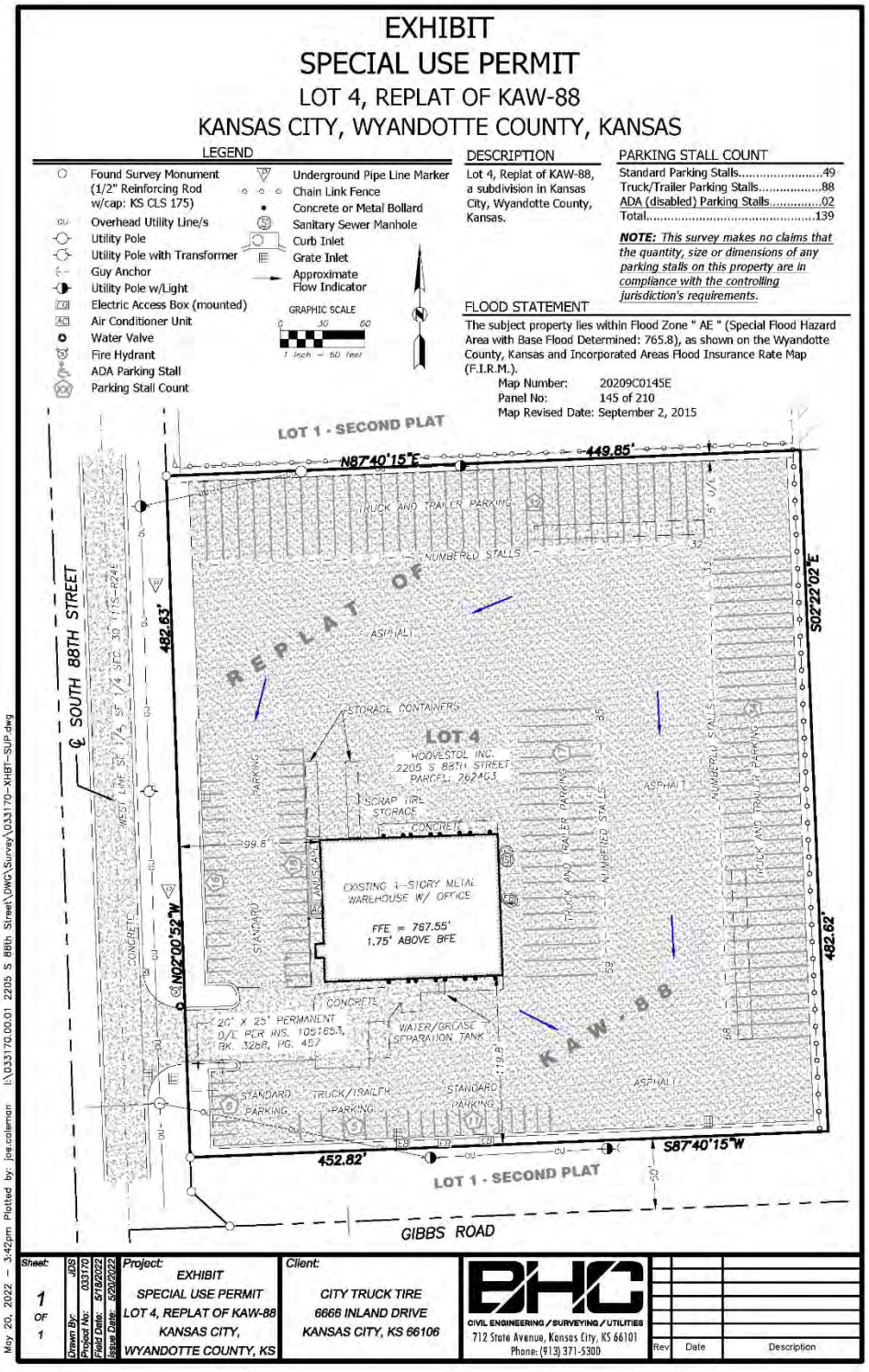
LAND USE MAP



FLOOD HAZARD MAP



SITE PLAN


EXHIBIT
SPECIAL USE PERMIT
LOT 4, REPLAT OF KAW-88
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
LEGEND
Found Survey Monument (1/2" Reinforcing Rod w/cap: KS CLS 175)
Overhead Utility Line/s
Utility Pole
Utility Pole with Transformer
Guy Anchor
Utility Pole w/Light
Electric Access Box (mounted)
Air Conditioner Unit
Water Valve
Fire Hydrant
ADA Parking Stall
Parking Stall Count
Underground Pipe Line Marker
Chain Link Fence
Concrete or Metal Bollard
Sanitary Sewer Manhole
Curb Inlet
Grate Inlet
Approximate Flow Indicator
GRAPHIC SCALE
1 inch = 60 feet
DESCRIPTION
Lot 4, Replat of KAW-88, a subdivision in Kansas City, Wyandotte County, Kansas.
PARKING STALL COUNT
Standard Parking Stalls.....49
Truck/Trailer Parking Stalls.....88
ADA (disabled) Parking Stalls.....02
Total.....139
NOTE: This survey makes no claims that the quantity, size or dimensions of any parking stalls on this property are in compliance with the controlling jurisdiction's requirements.
FLOOD STATEMENT
The subject property lies within Flood Zone " AE " (Special Flood Hazard Area with Base Flood Determined: 765.8), as shown on the Wyandotte County, Kansas and Incorporated Areas Flood Insurance Rate Map (F.I.R.M.).
Map Number: 20209C0145E
Panel No: 145 of 210
Map Revised Date: September 2, 2015
LOT 1 - SECOND PLAT
N87°40'15"E
449.85'
TRUCK AND TRAILER PARKING
NUMBERED STALLS
REPLAT OF
ASPHALT
S02°22'02"E
482.62'
℄ SOUTH 88TH STREET
WEST LINE SE 1/4 SE 1/4 SEC. 30 T11S-R24E
482.63'
N02°00'52"W
STORAGE CONTAINERS
LOT 4
HOOVESTOL INC.
2205 S 88TH STREET
PARCEL 262403
SCRAP TIRE STORAGE
CONCRETE
99.8'
EXISTING 1-STORY METAL WAREHOUSE W/ OFFICE
FFE = 767.55'
1.75' ABOVE BFE
ACCESSIBLE STANDARD PARKING
TRUCK AND TRAILER PARKING
20' X 25' PERMANENT D/E PER INS. 1051853, BK. 3268, PG. 457
WATER/GREASE SEPARATION TANK
KAW-BB
STANDARD PARKING
TRUCK/TRAILER PARKING
452.82'
S87°40'15"W
LOT 1 - SECOND PLAT
GIBBS ROAD
Sheet: 1 OF 1
Drawn By: JDS
Project No: 033170
Field Date: 5/18/2022
Issue Date: 5/20/2022
Project: EXHIBIT SPECIAL USE PERMIT LOT 4, REPLAT OF KAW-88 KANSAS CITY, WYANDOTTE COUNTY, KS
Client: CITY TRUCK TIRE 6666 INLAND DRIVE KANSAS CITY, KS 66106
BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300
Rev
Date
Description
May 20, 2022 - 3:42pm Plotted by: joe.coleman I:\033170.00.01 2205 S 88th Street\DWG\Survey\033170-XHBT-SUP.dwg

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: April 13, 2022

SUBJECT: Hariot Singh – Elite Motor Group LLC – (SP2022-041)
2205 S. 88th Street
General Engineering Review No. 1 (of the application received 3/25/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Provide information regarding the condition of vehicles that will be parked and sold at this site. Will there be maintenance services, i.e., oil change? How do the oil changing areas drain, i.e., are there floor drains? In work areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable. Further discussion with staff may be needed prior to resubmittal.

2) Depending on the condition of the vehicles being parked and sold on site, stormwater quality hotspots may be applicable. **See Stormwater Quality review for additional comments.**

3) Please confirm if there are proposed site improvements e.g., mill and overlay of the parking area. If so, the site plan shall illustrate these areas and erosion control plans shall be required.

4) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

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

Reviewer: Travis Trumble

Travis Trumble, Project Engineer

General Engineering Review Comments 1 of 1

ENGINEERING COMMENT LETTERS

Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: April 13, 2022

SUBJECT: Hariot Singh – Elite Motor Group LLC – (SP2022-041)
2205 S. 88th Street
Stormwater Quality Review No. 1 (of the application received 3/25/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Stormwater Quality design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) As mentioned in general engineering, vehicle storage and maintenance sites with high likelihood of oil and grease releases are considered "hotspots" for stormwater quality and treatment and are subject to additional consideration for pollution control measures. If the building or parking area(s) will be used to store and maintain vehicles, there is potential for oil and grease spills. Therefore, appropriate measures shall be provided to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements. In this regard, provide staff with measures to be taken on site for handling and disposal of waste motor vehicle fluids. Further discussion with staff may be required.

Reviewer: Travis Trumble Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County / K.C., ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US
Date: 2022.04.13 16:57:05 -05'00'
Travis Trumble, Project Engineer

SITE VISIT PHOTOS



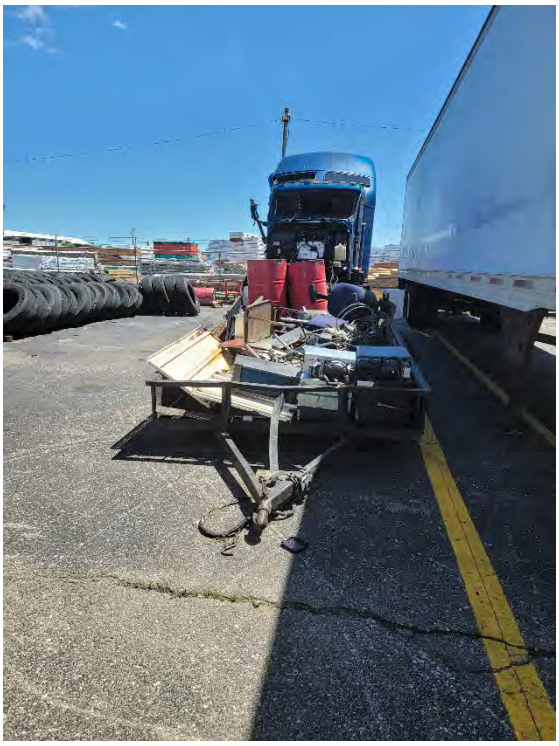






SITE VISIT PHOTOS

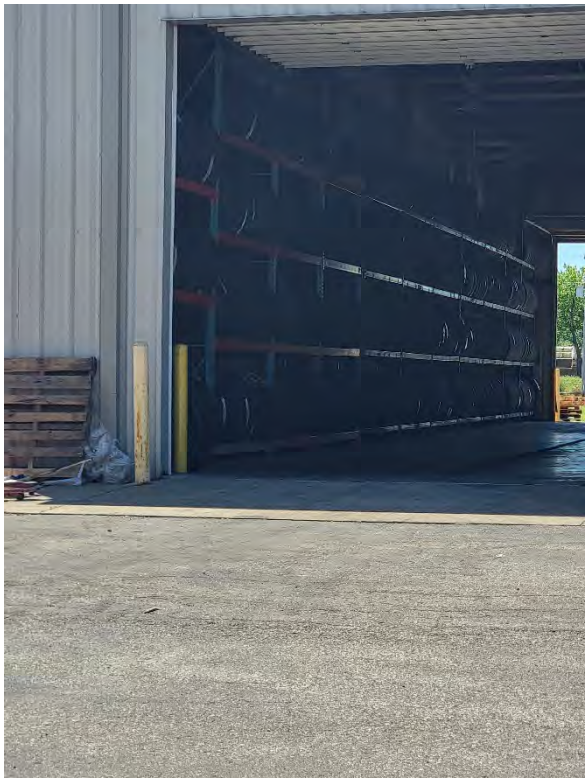








SITE VISIT PHOTOS









SITE VISIT PHOTOS



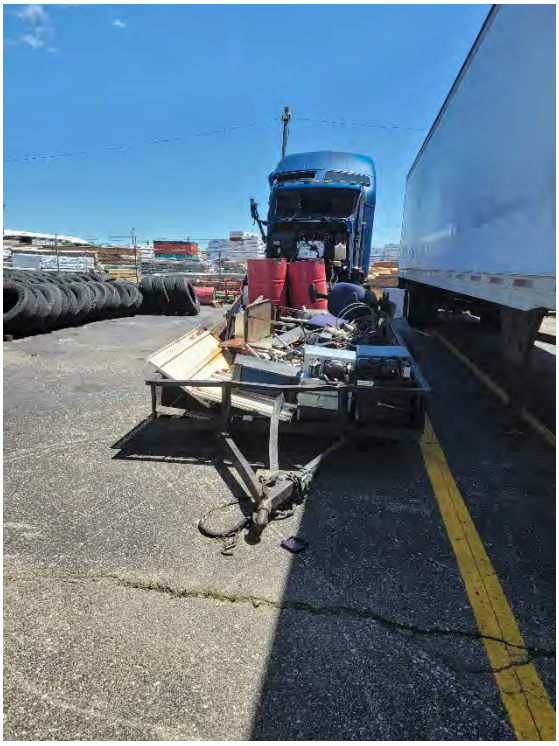






SITE VISIT PHOTOS

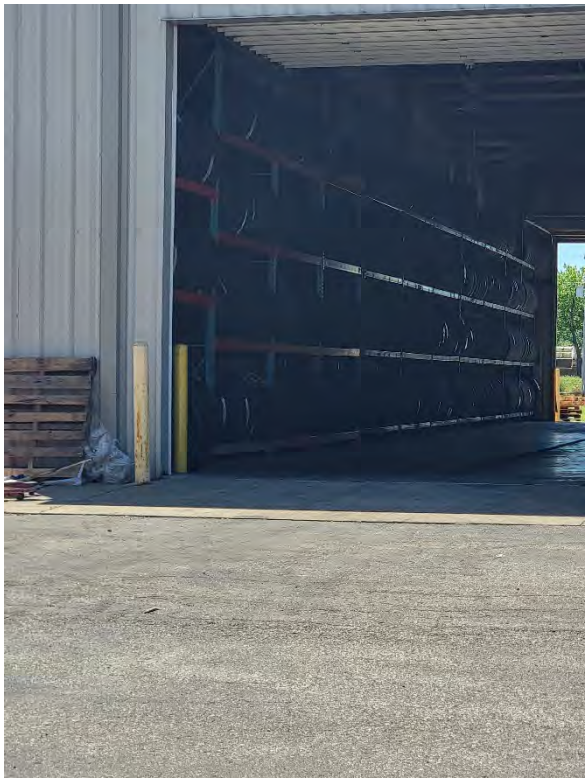








SITE VISIT PHOTOS









SITE VISIT PHOTOS



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
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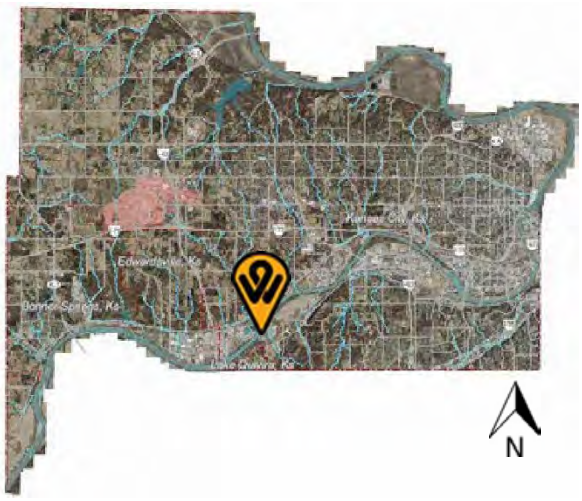
To: Unified Government Board of Commissioners

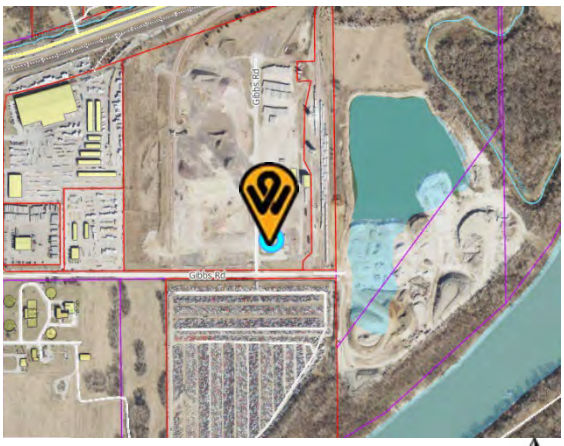
From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Special Use Petition SP2022-048**

GENERAL INFORMATION





Applicant:
Jay Healy

Status of Applicant: Business Representative with George Butler Associates, Inc.
9801 Renner Boulevard
Lenexa, KS 66219

Requested Action:
Renewal for Special Use Permit (expired 07/30/2022) to continue to store boats, trailers, vehicles, construction equipment, and farm equipment for retail sales.

Date of Application:
April 19, 2022

Purpose:
To continue to store damaged and undamaged boats, trailers, vehicles, construction equipment, and farm equipment for retail sales.

Property Location:
8440 and 8600 Gibbs Road
Kansas City, KS 66111

Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	MP-3 Planned Heavy Industrial District
Adjacent Zoning:	**North:** AG Agriculture District **South:** MP-3 Planned Heavy Industrial District **East:** MP-3 Planned Heavy Industrial District **West:** R-1 Single Family District
Adjacent Uses:	**North:** Undeveloped land **South:** Insurance auto auction automobile lot **East:** Sand and gravel operation **West:** Industrial business
Total Tract Size:	64.1873 Acres (8440 Gibbs Road); 13.13 Acres (8600 Gibbs Road)
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial Business Park. The industrial Business Park use allows industries featuring industrial processing, manufacturing, heavy truck, traffic, excessive noise, potentially noxious uses, and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such already occur. In addition to warehousing, distribution, outdoor storage, salvage, industrial related offices, limited related commercial and service usus such as truck stops, service stations, convince store, mining and mineral extraction.
Major Street Plan:	The Major Street Plan classifies Gibbs Road and 88th Street and Gibbs Road as Local Streets.
Parking Requirement:	Sec. 27-468(e) requires commercial business in the M-1 Light Industrial and Business Park District to follow Section 27-467(e), the latter of which states that off-street parking is required at ratio no less than four (4) spaces per 1,000 square feet of floor area in the building.

Advertisement:	The Wyandotte Echo – May 19,2022 Letters to Property Owner – June 1,2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	None to date.
Public Opposition:	Opposition has been expressed to Staff by Greg Kindle, President of the Wyandotte Economic Development Council (WYDEC) regarding the development of the property and scarcity of industrial zoned land.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jay Healy with George Butler Associates Inc, is seeking the renewal of a Special Use Permit SP2020-029 which expires on July 30, 2022 to store damaged and undamaged boats, operable and inoperable trailers, vehicles, construction equipment, and farm equipment for retail sales at 8440 and 8600 Gibbs Road. The property will also be used for wholesales online retail auctions and will feature an accessory office to handle shipping and receiving as well as customer parking.

City Ordinance Requirements: *27-592 through 27-606*

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no recent noise or disturbance complaints for the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2022: ELE21-1044-Electrical Permit- Completed
2. 2022: SPK21-0029-Fire Suppression- Expired
3. 2022: PLM21-0572- Plumbing Permit- Completed
4. 2022: COM-0011- Interior Inspection- Completed
5. 2022: 20355-00009- Grading- Completed
6. 2015: 13335-00004- Grading & Excavating- Completed

Outstanding or Related Permits and Cases:

1. 2022: 20355-00009- Site Improvement- Incomplete
2. 2020: SP2022-24-Special Use Permit- Completed
3. 2014:11395-00112- Stop Work Order- Completed

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The character of the neighborhood is predominately composed of industrial businesses and uses, bordering the parcel to the south, west and east. The property to the east is zoned R-1 Single-Family District, however, there is an industrial based business operating with a special use permit for a sand gravel fill operation. The property is in close proximity to Turkey creek and the Kansas River.

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

   The zoning and adjacent uses are set out above. The proposed use is relatively compatible and allowed in MP-3 Planned Heavy Industrial District with a Special Use Permit. The proposed use is compatible if properly managed, screened and buffered.

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

   The removal of the restrictions that require a Special Use Permit will detrimentally affect nearby properties for such activities have the potential to create issues if not designed properly and screened from public view.

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

   The subject property at 8600 and 8440 Gibbs Road is not vacant. It has continued to store damaged and undamaged boats, trailers, vehicles, construction equipment, and farm equipment for retail sales with a Special Use Permit.

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

   The City-Wide Master Plan classifies the subject property as Industrial Business Park land use designation which allows uses for industries featuring industrial processing, manufacturing, heavy truck, traffic, excessive noise, potentially noxious uses, and outdoor storage. Special Use Permits are not addressed in the Master Plan, however, the proposed use conforms to the master plan.

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

   The proposed use will increase traffic demand to the point where it exceeds the capacity of Gibbs Road, Local Streets, which is designed to not go past east Parcel #933706, but instead connects to the driveway on the property. Going west, Gibbs Road intersects with South 88th Street, which runs entrance to a Deffenbaugh plant. This is to say that the connectivity and design of the road is lacking and may not be suitable to handle the large number of cars and trucks that would be driving in and out of the property as they are bought and sold or moved for storage. Furthermore, an accident or emergency at the intersection of South 88th Street and Gibbs Road may result in a single point of entry or exist for the applicant properties. The proposed use meets the code for providing off-street parking since the final plat is over 74 acres leaving room for future parking development.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality or marketability to nearby property if managed properly. The structure is already in a built-out industrial area with similar uses.

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

   Noise, vibration, and illumination would normally be associated with industrial uses such as this and could become a nuisance for nearby properties if not managed properly.

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

   The proposed use would not pollute air or land as it is located in an existing, mostly industrial area. If the applicant takes proper measures to install infrastructure correctly it should not harm the environment.

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

    The proposed use should not damage or destroy an irreplaceable natural resource as it will operate within an existing site already developed in a built-out, industrial area and if the property is properly managed to ensure this, the applicant still needs to close out their original building permit.

11. ***The relative gain to the public health, safety, and welfare as compared***

to the hardship imposed on the individual landowner or landowners.

The gain to public health, safety, and welfare would be minimal economic benefit. A denial of this application would cause the business owner cease storing continue to store damaged and undamaged, operable and inoperable boats, trailers, vehicles, construction equipment, and farm equipment for retail sales. The property owner can still operate an industrial office.

.

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

The proposed use can result in overcrowding, of land if not managed properly. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

Change of Zone Petition #3218 and SP2020-024, which expired April 30, 2022.

NEIGHBORHOOD MEETING

The applicant held neighborhood meeting on May 23, 2021 through June 5, 2022. Attached is the list of minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Guidelines
Flood Plain
Noise
Vibration
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-048**, subject to:

1. **Enhanced landscaping along the north property line approved by Staff in lieu of the masonry columns;**
2. **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;

3. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
4. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
5. **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;**
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 (2) 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 (2) months prior to the expiration of the permit 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 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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF COMMENTS AND SUGGESTIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-048** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Sidewalk and
Trail Map
Site Plan
Grading Plan
Landscape Plan
Preliminary Plat
Applicants
Response
Neighborhood Meeting Minutes & Affidavit
Site Photos, taken by applicant – Dated June 6, 2022
Site Photos, taken by staff – Dated May 16, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 13, 2022	June 30, 2022
Special Use	Approval	

STAFF CONTACT: **Marlene Torres Pardo**
mpardo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-048** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-048,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 4:06:18:

SPECIAL USE PERMIT APPLICATION SP2022-048 – COPART OF KANSAS, INC. - SYNOPSIS: Renewal of a Special Use Permit (SP-20209-24 – expires 7/30/2022) to continue to store boats, trailers, vehicles, construction equipment and farm equipment for retail sales at 8440 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Jay Healy with George Butler Associates Inc, is seeking the renewal of a Special Use Permit SP2020-029 which expires on July 30, 2022 to store damaged and undamaged boats, operable and inoperable trailers, vehicles, construction equipment, and farm equipment for retail sales at 8440 and 8600 Gibbs Road. The property will also be used for wholesales online retail auctions and will feature an accessory office to handle shipping and receiving as well as customer parking.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Ben Stephens, representing the applicant, 34485 East Hayden Lake Road, Hayden, Idaho

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:11:48: Planning Director Hand stated that this Special Use Permit renewal will be their first renewal and potentially second approval. This property is in the Riverview area in the City-Wide Master Plan. Staff has received no letters in support and one (1) letter in opposition. Director Hand stated that there is an outstanding building permit because they have not completed all of their conditions of approval related to the project. They are asking to change one (1) of the conditions of approval which can be done during renewal. Because they have not completed their project and not met all of their conditions of approval, Staff recommends denial. Director Hand stated that he believes there is a solution to this issue that he can discuss with the Commission.

Chairman Carson asked the applicant to explain the building permits that he has acquired. After his explanation, the applicant stated that he was not aware that one (1) of the building permits was not closed out and will take care of it.

Director Hand stated that there are many types of building permits and the one that has not been closed out is the site permit. That is what gets closed out when all the landscaping, sidewalks and fences are completed. That is why Staff is recommending denial as this permit has not been closed out. If the Planning Commission wishes to recommend approval of this application, the condition concerning the masonry columns would need to be amended or deleted on the north façade. If that is the recommendation, staff would request some enhanced landscaping on the north façade, in addition what was already planned. He further stated that when renewals come before the Commission and the previous conditions of approval have not been met, Staff will continue to recommend denial. Director Hand stated that if this application is approved, the Special Use Permit ordinance can be held until the building permit is closed out.

Mr. Stevens stated that there was some confusion on the site plan as they built to the approved site plan that they had, which was apparently not the correct plan. They would have to take down the fence on the back and rebuild with the columns included. Director Hand stated that when the application is called by Ms. Parker each month, part of what she states that is included in the case is: "The staff report and attachments dated June 13, 2022; The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;"

Motion starts at 4:29:25:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-048:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Enhanced landscaping along the north property line approved by Staff in lieu of the masonry columns;**
2. **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;**
3. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations**

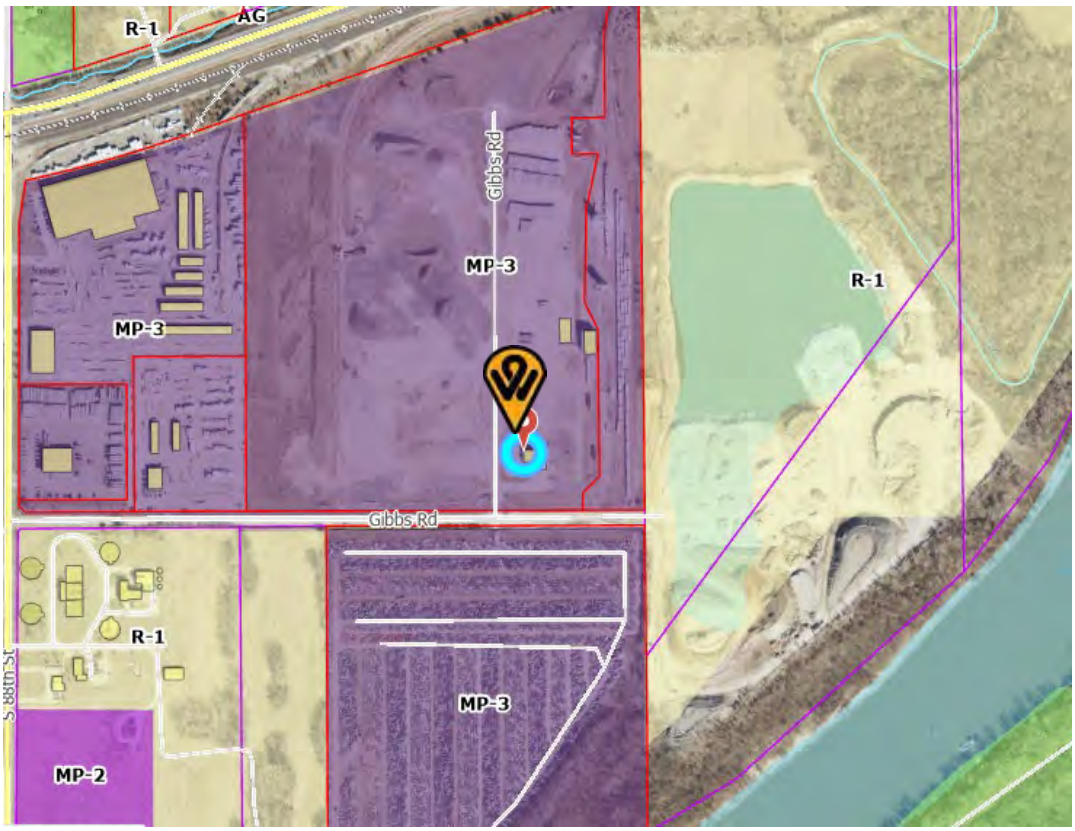
will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

4. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
5. **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;**
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 (2) 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 (2) months prior to the expiration of the permit 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 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.**

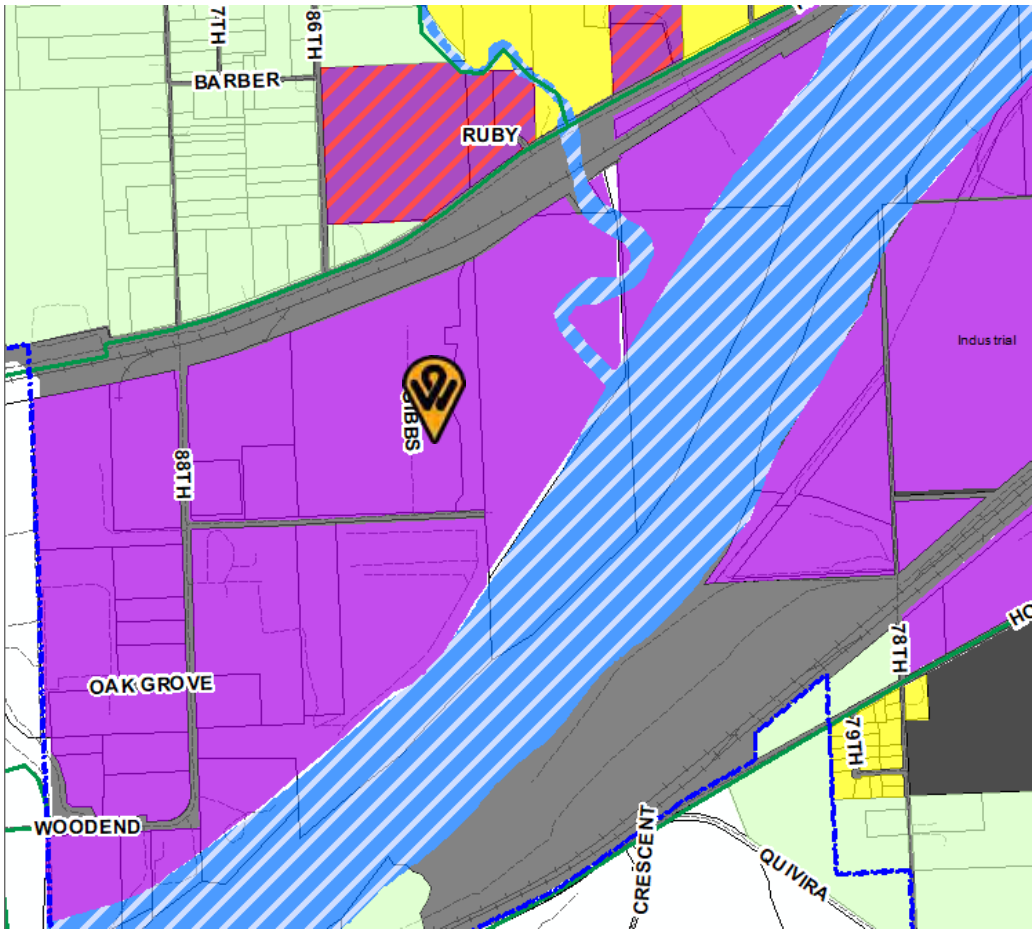
Aerial IMAGERY



ZONING MAP



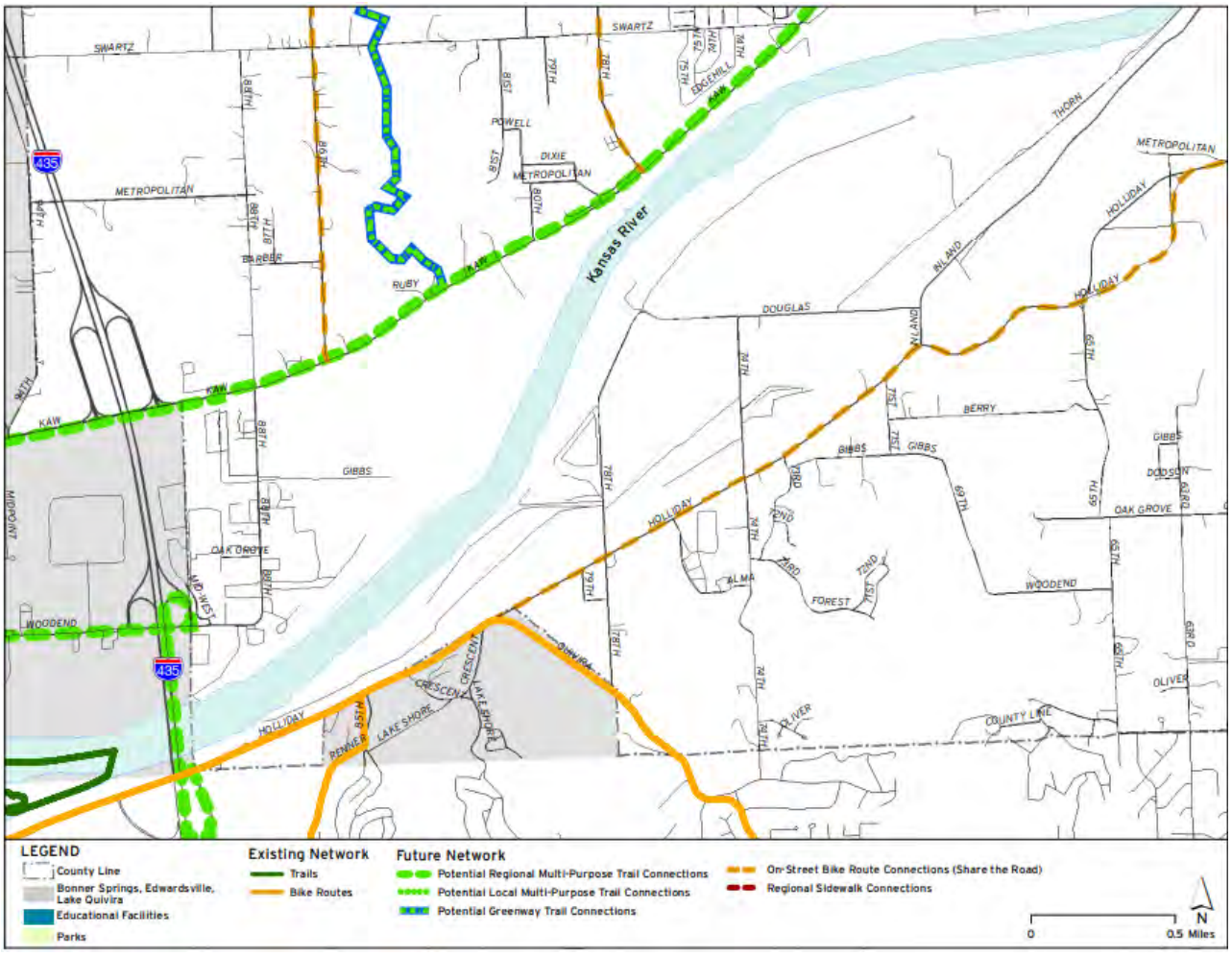
LAND USE MAP



City-Wide Master Plan Land Use



Sidewalk and Trial Master Plan



DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas

FIRE DEPARTMENT-FIRE PREVENTION DIVISION
815 North 6th St. (913) 573-5550
Kansas City, Kansas 66101 (913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENTDATIONS

DRC No. COZ.3218 Address: 8600 Gibbs Rd

Development Name: COPART Description: Storage Lot

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

1) Compliance with the International Building Code -2012 Edition
2) Compliance with the International Fire Code – 2012 Edition
3) Compliance with current NFPA 101® Life Safety Code
4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations

Submit automatic fire sprinkler/fire alarm plans and calculations for approval prior to installation.
Use of explosives requires application and approval from the City Fire Marshal.

*Submit means of providing emergency access though entrance gate for review prior to installation per Sec. 503.6, 2012 IFC.
*Revise plans to provide a code compliant fire hydrant inside the perimeter of the fence nearest to the entrance access.

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

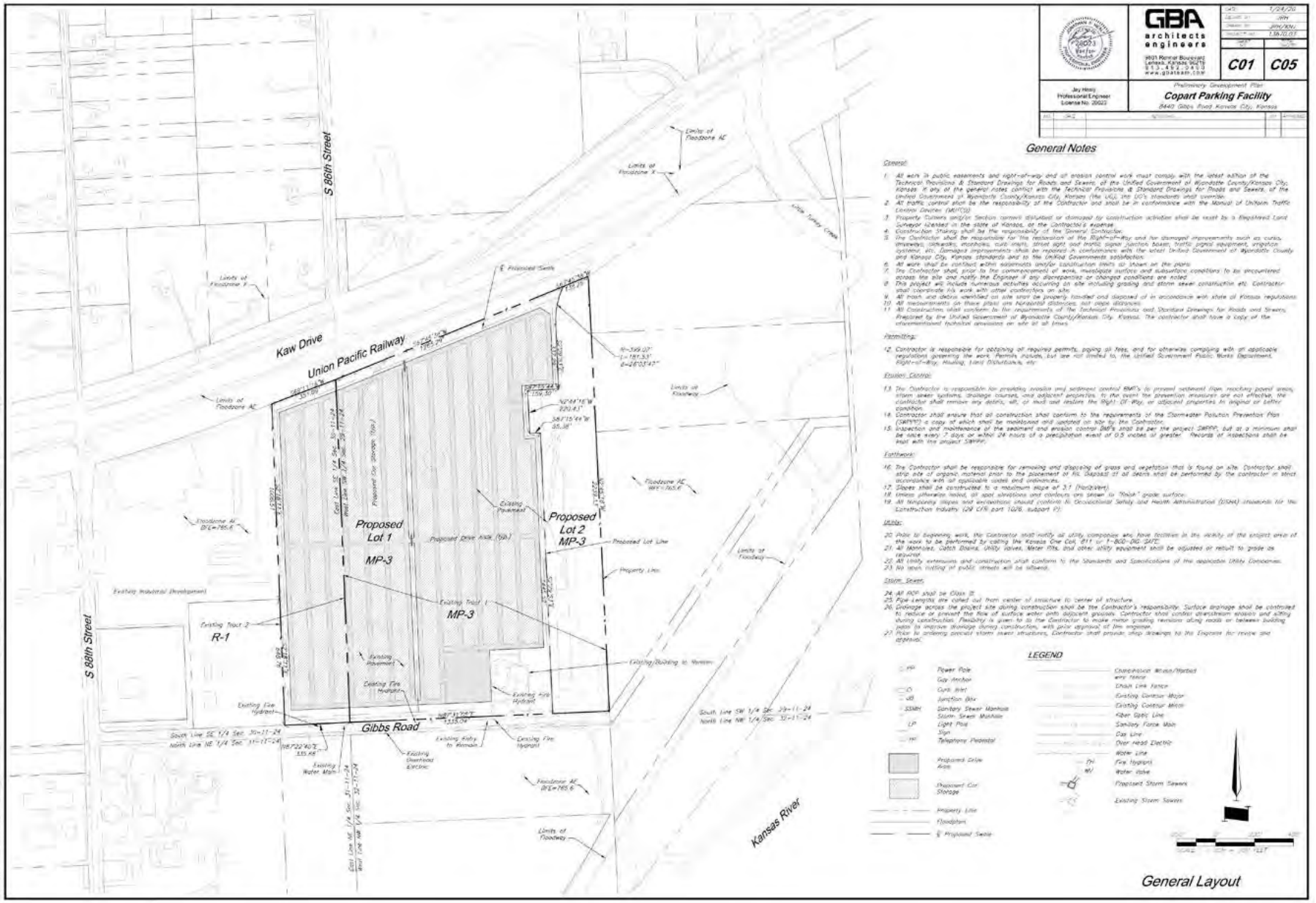
Harvey Fields II Digitally signed by Harvey Fields II Date: 2020.02.06 16:05:46 -06'00' 2/6/2020

Attending DRC Member: Date

I,_____, as_____of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date **Contact Phone Number and Email Address**

Mailing Address, City, State, and Zip Code



GBA architects engineers
1801 Rentar Boulevard
Lenexa, Kansas 66219
913.492.2400
www.gbateam.com

DATE	1/24/20
DESIGNED BY	JRH
DRAWN BY	JRH/KNJ
CHECKED BY	TJM/DJT
SHEET	C01
TOTAL SHEETS	C05

Jay Hoog
Professional Engineer
License No. 26023

Preliminary Development Plan

Copart Parking Facility

8440 Gibbs Road, Kansas City, Kansas

General Notes

General:

1. All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override.
2. All traffic control shall be the responsibility of the Contractor and shall be in conformance with the Manual of Uniform Traffic Control Devices (MUTCD).
3. Property Corners and/or Section corners disturbed or damaged by construction activities shall be reset by a Registered Land Surveyor licensed in the state of Kansas, at the Contractor's expense.
4. Construction Staking shall be the responsibility of the General Contractor.
5. The Contractor shall be responsible for the restoration of the Right-of-Way and for damaged improvements such as curbs, driveways, sidewalks, manholes, curb inlets, street light and traffic signal junction boxes, traffic signal equipment, irrigation systems, etc. Damaged improvements shall be repaired in conformance with the latest Unified Government of Wyandotte County and Kansas City, Kansas standards and to the UnKnd Governments satisfaction.
6. All work shall be confined within easements and/or construction limits as shown on the plans.
7. The Contractor shall, prior to the commencement of work, investigate surface and subsurface conditions to be encountered across the site and notify the Engineer if any abnormalities or changed conditions are noted.
8. This project will include numerous activities occurring on site including grading and storm sewer construction etc. Contractor shall coordinate his work with other contractors on site.
9. All trash and debris identified on site shall be properly handled and disposed of in accordance with state of Kansas regulations.
10. All measurements on these plans are horizontal distances, not slope distances.
11. All Construction shall conform to the requirements of The Technical Provisions and Standard Drawings for Roads and Sewers, Prepared by the United Government of Wyandotte County/Kansas City, Kansas. The contractor shall have a copy of the aforementioned technical provisions on site at all times.

Permitting:

12. Contractor is responsible for obtaining all required permits, paying all fees, and for otherwise complying with all applicable regulations governing the work. Permits include, but are not limited to, the Unified Government Public Works Department, Right-of-Way, Mowing, Land Disturbance, etc.

Erosion Control:

13. The Contractor is responsible for providing erosion and sediment control BMP's to prevent sediment from reaching paved areas, storm sewer systems, drainage courses, and adjacent properties. In the event the prevention measures are not effective, the contractor shall remove any debris, silt, or mud and restore the Right-Of-Way, or adjacent properties to original or better condition.
14. Contractor shall ensure that all construction shall conform to the requirements of the Stormwater Pollution Prevention Plan (SWPPP) a copy of which shall be maintained and updated on site by the Contractor.
15. Inspection and maintenance of the sediment and erosion control BMP's shall be per the project SWPPP, but at a minimum shall be once every 7 days or within 24 hours of a precipitation event of 0.5 inches or greater. Records of inspections shall be kept with the project SWPPP.

Earthwork:

16. The Contractor shall be responsible for removing and disposing of grass and vegetation that is found on site. Contractor shall strip site of organic material prior to the placement of fill. Disposal of all debris shall be performed by the contractor in strict accordance with all applicable codes and ordinances.
17. Slopes shall be constructed to a maximum slope of 3:1 (horizontal).
18. Unless otherwise noted, all spot elevations and contours are shown as "finish" grade surface.
19. All temporary slopes and excavations should conform to Occupational Safety and Health Administration (OSHA) standards for the Construction Industry (29 CFR part 1926, Subpart P).

Utils:

20. Prior to beginning work, the Contractor shall notify all utility companies who have facilities in the vicinity of the project area of the work to be performed by calling the Kansas One Call, 811 or 1-800-DIG-SAFE.
21. All Manholes, Catch Basins, Utility Valves, Meter Pits, and other utility equipment shall be adjusted or reset to grade as required.
22. All Utility extensions and construction shall conform to the Standards and Specifications of the applicable Utility Companies.
23. No lane closing of public streets will be allowed.

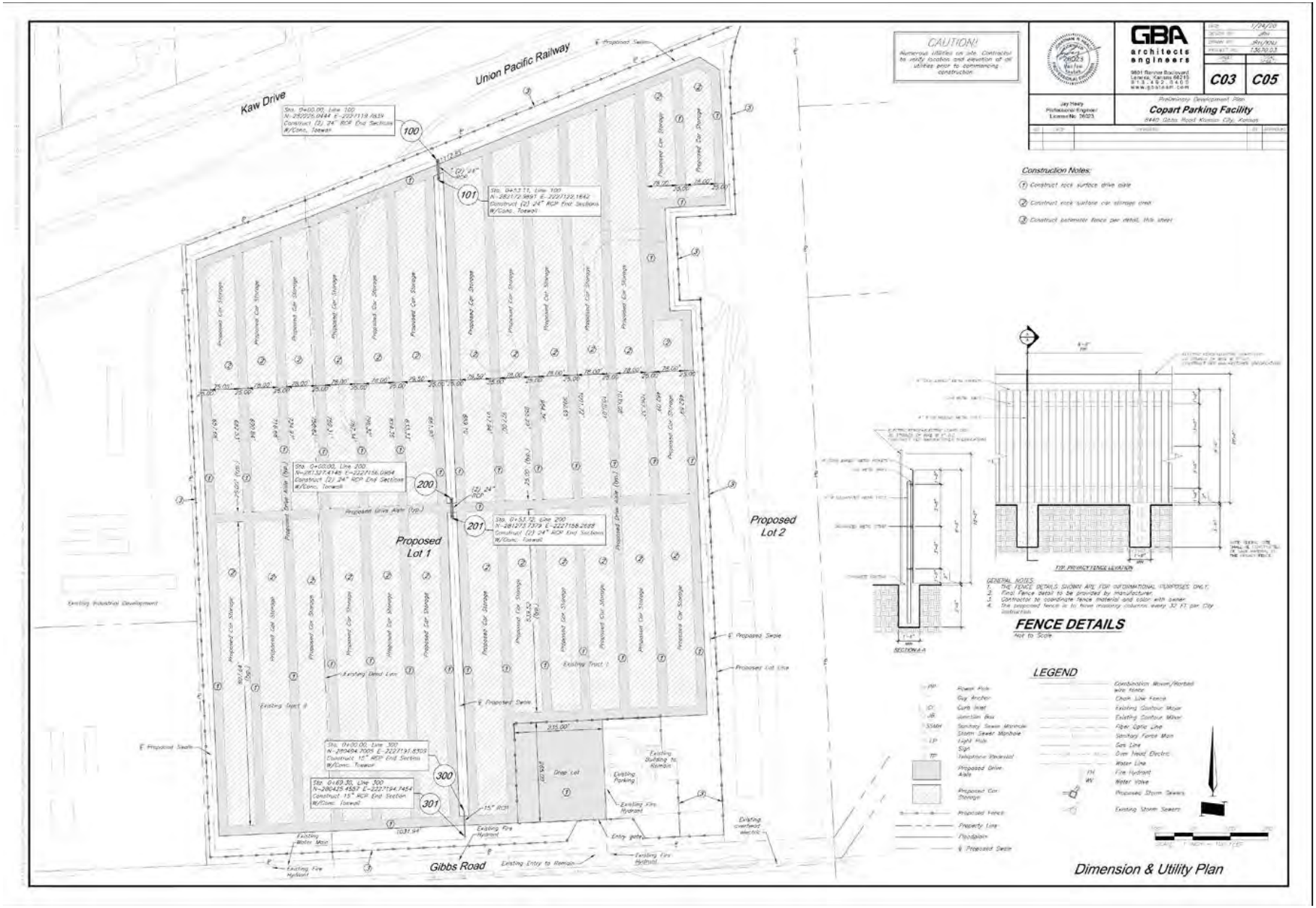
Storm Sewer:

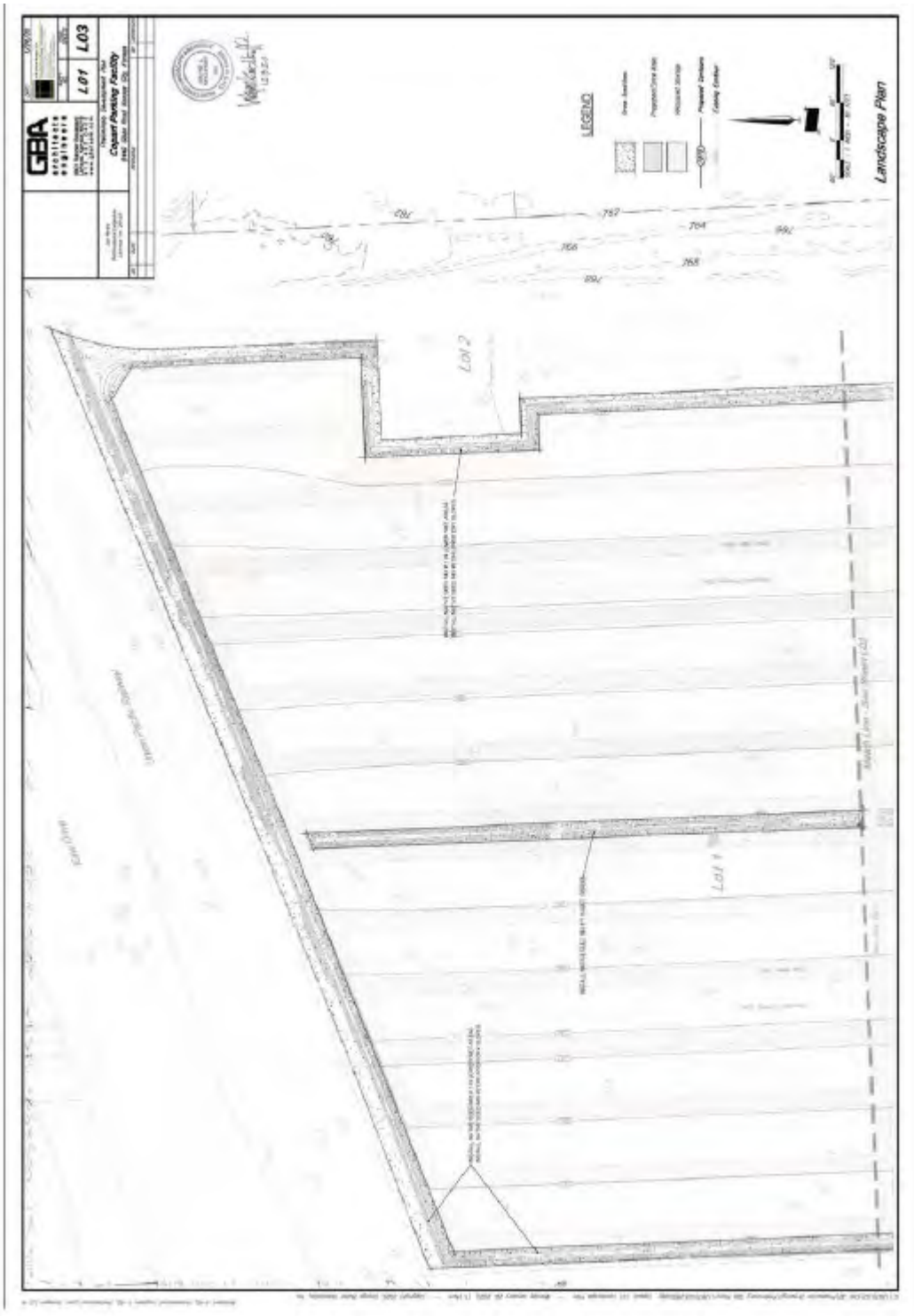
24. All RCP shall be Class III.
25. Pipe Lengths are called out from center of structure to center of structure.
26. Drainage across the project site during construction shall be the Contractor's responsibility. Surface drainage shall be controlled to reduce or prevent the flow of surface water onto adjacent grassed. Contractor shall control downstream erosion and silting during construction. Flexibility is given to do the Contractor to make minor grading revisions along roads or between building pads to improve drainage during construction, with prior approval of the engineer.
27. Prior to ordering precast storm sewer structures, Contractor shall provide shop drawings to the Engineer for review and approval.

LEGEND

PP	Power Pole
GA	Guy Anchor
CI	Curb Inlet
JB	Junction Box
SSMH	Sanitary Sewer Manhole
	Storm Sewer Manhole
LP	Light Pole
SN	Sign
TP	Telephone Pedestal
	Proposed Drive Aisle
	Proposed Car Storage
	Property Line
	Floodplain
	6' Proposed Swale
	Chainlink/Wrought/Marbled wire fence
	Chain Link Fence
	Existing Contour Major
	Existing Contour Minor
	Fiber Optic Line
	Sanitary Force Main
	Gas Line
	Over Head Electric
	Water Line
FH	Fire Hydrant
WV	Water Valve
	Proposed Storm Sewers
	Existing Storm Sewers

Grading Plan
LEGEND
Proposed Drive Aisle
Proposed Car Storage
Proposed Contours
Existing Contour
Flow Arrow
Section A-A
Typical Wetland Swale Section
Not to Scale
Copart Parking Facility
Preliminary Development Plan
C02
C05
GBA
architects
engineers
Lot 1
Lot 2
Union Pacific Railway
Kaw Drive
Gibbs Road
Proposed Drive Aisle (Typ.)
Proposed Car Storage (Typ.)
Proposed Curb Line
Proposed Swale
Existing Building to Remain
Existing Entry to Remain
Existing Industrial Development


Union Pacific Railway
Kaw Drive
Gibbs Road
Proposed Lot 1
Proposed Lot 2
Existing Industrial Development
Existing Entry to Remain
Existing Tract 1
Existing Tract 2
Drop Lot
Existing Parking
Existing Building to Remain
Existing Fire Hydrant
Existing Water Main
Existing Entry gate
Existing overhead electric
Proposed Drive Aisle (typ.)
Proposed Car Storage
Existing Dead Line
E Proposed Swale
Proposed Lot Line
Property Line
Floodplain
Sta. 0+00.00, Line 100
N-252275.0944 E-2227119.1839
Construct (2) 24" RCP End Sections W/Conc. Toewall
Sta. 0+53.71, Line 101
N-2821/2.9891 E-2227122.1642
Construct (2) 24" RCP End Sections W/Conc. Toewall
Sta. 0+00.00, Line 200
N=281,527.4148 E=2227158.0854
Construct (2) 24" RCP End Sections W/Conc. Toewall
Sta. 0+53.72, Line 200
N-281273.7379 E-2227158.2688
Construct (2) 24" RCP End Sections W/Conc. Toewall
Sta. 0+00.00, Line 300
N-280404.7005 E-2227131.8305
Construct 15" RCP End Sections W/Conc. Toewall
Sta. 0+69.30, Line 300
N=280425.4557 E=2227194.7454
Construct 15" RCP End Section W/Conc. Toewall
100
101
200
201
300
301
1031.94
235.00'
CAUTION!
Numerous utilities on site. Contractor to verify location and elevation of all utilities prior to commencing construction.
GBA architects engineers
9801 Renner Boulevard
Lenexa, Kansas 66219
913.492.1400
www.gbakc.com
C03
C05
Jay Healy
Professional Engineer
License No. 26023
Preliminary Development Plan
Copart Parking Facility
8440 Gibbs Road Kansas City, Kansas
Construction Notes:
1 Construct rock surface drive aisle
2 Construct rock surface car storage area
3 Construct perimeter fence per detail, this sheet
TYP. PRIVACY FENCE ELEVATION
SECTION A-A
GENERAL NOTES:
1. THE FENCE DETAILS SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY.
2. Final Fence detail to be provided by manufacturer.
3. Contractor to coordinate fence material and color with owner.
4. The proposed fence is to have mossing columns every 32 FT per City instruction.
FENCE DETAILS
Not to Scale
LEGEND
Power Pole
Guy Anchor
Curb Inlet
Junction Box
Sanitary Sewer Manhole
Storm Sewer Manhole
Light Pole
Sign
Telephone Pedestal
Proposed Drive Aisle
Proposed Car Storage
Proposed Fence
Property Line
Floodplain
E Proposed Swale
Combination Woven/Barbed wire fence
Chain Link Fence
Existing Contour Major
Existing Contour Minor
Fiber Optic Line
Sanitary Force Main
Gas Line
Overhead Electric
Water Line
Fire Hydrant
Water Valve
Proposed Storm Sewers
Existing Storm Sewers
Dimension & Utility Plan


GBA
L01
L03
Cypert Parking Facility
Landscape Plan
LEGEND
LOT 2
LOT 1

GBA
L02
L03
Lot 2
Lot 1
LEGEND
Landscape Plan

LANDSCAPE NOTES

PLANT LIST

TREE PLANTING DETAIL

CULTIVATED EDGE AT MOW STRIP DETAIL

GBA

L03

L03

GBA
C05
C05
Preliminary Plat
VICINITY MAP
LEGAL DESCRIPTION:
Proposed Lot 1
Proposed Lot 2
Union Pacific Railroad
Gibbs Road

9801 Renner Boulevard,
Suite 300
Lenexa, KS 66219

May 24th, 2022

Unified Government of Wyandotte County
Department of Urban Planning and Land Use
701 North 7th Street, Room 423
Kansas City, Kansas 66101

RE: Copart SUP Renewal – SP2022-048
Draft Staff Report Comments

We received the draft staff report comments on May 20th, 2022 for the June 13th, 2022 planning commission meeting for the above referenced project. Our responses follow each comment.

Planning and Urban Design Comments

1. 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;
Response: Acknowledged.

2. Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
Response: Acknowledged.

3. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
Response: Acknowledged.

4. The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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 5. 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;
Response: A special use permit valid for five (5) years is requested.

5. 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.
Response: Acknowledged.

6. 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 buildinginspecton@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.
Response: Acknowledged.

7. Both properties are within Zone AE of the FEMA Floodplain. Staff understands that the west parcel, 8600 Gibbs Road has a CLOMR, while the east parcel, 8440 Gibbs Road does not. To begin this process, please file the necessary documents with FEM. The lot should be raised 1.5ft above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation. Please provide documentation that a LOMR has been obtained.
Response: CLOMR process was completed for entire storage area, including address locations of 8410, 8440, and 8600 Gibbs Road. See attached documentation. Fill construction was recently completed and LOMR has been submitted to FEMA. Final documentation will be provided upon receipt.

8. The applicant requested that condition of approval letter (c) was asked to be removed by the applicant, which includes the requirement for masonry columns denied by Planning Staff. The applicant is not approved for final CO and applicant may request re-inspection after correcting the following items:

    a) Construct a sidewalk and landscape buffer along Gibbs Road. (CO Requirement, CPC/BOC Requirement).
    Response: Acknowledged.

b) Install missing fence panels at northwest corner of the lot.
Response: Acknowledged.

c) Masonry Columns required for architectural screening fence along north fence line. (CO Requirement, CPC/BOC Requirement).
Response: Masonry columns have been constructed along Gibbs Road frontage. Copart requests that masonry column requirements be approved as currently constructed. Pictures are attached showing north fence and view from Kaw Drive. As shown in attached pictures, recently constructed fence is partially screened by existing vegetation and setback from the road approximately 275 feet.

d) 40 Trees are required. Install London Planetree and Bald Cypress species street trees along Gibbs Road to match the Landscape plan sheets. Minimum 2.5" caliper size is required. (CO Requirement).
Response: Acknowledged, tree planting is complete.

e) Install automatic irrigation system for landscape buffer area and required trees. (CO Requirement).
Response: Acknowledged, irrigation system is complete.

9. Provide photographs of the existing building that is to remain on site.
Response: Photographs are attached.

a) Please provide a day to day business operation for this vehicle storage area.
Response: Vehicles will be dropped off by tow trucks, then moved to their storage location via an articulated wheel loader. Additionally, vehicles will be retrieved from their storage area and loaded onto tow trucks and trailers.

b) How many vehicles do you anticipate being brought to or removed from the site on a daily basis?
Response: Approximately 120 vehicles per day will be handled in this facility on a daily basis (in/out).

c) What types of trucks will visit the site to unload or pick up vehicles?
Response: Two, Three, and Four-Car Tow Trucks, HD Pickups with Car Trailers, and Multi-Car Hauler/Semi Truck combinations

d) How many truck trips do you anticipate?
Response: 40/50 day.

10. What are the proposed hours of operation?
Response: Monday – Friday, 0800 – 1700, with occasional Saturday work by appointment.

11. Are video cameras going to be installed for security?
Response: Yes.

12. Will any speakers be used on the lot for communication for auctions?

Response: No speakers will be utilized. All auctions take place virtually via the internet.

13. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.
Response: Acknowledged.

14. All lighting installed in the parking lot shall have 90-degree cutoff fixtures.
Response: Acknowledged.

15. All trees shall be at least 2 inch caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. The landscaping shall not only be planted along Gibbs Road, but also the north Side of the property between Kaw Drive and the Union Pacific railroad.
Response: Copart requests removal of condition to plant landscaping along north property line. Pictures are attached showing existing vegetation and fence. As shown in attached pictures, recently constructed fence is partially screened by existing vegetation and setback from the road approximately 275 feet.

16. All landscaping shall be irrigated.
Response: Acknowledged.

17. The perimeter fence along the entire property lines shall be solid and 8 feet in height. The fence that faces Gibbs Road and Kaw Drive shall have masonry columns every 32' on center. Please revise the fence details as part of the plan review.
Response: Masonry columns have been constructed along Gibbs Road frontage. It is requested that masonry column requirements be approved as currently constructed. Pictures are attached showing north fence and view from Kaw Drive. As shown in attached pictures, recently constructed fence is partially screened by existing vegetation and setback from the road approximately 275 feet.

18. Drive aisles shall be paved with asphalt or concrete. Storage pads may be asphalt millings.
Response: Acknowledged.

19. Vehicles will be stored in an orderly manner, not stacked on one another and entirely screened from public view.
Response: Acknowledged.

20. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.
Response: Acknowledged.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None.

B) Items that are conditions of approval:
1) None.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
   Response: Acknowledged.

B) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
   1) Items that are conditions of approval (stipulations):
   2) None.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   2) None

Business License Comments:

Our office has current record for an Aggregate Distributor 8440 Gibbs Road renewed for this last calendar year. This would appear to be a co-occupying business. If approved, applicant will need to file and maintain a current business occupation tax application for their own separate business with this office.
Response: Acknowledged.

We believe we have addressed all comments on this project. If you have any additional questions or concerns, please feel free to contact us.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.



Jay Healy, P.E.

GBA

9801 Renner Boulevard
Lenexa, KS 66219

COPART NEIGHBORHOOD MEETING MINUTES

Application Number: SP-2022-048
Date and Location: Contact Period May 23rd, 2022 through June 5th, 2022

Neighborhood meeting letters send May 23rd, 2022 requesting contact for questions or comments

Contact received:
None

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2022-048
2. That I conducted a neighborhood meeting 5/23/22 - 6/5/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 6th day of June, 2022

My commission expires 28th of July, 2025

Notary Public

JODI SUSANN MILLER
Notary Public, State of Kansas
My Appointment Expires
7/28/25

Site Photos, taken by applicant – Dated June 6, 2022



View from Kaw Drive, looking southwest



View from Kaw Drive, looking south

Site Photos, taken by applicant– Dated June 6, 2022



View from Kaw Drive, looking south

Site Photos, taken by staff – Dated May 16, 2022





Site Photos, taken by staff – Dated May 16, 2022





Site Photos, taken by staff – Dated May 16, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Special Use Petition SP2022-052**

GENERAL INFORMATION

Applicant:
Linda Siemens DBA
Cultivate KC and New Roots for Refugees

Status of Applicant:
Tenant
300 East 39th Street Suite #4B
Kansas City, Missouri 64111

Requested Action:
Renewal of a Special Use Permit.

Date of Application:
April 27, 2002

Purpose:
Renewal of a Special Use Permit for the temporary use of land for commercial and industrial activities in a residentially zoned district. The previous permit expired January 1, 2021.

Property Location:
2089 North 1st Street
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large District #1:
Melissa Bynum
District #1 Commissioner: Gayle Townsend





Existing Zoning:	RP-5 Apartment District	
Adjacent Zoning:	**North:**	RP-5 Apartment District
	South:	RP-5 Apartment District
	East:	M-3 Heavy Industrial District
	West:	RP-5 Apartment District
Adjacent Uses:	**North:**	Juniper Gardens residential housing and single-family residences
	South:	Vacant residential land Vacant industrial land
	East:	Vacant and City Garage Repair Facility
	West:	Vacant land and single-family residences
Total Tract Size:	29.5826 Acres	
Master Plan Area:	Northeast Area Master Plan	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. Allowed uses include industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses, and outdoor storage.	
Major Street Plan:	The Major Street Plan designates the north tract of North 3rd Street and North 1st Street as Collector Streets and the south tract of North 3rd Street as Class A Throughfare.	
Parking Requirement:	Section 27-460d. states that 1.5 parking spaces is required for each dwelling unit that has one (1) bedroom or less. The subject property has multiple apartment buildings with various bedroom counts, and it is unclear what the matrix of these buildings count is. Additionally, HUD is requiring some buildings be demolished and those negotiations are ongoing. Although the Cultivate KC and New Roots for Refugees Programs share property with the apartment complex, they are fenced and separated from the residential uses. The agricultural use of the property has approximately 20 off-street parking spaces and a large gravel driveway.	
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – May 20, 2022	
Public Hearings:	June 13, 2022 and June 30, 2022	

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 2089 North 1st Street on the Juniper Gardens Apartment Complex. The subject property is a large housing development in which half the buildings have been demolished, leaving the land vacant. This property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does sell farm products on site during quarterly sales of starter plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property since 2012. The Special Use Permits have been maintained except for last year's permit, as they had had no guidance on if their lease would be renewed at the time of the current Special Use Permit's Expiration.

City Ordinance Requirements: Sections 27-592 through 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has over 1,600 police related cases. These are related to the housing development. The current applicant has no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. Since 2010, the property has received seventeen (17) code enforcement complaints related to a fire in one building.

Outstanding or Related Permits and Cases:

1. The subject property has over 100 building permits related to the apartment buildings. The following permits pertain specifically to the Cultivate KC Program Uses:
    a. 2012: 12380-0070 – Electrical – New Panels for Utility Storage Containers
    b. 2012: 12300-00214 – DRC – Certificate of Occupancy for Utility Storage Containers and A/C Coolers for Produce

2. The subject property has the associated Planning and Zoning Cases:

    a. 2012: SP-2012-13 – Special Use Permit for Temporary Use of Land
    b. 2014: SP-2014-41 – Special Use Permit for Temporary Use of Land
    c. 2016: SP-2016-97 – Special Use Permit for Temporary Use of Land
    d. 2018: SP-2019-02 – Special Use Permit for Temporary Use of Land

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is urban in character. Lots vary in size from 0.05 acre at 25' or 50' wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. Smaller commercial-style row buildings are commonly brick masonry and sit towards the front property lines with side lots and street frontage for parking although there is no off-street parking. Streets are concrete with some improvements such as wide sidewalks, curbs, upgraded bus stops, stormwater inlets, and street lighting. This neighborhood was up-zoned during the urban renewal period in order to welcome new development, but many lots remain vacant and undeveloped.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences and garden style apartments. Other commercial uses include a retail liquor store and community center. An urban farm is compatible with a neighborhood of mixed uses with the approval of a Special Use Permit.

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

The property is suitable for operating an urban farm if managed properly. The subject property has been in use without incident since 2012 and is a popular establishment within the metro region. The neighborhood has several surrounding vacant lots with few residents who will not be affected by the granting of the Special Use Permit. Many of the participants who work in the New Roots for Refugees program live on-site at Juniper Gardens apartments.

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

The subject property is not vacant. The apartments received dedication in the 1960s and have remained on the property. Cultivate KC began operating on the property after the demolition of several uninhabitable buildings.

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

   Special Use Permits are not addressed in the Northeast Area Master Plan. The current Master Plan Designation is Industrial although the use of an apartment complex is expected to continue. A Master Plan Amendment may be needed when the Juniper Gardens Apartment buildings transitions to a new development after its disposition from HUD but that is outside the scope of the applicant's lease or proposed use.

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

   The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class A Thoroughfare if managed appropriately. The design of the neighborhood is such that it encourages street-parking with an emphasis on pedestrian activity rather than off-street parking. There is ample parking along North 3rd Street, and the property utilizes a long driveway with off-street parking in the gravel lot. If the applicant continues to manage small class size and maintain the use of the off-street parking operations would ostensibly not cause traffic congestion beyond.

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

   The proposed use is considered reasonably necessary for the convenience and welfare of the public, as every year program participants are taught entrepreneurial business skills. The program grows produce sold at farmers markets and at other vendors throughout the metro region. The Northeast Area is a "food desert", making a farming and food activity especially vital to the area. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property if adequately maintained.

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

   Noise, vibration, illumination, and environmental hazards are not foreseen to be issues that may be associated with the operation of an urban farm business if managed appropriately. There is some potential for environmental hazard from chemicals such as insecticides and fertilizers, however the program maintains proper chemical storage in the utility structures and provides MSDS sheets and training in proper use as part of its program.

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

   The proposed use would not pollute air or land but rather improves it. The process of agricultural farming preserves the property's environmental features,

as opposed to leaving the land vacant and perhaps prone to dumping and other hazards associated with prolonged vacancy.

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

    The proposed use would not damage or destroy an irreplaceable natural resource but would aid in the preservation of natural resources through soil conservation and utilization.

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

    The relative public gain is substantial, as the operation of the training farm provides for educational training for its participants. The food produced on the property aids the farmers in their personal nutrition as well as contributing to numerous farmers markets and CSA subscriptions. Should the Special Use Permit not be approved, the business would need to find a different location. The Housing Authority would also lose the income gained from the lease agreement with the applicant and would have the additional expense of maintaining the vacant acreage. The applicant and program participants would need to find additional locations and need to restart with undeveloped, unworked land, which would result in the loss of seasonal income, and the neighborhood would lose a valuable amenity, which would result in vacant acreage.

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

    The proposed use would not result in undue concentrations of population as it operates within an existing fenced-in area on the site of approximately 12 acres. Participants do not all work in their designated areas during the same time of day and they are limited to daytime hours for visibility. There is the propensity for overcrowding during any events, as there is limited off-street parking, however, the off-street parking when combined with the Class A Throughfare's wide streets provide ample parking and traffic flow to prevent overcrowding.

NEIGHBORHOOD MEETING

The applicants held a neighborhood meeting by receiving emails, letters, and phone calls through the date of June 5, 2022. Attached is the affidavit, meeting notes, minutes, and/or list of attendees.

KEY ISSUES

Commercial Use
Agricultural Practices
Storage Containers
Landscaping and Screening
Vacancy
Parking
Traffic
Mixed-Use Neighborhood
Chemicals and Pesticides

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-052**, for **two (2) years**, subject to:

1) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
2) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
3) **Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;**
4) **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;**
5) **Any business or land use in Kansas City, KS 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;**
6) **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 at (913) 573-5750 or signpermits@wycokck.org to begin that process;

7) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
8) **Any business in Kansas City, Kansas that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
9) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
10) **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;**
11) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-052** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Staff Site Visit Photos Dated May 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use Permit	June 13, 2022 Approval	June 30, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-052** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-052,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 4:36:52:

SPECIAL USE PERMIT APPLICATION SP2022-052 – LINDA SIEMENS WITH CULTIVATE KANSAS CITY - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-2 – expired 1/31/2021) to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 2089 North 1st Street on the Juniper Gardens Apartment Complex. The subject property is a large housing development in which half the buildings have been demolished, leaving the land vacant. This property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does sell farm products on site during quarterly sales of starter plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property since 2012. The Special Use Permits have been maintained except for last year's permit, as they had had no guidance on if their lease would be renewed at the time of the current Special Use Permit's Expiration.

SPECIAL USE PERMIT APPLICATION SP2022-053 – BRIEN DARBY WITH CULTIVATE KANSAS CITY - SYNOPSIS: Special Use Permit to keep storage containers and a greenhouse at 1810 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 1810 North 1st Street as a continuation of the programming on the Juniper Gardens Apartment Complex. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training

Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does not sell farm products on this site but utilizes the larger adjacent site at Juniper Gardens for sales. The Stowe Park site does incorporate plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property at Juniper Gardens since 2012 and is looking to expand with the purchase of Stowe Park. The Applicant is proposing two additional storage containers, a greenhouse, and a garden shed. These structures are temporary until further determination of the course of action is decided at the adjacent Juniper Gardens site.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Linda Siemens, applicant, 300 East 39th Street, Kansas City, Missouri 64111
- Brien Darby, Cultivate Kansas City, 300 East 39th Street, Kansas City, Missouri 64111
- Samar Fetahovic, Manager of New Roots for Refugees Program 444 Shawnee Road, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:45:37: Planning Director Hand stated that these applications are being heard together. This is the fourth renewal and fifth potential approval. This is the New Roots for Refugees urban farm and there are several containers on each of the properties. This proposal is in Juniper Gardens in the Northeast Area Master Plan. Staff received no letters in support nor opposition. There are no Notices of Violation on either property. As a condition of approval, Staff has noted that any expansion of new containers on the site would require a new updated

Special Use Permit. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report.

Planning Commissioner Connelly asked Staff if anything can be done about the condition of Juniper Gardens regarding the overgrown weeds, etc.? Planning Director Hand stated this is a code enforcement issue and Staff will make a note of this and during the off-season if there is an issue, forward to the Property Compliance (Code Enforcement) Department.

Motion starts at 4:49:51:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-052:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
2) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
3) **Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;**
4) **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;**
5) **Any business or land use in Kansas City, KS 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;

6) **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 at (913) 573-5750 or signpermits@wycokck.org to begin that process;**
7) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
8) **Any business in Kansas City, Kansas that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
9) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
10) **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;**
11) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,

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.**

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-053 for two (2) years:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
2) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
3) **Should additional shipping containers be needed beyond two (2), a modification to the Special Use Permit is required;**
4) **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.**
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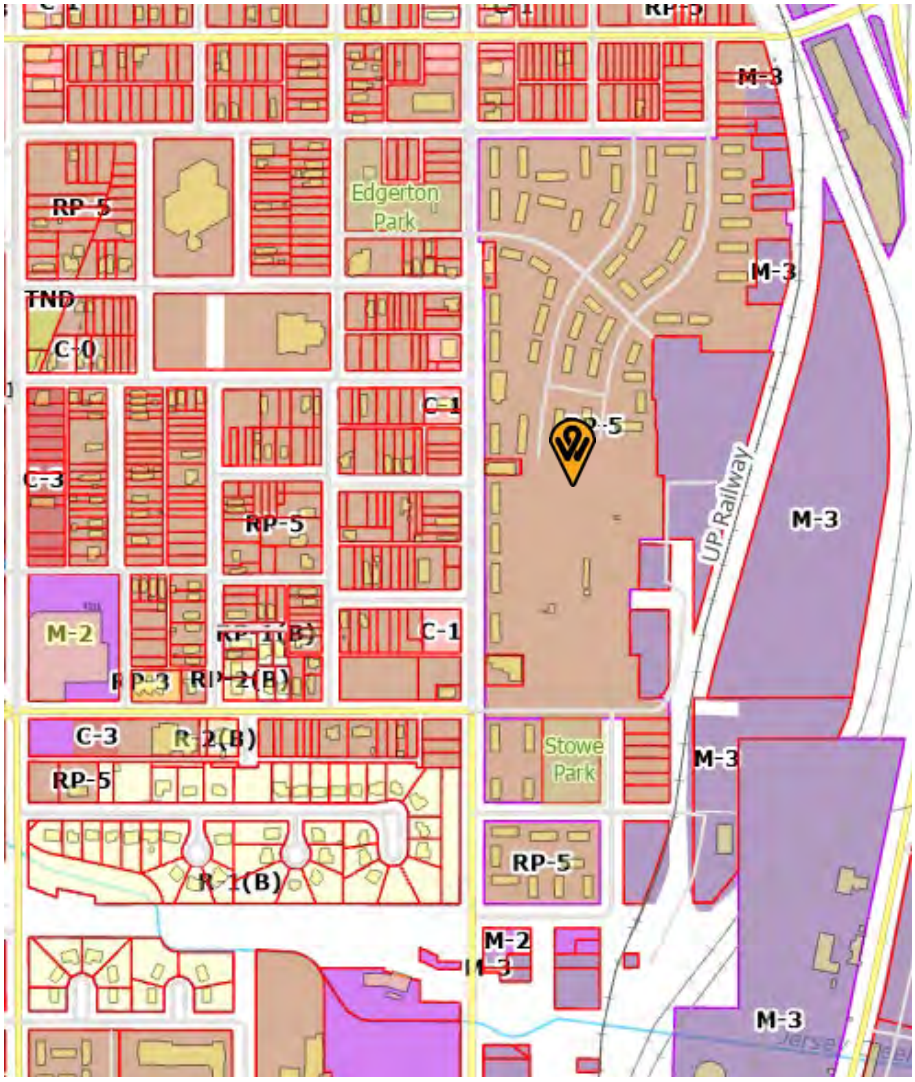
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9) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
10) **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;**
11) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**

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.**

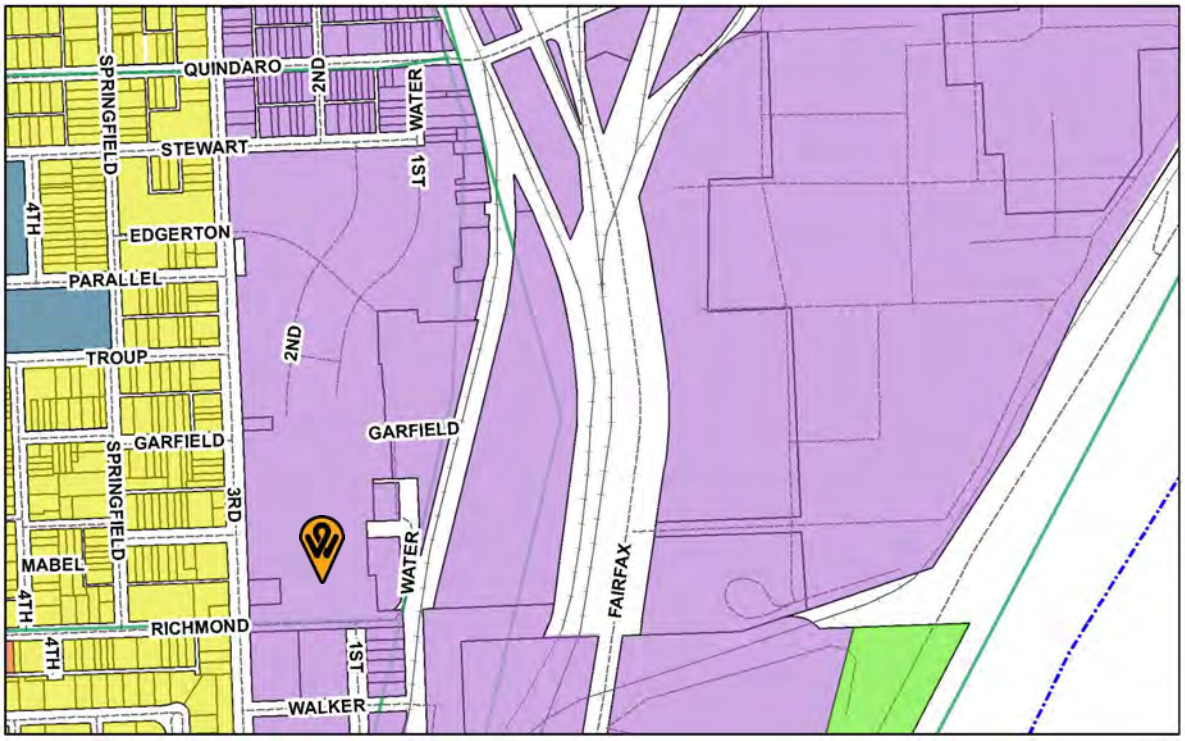
AERIAL MAP



ZONING MAP


M-3
RP-5
Edgerton Park
TND
C-0
C-1
C-3
RP-5
M-2
R-2(B)
C-1
C-3
R-2(B)
RP-5
R-1(B)
M-2
M-3
Stowe Park
RP-5
M-3
M-3
UP Railway

LAND USE MAP



Legend

NEAMP Future Land Use

Districts

- Neighborhood Mixed Use
- Gateway / Neighborhood Commercial Hub
- Commercial
- Highway Commercial
- Industiral
- Historic and Institional
- Parks and Open Space
- Single Family
- 1-4 units, house style
- Low rise apartments (3-4 stories)
- Preserve

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD FEEDBACK

STATE OF **MISSOURI**

COUNTY OF **JACKSON**

Comes now **LINDA SIEMENS**, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition Numbers **SP2022-052** and **SP2022-053**.
2. That I conducted a mailing requesting neighborhood feedback on May 24, 2022 with a June 5, 2022 deadline to receive feedback.
3. No correspondence regarding the mailing was received. Attached is a copy of the notice mailed to the property owners on the lists provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 6 day of June, 2022.

My commission expires 16 of February 2026.

Notary Public

TIMOTHY BAGGETT
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires 2-16-2026
Commission # 22617150

NEIGHBORHOOD MEETING INFORMATION

CULTIVATE KC

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

May 24, 2022

«Name»
«Address»
«CityStateZip»

SUBJECT: Request for Neighbourhood Comments

We have filed two applications with the Department of Urban Planning and Land Use: #SP2022-052 and #SP2022-053. The purposes of these Special Use Permit applications are the following:

SP2022-052 (Juniper Gardens Training Farm)

- Address: 1900 North 1st Street, Parcel #903200
- In collaboration with Catholic Charities of Northeast Kansas, Cultivate Kansas City has been operating the New Roots for Refugees program at this location providing farm business training to individuals and families, including resettled refugees and others in the surrounding area.
- The application is for the program to continue the use of the seven storage containers, including two used as coolers for produce.

SP2022-053 (Stowe Farm)

- Address: 1810 North 1st Street, Parcel #081665
- Adjacent to the property mentioned above, we would like to build a greenhouse for program participants and other area farmers to start their transplants, and to add two storage containers and one garden shed.

We are requesting that anyone who has questions or concerns about these proposals, please contact Linda Siemens via email or phone (contact information below) by June 5, 2022.

Sincerely,

Linda Siemens
913-203-0927
linda@cultivatekc.org

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

STAFF SITE VISIT PHOTOS DATED MAY 16, 2022







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Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Special Use Petition SP2022-053**

GENERAL INFORMATION

Applicant:
Brien Darby
DBA
Cultivate KC and New Roots for Refugees

Status of Applicant:
Tenant
300 East 39th Street Suite #4B
Kansas City, Missouri 64111

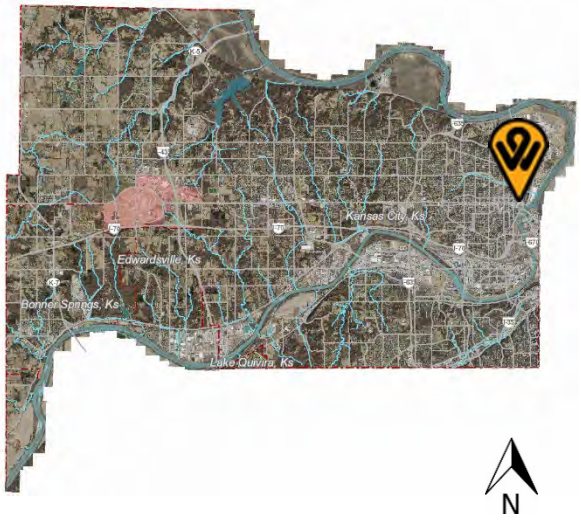
Requested Action:
Approval of a Special Use Permit.

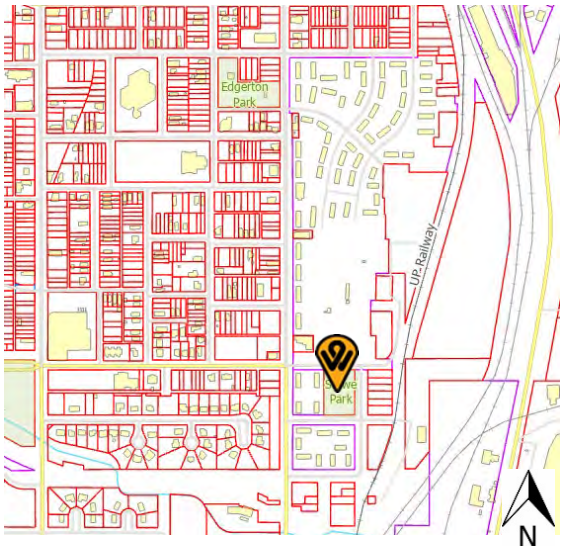
Date of Application:
April 27, 2022

Purpose:
Approval of a Special Use Permit for the temporary use of land for commercial and industrial activities in a residentially zoned district.

Property Location:
1810 North 1st Street
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large District #1: Melissa Bynum
District #1 Commissioner: Gayle Townsend





Existing Zoning:	RP-5 Apartment District	
Adjacent Zoning:	**North:**	RP-5 Apartment District
	South:	RP-5 Apartment District
	East:	M-3 Heavy Industrial District
	West:	RP-5 Apartment District
Adjacent Uses:	**North:**	Juniper Gardens residential housing and single-family residences
	South:	Vacant residential and industrial land
	East:	Vacant City repair garage facility
	West:	Vacant land and single-family residences
Total Tract Size:	1.2101 Acres	
Master Plan Area:	Northeast Area Master Plan	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. Allowed uses include industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses, and outdoor storage.	
Major Street Plan:	The Major Street Plan designates the north tract of North 3rd Street and North 1st Street as Collector Streets and the south tract of North 3rd Street as Class A Throughfare.	
Parking Requirement:	Section 27-460d. states that 1.5 parking spaces are required for each dwelling unit that has one (1) bedroom or less. The subject property has no dwelling units, and no parking spaces are required, meeting this requirement.	
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – May 20, 2022	
Public Hearings:	June 13, 2022 and June 30, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 1810 North 1st Street as a continuation of the programming on the Juniper Gardens Apartment Complex. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does not sell farm products on this site but utilizes the larger adjacent site at Juniper Gardens for sales. The Stowe Park site does incorporate plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property at Juniper Gardens since 2012 and is looking to expand with the purchase of Stowe Park. The Applicant is proposing two additional storage containers, a greenhouse, and a garden shed. These structures are temporary until further determination of the course of action is decided at the adjacent Juniper Gardens site.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding building permits
2. The subject property has the associated Planning and Zoning Cases for the adjacent property at Juniper Gardens:
    a. 2012: SP-2012-13 – Special Use Permit for Temporary Use of Land
    b. 2014: SP-2014-41 – Special Use Permit for Temporary Use of Land
    c. 2016: SP-2016-97 – Special Use Permit for Temporary Use of Land
    d. 2018: SP-2019-02 – Special Use Permit for Temporary Use of Land

e. 2022: SP2022-052 – Special Use Permit for Temporary Use of Land

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The neighborhood is urban in character. Lots vary in size from 0.05 acre at 25' or 50' wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. Smaller commercial-style row buildings are commonly brick masonry and sit towards the front property lines with side lots and street frontage for parking although there is no off-street parking. Streets are concrete with some improvements such as wide sidewalks, curbs, upgraded bus stops, stormwater inlets, and street lighting. This neighborhood was up-zoned during the urban renewal period in order to welcome new development, but many lots remain vacant and undeveloped.

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

   The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences and garden style apartments. Other commercial uses include a retail liquor store and community center. An urban farm is compatible with a neighborhood of mixed uses with the approval of a Special Use Permit.

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

   The property is suitable for operating an urban farm if managed properly. The adjacent subject property has been in use without incident since 2012 and is a popular establishment within the metro region. The neighborhood has several surrounding vacant lots with few residents who will not be affected by the granting of the Special Use Permit. Many of the participants who work in the New Roots for Refugees program live on-site at Juniper Gardens apartments.

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

   The subject property was a former park and not considered vacant due to its usage type, but no permanent development exists on the property. The apartments received dedication in the 1960s and have remained on the property. Cultivate KC began operating on the property after the demolition of several uninhabitable buildings.

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

   Special Use Permits are not addressed in the Northeast Area Master Plan. The current Master Plan Designation is Industrial although the use of an apartment complex is expected to continue. A Master Plan Amendment may be needed

when Stowe Park transitions to a new development with the Juniper Gardens disposition from HUD but that is outside the scope of the applicant's lease or proposed use.

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

   The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class A Thoroughfare if managed appropriately. The design of the neighborhood is such that it encourages street-parking with an emphasis on pedestrian activity rather than off-street parking. There is ample parking along North 3rd Street, and the property utilizes a long driveway with off-street parking in the gravel lot of the adjacent Juniper Gardens Property. If the applicant continues to manage small class size and maintain the use of the off-street parking operations would ostensibly not cause traffic congestion beyond.

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

   The proposed use is considered reasonably necessary for the convenience and welfare of the public, as every year program participants are taught entrepreneurial business skills. The program grows produce sold at farmers markets and at other vendors throughout the metro region. The Northeast Area is a "food desert", making a farming and food activity especially vital to the area. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property if adequately maintained.

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

   Noise, vibration, illumination, and environmental hazards are not foreseen to be issues that may be associated with the operation of an urban farm business if managed appropriately. There is some potential for environmental hazard from chemicals such as insecticides and fertilizers, however the program maintains proper chemical storage in the utility structures and provides MSDS sheets and training in proper use as part of its program.

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

   The proposed use would not pollute air or land but rather improves it. The process of agricultural farming preserves the property's environmental features, as opposed to leaving the land vacant and perhaps prone to dumping and other hazards associated with prolonged vacancy.

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

    The proposed use would not damage or destroy an irreplaceable natural resource but would aid in the preservation of natural resources through soil conservation and utilization.

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

    The relative public gain is substantial, as the operation of the training farm provides for educational training for its participants. The food produced on the property aids the farmers in their personal nutrition as well as contributing to numerous farmers markets and CSA subscriptions. Should the Special Use Permit not be approved, the business would need to find a different location and the lot would remain vacant. The applicant and program participants would need to find additional locations and need to restart with undeveloped, unworked land, which would result in the loss of seasonal income, and the neighborhood would lose a valuable amenity, which would result in vacant acreage.

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

    The proposed use would not result in undue concentrations of population as it operates primarily within an existing fenced-in area on the adjacent Juniper Gardens site of approximately 12 acres. Participants do not all work in their designated areas during the same time of day and they are limited to daytime hours for visibility. There is the propensity for overcrowding during any events, as there is limited off-street parking, however, the off-street parking when combined with the Class A Throughfare's wide streets provide ample parking and traffic flow to prevent overcrowding.

NEIGHBORHOOD MEETING

The applicants held a neighborhood meeting by receiving emails, letters, and phone calls through the date of June 5, 2022. Attached is the affidavit, meeting notes, minutes, and/or list of attendees.

KEY ISSUES

Commercial Use
Agricultural Practices
Storage Containers
Landscaping and Screening
Vacancy
Parking
Traffic
Mixed-Use Neighborhood

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-053**, for **two (2) years**, subject to:

1) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
2) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
3) **Should additional shipping containers be needed beyond two (2), a modification to the Special Use Permit is required;**
4) **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.**
5) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
6) **Any business or land use in Kansas City, KS 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.**
7) **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 at (913) 573-5750 or signpermits@wycokck.org to begin that process;**
8) **Any business in Kansas City, Kansas that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any**

business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

9) **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
10) **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;**
11) **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-053** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Staff Site Visit Photos Dated May 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing Special Use Permit	June 13, 2022 Approval	June 30, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-053** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-053,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 4:36:52:

SPECIAL USE PERMIT APPLICATION SP2022-052 – LINDA SIEMENS WITH CULTIVATE KANSAS CITY - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-2 – expired 1/31/2021) to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 2089 North 1st Street on the Juniper Gardens Apartment Complex. The subject property is a large housing development in which half the buildings have been demolished, leaving the land vacant. This property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does sell farm products on site during quarterly sales of starter plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property since 2012. The Special Use Permits have been maintained except for last year's permit, as they had had no guidance on if their lease would be renewed at the time of the current Special Use Permit's Expiration.

SPECIAL USE PERMIT APPLICATION SP2022-053 – BRIEN DARBY WITH CULTIVATE KANSAS CITY - SYNOPSIS: Special Use Permit to keep storage containers and a greenhouse at 1810 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 1810 North 1st Street as a continuation of the programming on the Juniper Gardens Apartment Complex. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does not sell farm products on this site but utilizes the larger adjacent site at Juniper Gardens for sales. The Stowe Park site does incorporate plants and produce and utilizes various utility storage containers to store equipment and as coolers to store

harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property at Juniper Gardens since 2012 and is looking to expand with the purchase of Stowe Park. The Applicant is proposing two additional storage containers, a greenhouse, and a garden shed. These structures are temporary until further determination of the course of action is decided at the adjacent Juniper Gardens site.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Linda Siemens, applicant, 300 East 39th Street, Kansas City, Missouri 64111
- Brien Darby, Cultivate Kansas City, 300 East 39th Street, Kansas City, Missouri 64111
- Samar Fetahovic, Manager of New Roots for Refugees Program 444 Shawnee Road, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:45:37: Planning Director Hand stated that these applications are being heard together. This is the fourth renewal and fifth potential approval. This is the New Roots for Refugees urban farm and there are several containers on each of the properties. This proposal is in Juniper Gardens in the Northeast Area Master Plan. Staff received no letters in support nor opposition. There are no Notices of Violation on either property. As a condition of approval, Staff has noted that any expansion of new containers on the site would require a new updated Special Use Permit. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report.

Planning Commissioner Connelly asked Staff if anything can be done about the condition of Juniper Gardens regarding the overgrown weeds, etc.? Planning Director Hand stated this is a code enforcement issue and Staff will make a note of this and

during the off-season if there is an issue, forward to the Property Compliance (Code Enforcement) Department.

Motion starts at 4:49:51:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-052 for two (2) years:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
2) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
3) **Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;**
4) **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;**
5) **Any business or land use in Kansas City, KS 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;**

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petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-053 for two (2) years:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**
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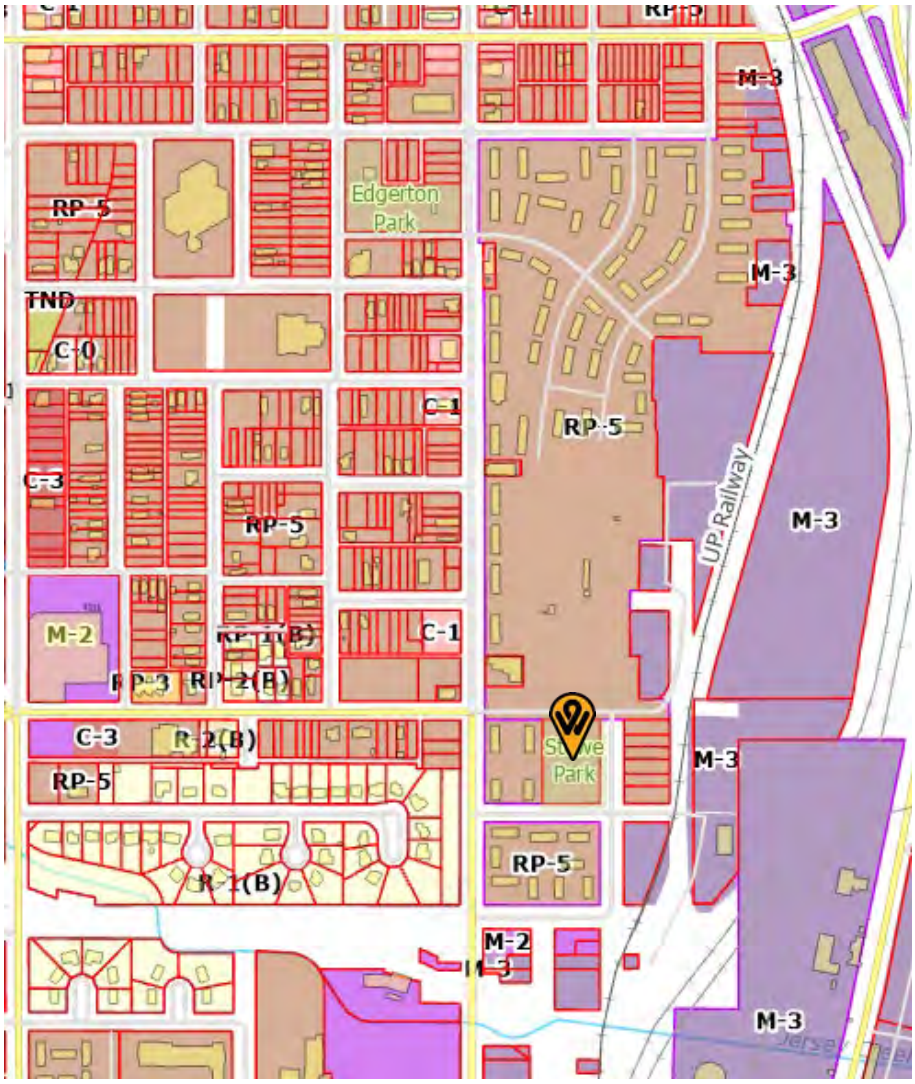
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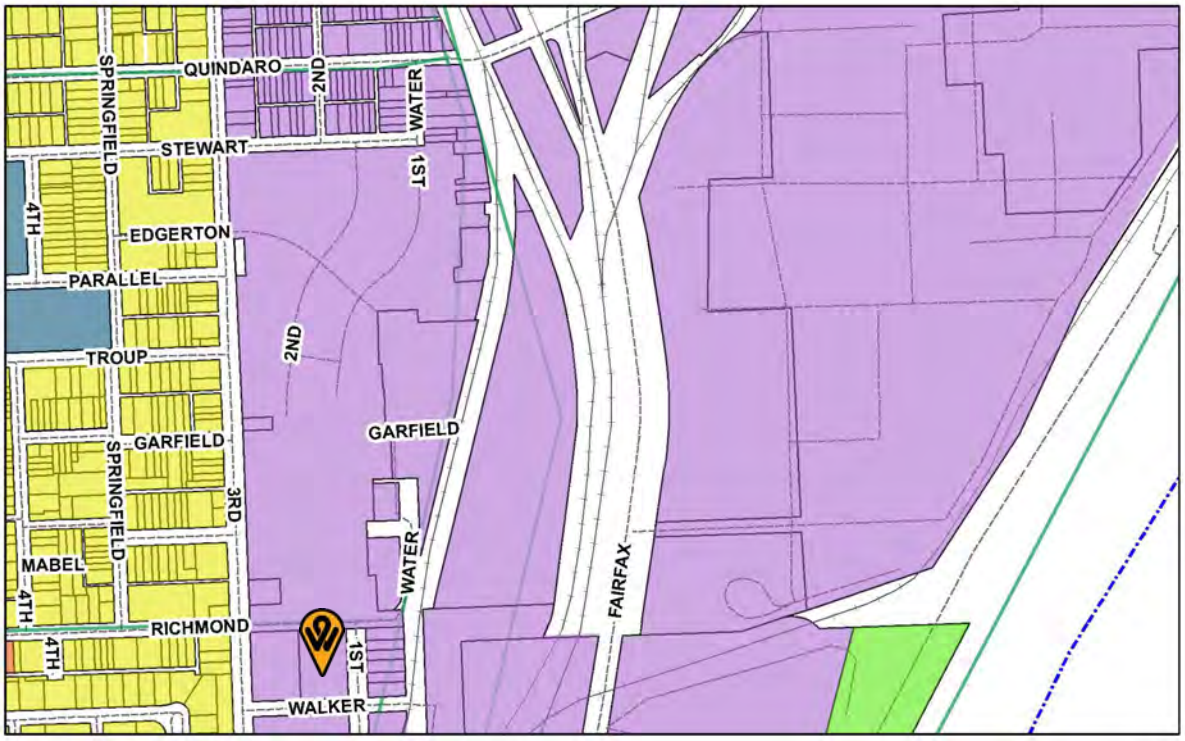
AERIAL MAP



ZONING MAP


M-3
Edgerton Park
RP-5
TND
C-0
C-1
C-3
RP-5
M-3
UP Railway
M-2
R-2(B)
RP-3
R-2(B)
C-1
C-3
R-2(B)
RP-5
Steve Park
M-3
RP-5
R-1(B)
M-2
M-3
M-3

LAND USE MAP



Legend

NEAMP Future Land Use

Districts

- Neighborhood Mixed Use
- Gateway / Neighborhood Commercial Hub
- Commercial
- Highway Commercial
- Industiral
- Historic and Institional
- Parks and Open Space
- Single Family
- 1-4 units, house style
- Low rise apartments (3-4 stories)
- Preserve

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD FEEDBACK

STATE OF **MISSOURI**

COUNTY OF **JACKSON**

Comes now **LINDA SIEMENS**, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition Numbers **SP2022-052** and **SP2022-053**.
2. That I conducted a mailing requesting neighborhood feedback on May 24, 2022 with a June 5, 2022 deadline to receive feedback.
3. No correspondence regarding the mailing was received. Attached is a copy of the notice mailed to the property owners on the lists provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 6 day of June, 2022.

My commission expires 16 of February 2026.

Notary Public

TIMOTHY BAGGETT
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires 2-16-2026
Commission # 22617150

CULTIVATE KC

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

May 24, 2022

«Name»
«Address»
«CityStateZip»

SUBJECT: Request for Neighbourhood Comments

We have filed two applications with the Department of Urban Planning and Land Use: #SP2022-052 and #SP2022-053. The purposes of these Special Use Permit applications are the following:

SP2022-052 (Juniper Gardens Training Farm)

- Address: 1900 North 1st Street, Parcel #903200
- In collaboration with Catholic Charities of Northeast Kansas, Cultivate Kansas City has been operating the New Roots for Refugees program at this location providing farm business training to individuals and families, including resettled refugees and others in the surrounding area.
- The application is for the program to continue the use of the seven storage containers, including two used as coolers for produce.

SP2022-053 (Stowe Farm)

- Address: 1810 North 1st Street, Parcel #081665
- Adjacent to the property mentioned above, we would like to build a greenhouse for program participants and other area farmers to start their transplants, and to add two storage containers and one garden shed.

We are requesting that anyone who has questions or concerns about these proposals, please contact Linda Siemens via email or phone (contact information below) by June 5, 2022.

Sincerely,

Linda Siemens
913-203-0927
linda@cultivatekc.org

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

STAFF SITE VISIT PHOTOS DATED MAY 16, 2022







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Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Special Use Petition SP2022-055**

GENERAL INFORMATION

Applicant:
Marc Winkler
DBA Purple Holdings, LLC

Status of Applicant:
Property Owner
11100 North 72nd Terrace
Shawnee, KS 66203

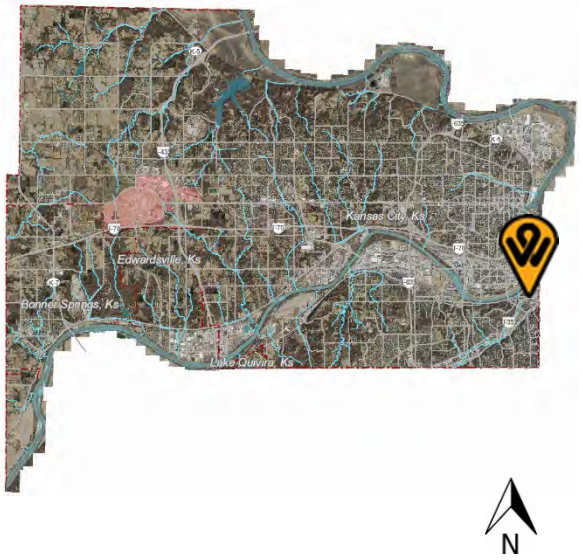
Requested Action:
Approval of a Special Use Permit.

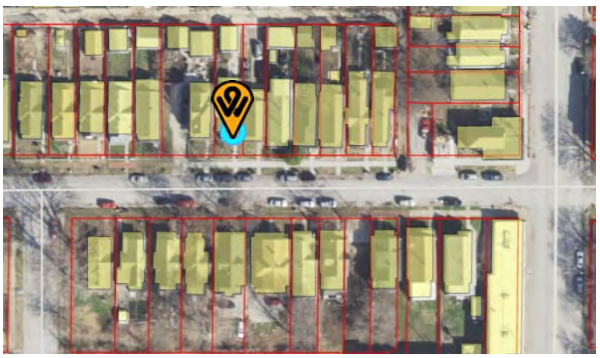
Date of Application:
April 29, 2022

Purpose:
To operate a short-term rental. This is not the owner's primary residence.

Property Location:
620 Tenny Avenue
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan





Existing Zoning:	R-1(B) Single Family District	
Adjacent Zoning:	**North:**	R-1(B) Single Family District
	South:	R-1(B) Single Family and R-2(B) Two-Family Districts
	East:	R-1(B) Single Family District
	West:	R-1(B) Single Family District
Adjacent Uses:	**North:**	Single family residence
	South:	Single family residence and Two-family residence
	East:	Single family Residence
	West:	Single family Residence

Total Tract Size: 0.077 Acre

Master Plan Area: Central Area Master Plan

Master Plan Designation: The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.

Major Street Plan: The Major Street Plan designates Tenny Avenue as a Local Street.

Advertisement: The Wyandotte Echo – May 19, 2022
Letters to Property Owner – May 20, 2022

Public Hearings: June 13, 2022 and June 30, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Marc Winkler, is seeking approval to operate a short-term rental at 630 Tenny Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are some visits to the property in recent years:
    a. 2021: 2021-00018910 – Welfare Check
    b. 2020: 2020-00048358 – Abandoned Vehicle
    c. 2020: 2020-00019656 – Found Property
    d. 2020: 2020-00012516 – Criminal Damage to Property
    e. 2019: 2019-00069655 – Welfare Check
    f. 2018: 2018 – 00107014 – Premises Check
    g. 2017: 2017 – 00052073 – Abandoned Vehicle
    h. 2016: 2016 – 00040243 – Abandoned Vehicle

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.

2. The current property owner has no outstanding Code Inspection Cases. The prior owners had some complaints:
    a. 2011: 1120-03524 – Roof in Need of Repair – Closed
    b. 2011: 11200-02061 – Appliances in Alley – Closed
    c. 2007: 07220-00620 – Graffiti – Closed

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The Subject Property has two (2) prior building permits:
    a. 2010: 10390-00473 – Plumbing – Water Heater Replacement – Void/Closed
    b. 2002: 02380-01036 – Electrical – Exterior Mast – Issued (Open)

2. The subject property has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Homes in this area are generally a combination of masonry and siding. This area of the neighborhood shows various signs of improvements, including repaved asphalt streets, pedestrian-scale street lighting, and the brick sidewalks are maintained to various degrees. The neighborhood lacks sufficient parking but is generally walkable with transit access. Lots are narrow and homes typically include alleyway garages or parking, elevated steps, porches, and landscaping.

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

   The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences and a few duplexes. The end of the street to the east has a small neighborhood drinking establishment and the 7th Street Mixed-Use Corridor is at the end of the block to the west. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the nearby mixed-use corridor, and neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

   This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

   The property is currently vacant as it completes renovation. It is unclear how long the property was vacant prior to purchase, but the distressed condition of the property indicates it may have had a prolonged period of vacancy.

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

   Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use has an average degree of conformance to the plan's designation as the building is a single-family home in structure.

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

   The current design of the neighborhood does not provide sufficient parking for multiple vehicles. There is a single-car garage in the rear of the home, but it is unclear if the structure is in operational condition or would be utilized by tenants or guests. It is typical of the neighborhood to park one or both cars in the rear yard off the alleyway or to park one car in the rear and one in the front of the street, as backyards tend to be steeply sloped. This is not unique to guests as long-term residents or property owners would ostensibly face the same issue. These older neighborhoods traditionally and unofficially self-reserve one (1) to two (2) parking spaces along the abutting public right-of-way of a property.

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

   The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood. Although there are inconveniences related to parking, this is not unique to the operation of a short-term rental at the property.

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

   Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby property.

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

   The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

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

    The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use neighborhood.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

    The proposed use would not result in overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is two (2) and the maximum number of vehicles is one (1). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting by accepting letters, emails, and phone calls through the date of June 3, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Building Condition
Noise Concerns
Parking
Traffic
Mixed-Use Neighborhood
Overcrowding/Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend APPROVAL of Special Use Permit Application SP2022-055, for one (1) year, subject to:

1. **The following building repairs must be made prior to any guest or tenant occupation:**
    a. **Repair the mortar around the front wall near stairs.**
    b. **Repair holes in the siding at ground level where pests could enter.**
    c. **Repair mortar on garage.**
    d. **Repair holes in soffit/fascia where there are signs of rodent/pest infestation.**
    e. **Repair windows. All windows must be operable with ease.**
    f. **Evidence of working GFCI outlet receptacles shall be given in the kitchen, bathrooms, or any weather exposed areas.**
    g. **Smoke and Carbon Monoxide detectors must be present and in verifiable working condition.**
    h. **The sump pump must be in working condition, complete with a cover.**
    i. **Railing must be replaced on the front porch and up the front stairs.**
2. **Maximum number of guests shall be four (4);**
3. **All parking must be off-street, maximum number of vehicles is one (1);**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper main entrance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
10. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
11. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
12. **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 as both the property owner and the business owner that they 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;**
13. **The Special Use Permit shall be valid for one (1) year 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 (2) months prior to the expiration of the permit 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,

14. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **SP2022-055** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Photos Dated May 26, 2022
Liability Insurance
Floor Plan
Home Inspection Highlights
Neighborhood Meeting Information
Staff Site Visit Photos Dated May 16, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing Special Use Permit	June 13, 2022 Approval	June 30, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-055** as meeting all the requirements of the City code and being in the interest of the

public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-055,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 4:52:15:

SPECIAL USE PERMIT APPLICATION SP2022-055 – MARC WINKLER WITH PURPLE HOLDINGS, LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 620 Tenny Avenue.

Detailed Outline of Requested Action: The applicant, Marc Winkler, is seeking approval to operate a short-term rental at 630 Tenny Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Marc Winkler, applicant, Purple Holdings, LLC, 11100 North 72nd Terrace, Shawnee, Kansas 66203

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:54:15: Planning Director Hand stated that the request is for a short-term rental. The property is located in the Strawberry Hill area in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old notices of violation on this property but all of them have been addressed through the rehabilitation and redevelopment of the property by the applicant. He stated that the applicant is seeking a maximum of four (4) people and one (1) car. Staff has included some conditions of approval pertaining to making sure that using a residential property for a commercial use is up to code. Staff has been asking all short-term applicants to comply with the list of requirements pertaining to their use. Staff has requested that these items be completed by the Board of Commissioners meeting. Director Hand stated that he would note that this is a legal non-conforming property and in this zoning district two off-street parking spaces are required. This is a narrow lot, and the site is so constrained that only a one-car garage is able to fit off the alley to the rear of the property. The applicant has not changed the building footprint or expanded the square feet but has converted one (1) of the rooms into a second bedroom. There may be people that come to the site that may need to park one (1) car on the street. If the garage was torn down and a pad for two (2) cars was constructed, a variance might be necessary depending on how much concrete is needed to build the two-car pad. Staff recommends approval for one (1) year as this is a new application, subject to the conditions in the staff report. If the conditions are not completed by the June 30th meeting, Staff will hold the Special Use Permit ordinance.

Motion starts at 4:58:55:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-055 for one (1) year:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

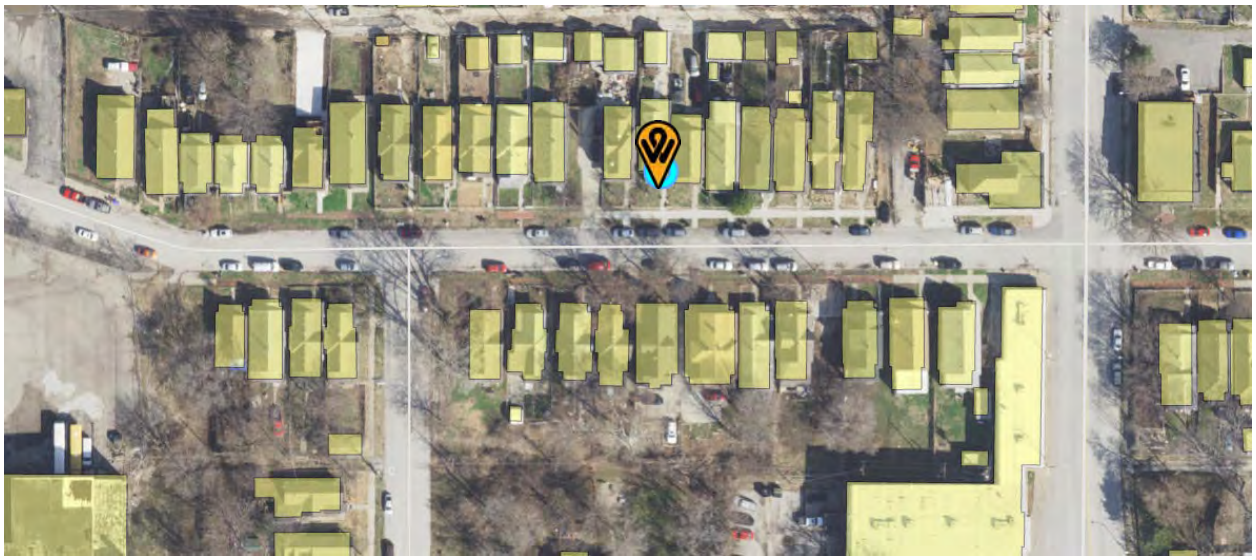
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b. **Repair holes in the siding at ground level where pests could enter.**
c. **Repair mortar on garage.**
d. **Repair holes in soffit/fascia where there are signs of rodent/pest infestation.**
e. **Repair windows. All windows must be operable with ease.**
f. **Evidence of working GFCI outlet receptacles shall be given in the kitchen, bathrooms, or any weather exposed areas.**
g. **Smoke and Carbon Monoxide detectors must be present and in verifiable working condition.**
h. **The sump pump must be in working condition, complete with a cover.**
i. **Railing must be replaced on the front porch and up the front stairs.**

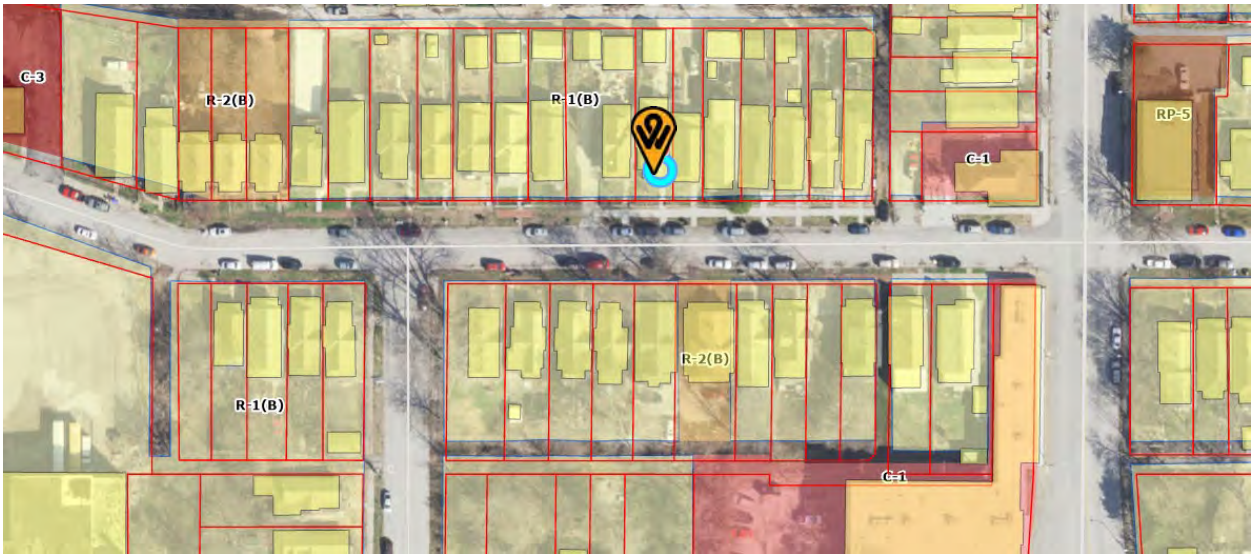
2. **Maximum number of guests shall be four (4);**
3. **All parking must be off-street, maximum number of vehicles is one (1);**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
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11. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**

12. **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 as both the property owner and the business owner that they 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;**
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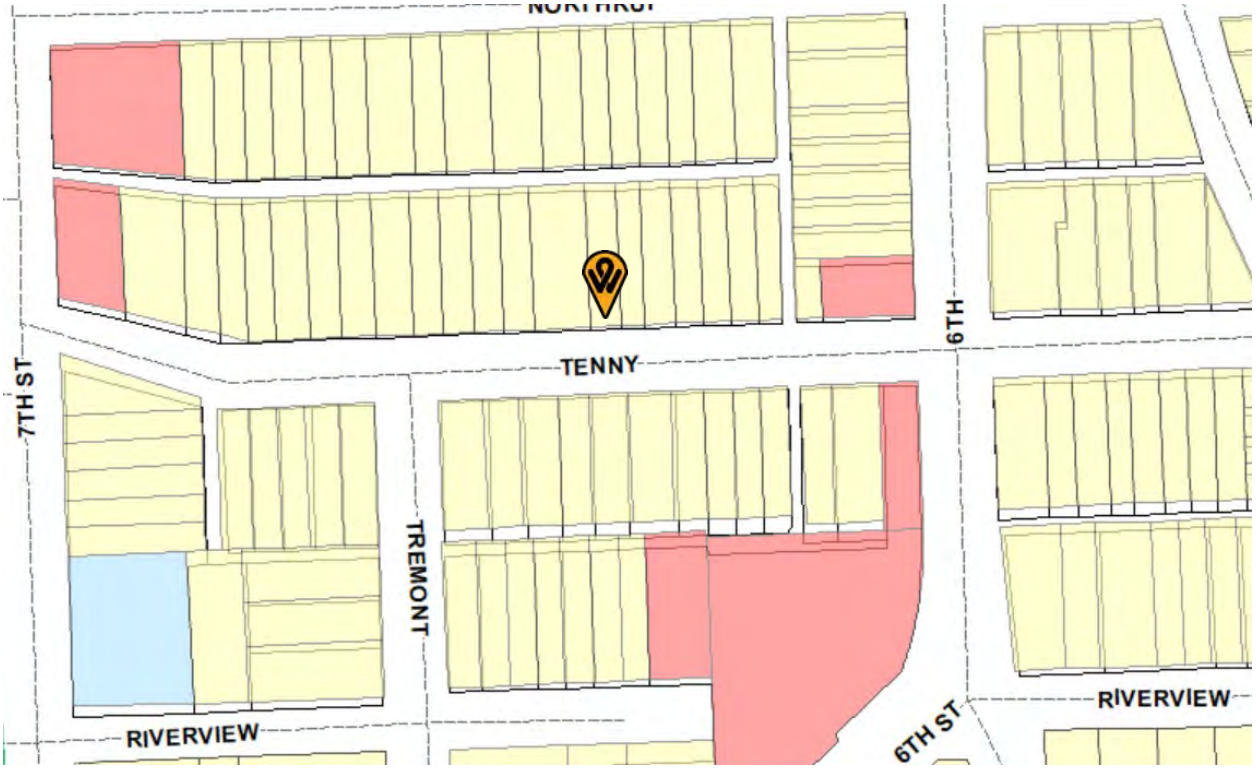
AERIAL MAP



ZONING MAP



LAND USE MAP

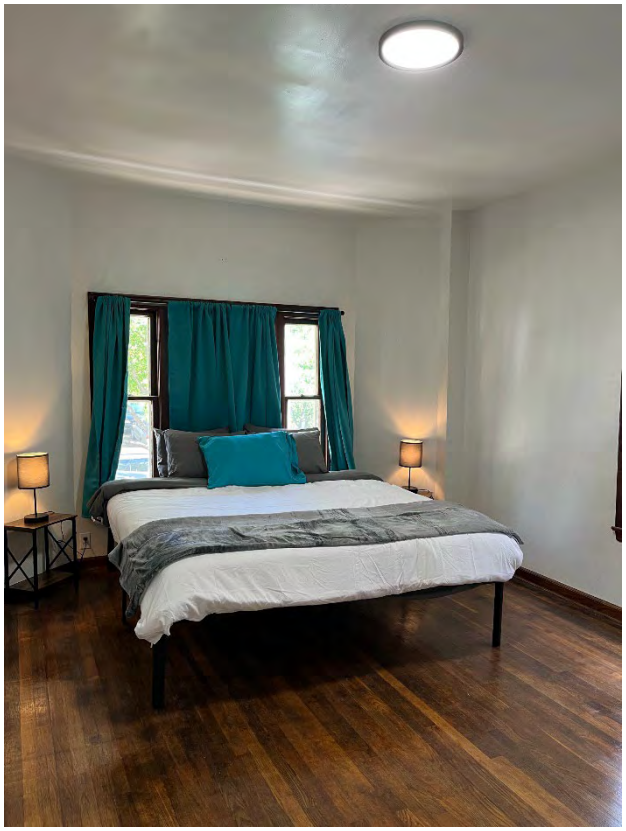

7TH ST
TENNY
6TH
TREMONT
RIVERVIEW
6TH ST
RIVERVIEW


Legend
Central_Area_MP_parcels
Future Land Use
Community Commercial
High-Density Residential
Medium Density Residential
Mixed-Use
Neighborhood Commercial
Parks/Open Space
Public/Semi-Public
Right-of-Way
Urban Density
Utility

APPLICANT PHOTOS DATED MAY 26, 2022









TRAVELERS

Landlord Dwelling Policy Change Declarations

Named Insured and Mailing Address
MARC WINKLER
11100 W 72ND TER
SHAWNEE, KS 66203-4350
MARC@MWBBB.COM

Your Agency's Name and Address
GOODMAN GRAVLEY INS
14812 W 117TH ST
OLATHE, KS 66062

Residence Premises
620 TENNY AVE
KANSAS CITY, KS 66101-3306

Policy Information

Your Policy Number	610965253 653 1	**For Policy Service**	1.877.872.8737
Your Account Number	610965253	**For Claim Service**	1.800.252.4633
Your Insurer:	TRAVELERS PERSONAL INSURANCE COMPANY a subsidiary or affiliate of The Travelers Indemnity Company One Tower Square, Hartford, CT 06183		

Premium Change: This change increases the premium by $110.00 for the remainder of the policy period.
Change Effective: December 30, 2021
Reason For Change:
Increase to Coverage A - Dwelling
Increase to Coverage B - Other Structures
Increase to Coverage C - Household Furnishings
Increase to Coverage D - Loss of Use

These Declarations replace all prior declarations on the date on which this change is effective.

The policy period is from December 30, 2021 at 12:01 A.M. STANDARD TIME to December 30, 2022 at 12:01 A.M. STANDARD TIME at the residence premises.

Total Premium for this Policy: **$1,066.00**
This is not a bill. You will be billed separately for this transaction.

Discounts

The following discounts reduced your premium:

Multi-Policy
Loss Free
Good Payer
Fire Protective Device

Savings Reflected in Your Total Premium: **$398.00**

Coverages and Limits of Liability

Property Coverage Section	Limit
Coverage A – Dwelling	$201,000
Coverage B – Other Structures	$20,100
Coverage C – Household Furnishings	$7,000
Coverage D – Loss of Use	$20,100

PL-50355 KS (05-17)
422/0XF913
Insured Copy
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TRAVELERS

Liability Coverage Section	Limit
Coverage E – Premises Liability (each occurrence)	$500,000
Coverage F – Medical Payments to Others (each person)	$5,000

Deductibles

Peril Deductible	Deductible
Property Coverage Deductible (All Perils)	$2,500

In case of loss under the Property Coverage Section, only that part of the loss over the applicable deductible will be paid (up to the coverage limit that applies).

Additional Coverages

The limit shown for each of the Additional Coverages is the total limit for each loss in that category.

Property – Additional Coverages		Limit
Debris Removal (Additional % of damaged covered property limit)		5%
Trees, Shrubs and Other Plants (5% of Coverage A - Dwelling Limit)	Per Tree $500 Per Loss	$10,050
Fire Department Service Charge		$500
Loss Assessment		$1,000
Ordinance or Law (10% of Coverage A - Dwelling Limit)		$20,100
Limited Fungi or Other Microbes Remediation		$5,000

The applicable policy deductible applies unless otherwise noted.

Liability – Additional Coverages	Limit
Loss Assessment	$1,000

Please review your policy for other Personal Property Special Limits of Liability and Additional Coverages that may apply.

Optional Coverages

Optional Coverages	Endorsement	Limit	Premium
Special Coverage	HQ-003 CW (05-18)		Included*
Personal Injury Coverage	HQ-082 CW (02-19)		$16.00
Additional Replacement Cost Protection Coverage 25% of Coverage A - Dwelling Limit	HQ-420 CW (11-18)	$50,250	Included*
Functional Replacement Cost Loss Settlement	HQ-825 CW (05-17)		Included*
Household Furnishings Replacement Cost Loss Settlement Landlord	HQ-859 CW (11-18)		Included*

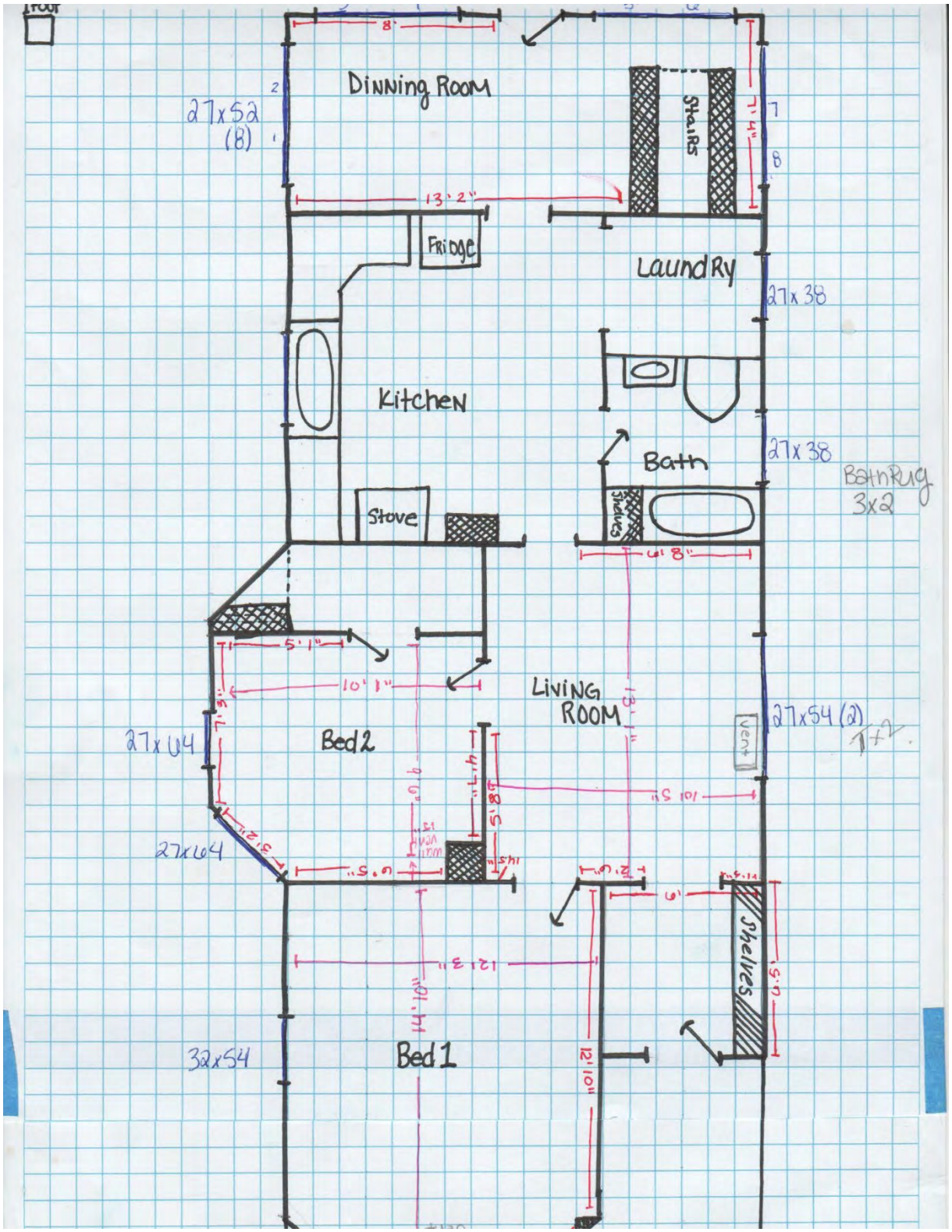
***Note:** The additional cost or premium reduction for any optional coverage or package shown as "Included" is contained in the Total Policy Premium Amount.*

PL-50355 KS (05-17)
422/0XF913

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Page D-2

FLOOR PLAN


Dinning Room
27x52 (8)
Shelves
Fridge
Laundry
27x38
Kitchen
Bath
27x38
Bath Rug 3x2
Shelves
Stove
Living Room
27x54 (2)
Vent
27x64
Bed 2
27x64
Shelves
32x54
Bed 1

2.5.2 The retaining wall is damaged. Repair as needed to prevent failure or further deterioration. **(Exterior Front)**





3.2 Wall Surface

Composite Wood Board

3.2.1 The wall surface is damaged in places. Repair/re damage to the interior finishes. **(Throughout)**





6.2 **Structure**

6.2.1 The concrete block wall on the garage has settled with gaps present. Seal gaps and monitor for future movement. If further movement occurs, recommend a foundation specialist evaluates and repairs. **(Garage)**





3.2.3 The wall surface has loose mortar that is crackir and further deterioration. **(Garage)**



3.3 Eaves / Fascia / Soffit

3.3.1 Sections of fascia/soffit are damaged. Some wo
soffit and seal all gaps to help prevent further damage a



3.5 Windows

3.5.1 The seal on the window pane is starting to deteriorate. This is very common for wood windows. Re-caulk/repaint to maintain a weather-resistant coating and prevent deterioration.

9.9 GFCI Devices

- ⊙ Bathroom(s)
- ⊙ Kitchen(s)

9.9.1 The GFCI devices were inspected, tested, and functioned properly at time of inspection.

9.10 Smoke Alarms

9.10.1 Smoke alarm(s) were present, however were not tested and the functionality was not determined. Consider replacing smoke alarms when taking possession to ensure that new, properly functioning and properly-located fire protection is in place.

9.11 Carbon Monoxide Alarms

9.11.1 Carbon monoxide alarm(s) were present, however were not tested and the functionality was not determined. Consider replacing carbon monoxide alarms when taking possession to ensure that new, properly functioning and properly-located fire protection is in place.

11.9 Sump Pump

11.9.1 A sump crock and pump are present but the sump cover is missing. Recommend a cover is installed to prevent a safety hazard. **(Basement Room)**



NEIGHBORHOOD MEETING INFORMATION

May 22, 2022

COMMISSIONER BRIAN MCKIERNAN

701 NORTH 7TH STREET - 9TH FLOOR

KANSAS CITY, KS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2022-055. The purpose of this is for a special use permit at 620 Tenny Avenue, Kansas City, Kansas 66101.

I/We am having a neighborhood meeting on June 3, 2022 at 5:00 p.m. Please contact me at 913-707-4896 or by email at Marc@mwbbb.com.

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

I look forward to hearing from you at the neighborhood meeting. Please contact me at the address or phone number listed below.

Sincerely,

Marc Winkler

Marc Winkler

(913) 707-4896

Marc@mwbbb.com

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # SP 2022-055
2. That I conducted a neighborhood meeting on 6-3-2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

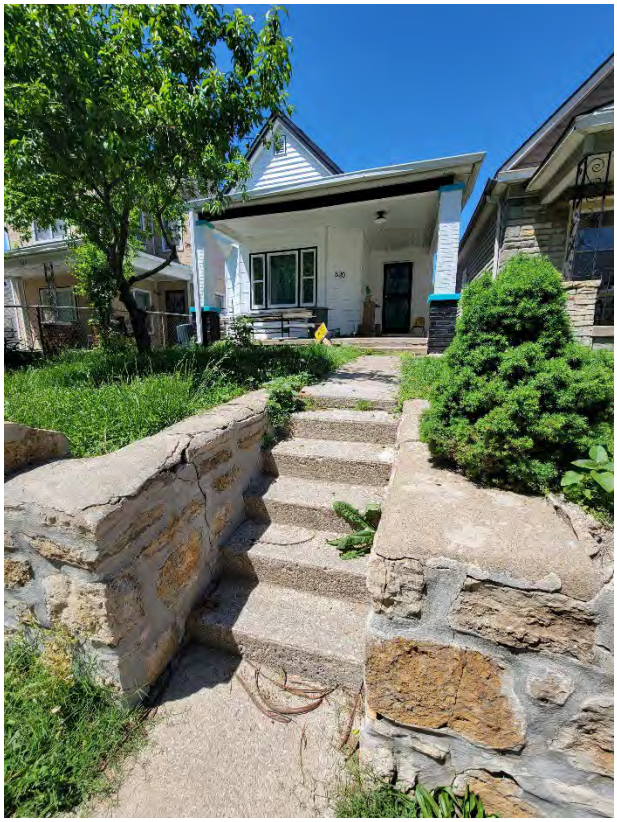
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 7th day of June, ~~200~~ 2022

My commission expires 9 of 01, ~~200~~ 2025

Notary Public

NOTARY PUBLIC - State of Kansas
BRYAN MOORMAN
My Appt. Exp. 9-1-2025

STAFF SITE VISIT PHOTOS DATED MAY 16, 2022







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 30, 2022

Re: **Petition SP2022-056**

GENERAL INFORMATION

Applicant:
Tobias Sandoval-Suarez

Status of Applicant:
Sergio's Fence and More LLC
3914 North 59th Street
Kansas City, KS 66104

Requested Action:
Approval of a Special Use Permit.

Date of Application:
April 29, 2022

Purpose:
To keep work equipment, related materials, and parking for employees on-site (Temporary Use of Land for Commercial Purposes).

Property Location:
3914 North 59th Street





Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis
Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	**North:** R-1 Single Family District **South:** R-1 Single Family District **East:** R-1 Single Family District **West:** A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	**North:** Large lot single family homes **South:** Large lot single family homes **East:** Large lot single family homes **West:** Large lot single family homes
Total Tract Size:	4.81 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive, and open space.
Major Street Plan:	The Major Street Plan classifies North 59th Street as a Local Street.
Required Parking:	Sec. 27-452(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Applicant is providing five (5) spaces.
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – May 20, 2022
Public Hearings:	June 13, 2022 and June 30, 2022
Public Support:	None to date.
Public Opposition:	Staff has received a phone call from a neighbor who is opposed to the proposed use. There were four (4) persons present at the June 13, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59th Street.

City Ordinance Requirements: *27-592 through 27-606*

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. EVN22-0699 – complaint on March 17, 2022 of large pile of boards and fencing.
2. EVN22-0972 – complaint on April 7, 2022 of large piles of boards and other materials associated with fencing business overweight vehicles stored on the property.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of large lot single-family homes. The area is relatively rural in nature along North 59th Street to the east and North 60th Street to the west. The majority of the parcels are zoned R-1 Single Family District, however, there are some zoned A-G Agriculture District.

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

The zoning and uses of nearby property are set out above. A home business keeping heavy equipment, materials and having employees park their personal vehicles to carpool to job sites is not preferred as commercial contractors are best suited to be in C-3/CP-3 Commercial District or higher. A home-based office poses no issues, but an operation at this scale would not normally be compatible with established residential uses.

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

The property owner intends to allow employees to park their vehicles on the gravel driveway, keep stockpiles of materials in the rear of the property along with heavy Caterpillar equipment. Removal of the restrictions should not detrimentally affect nearby property because the Temporary Use for Commercial Purposes is temporary in nature with a fixed term of two (2) years, after such time, the applicant must find an alternate location to park vehicles, store equipment and materials.

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

   The property is not vacant, as the applicant is the homeowner.

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

   Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan Rural Residential designation for this property allows agricultural uses, ranches, and large-lot detached single-family residences. This use is not in conformance with the Master Plan.

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

   The applicant stated that two (2) cars will remain on the property while they carpool to the job site. The amount of vehicular traffic will be minimal, no different than residents leaving their homes in the early morning and returning in the early evening.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public considering these benefits are solely for applicant and business owner. Due to the relatively short-term nature of the permit, the proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining property, but may impair adjacent properties in the interim.

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

   The noise that is normally associated with the moving equipment to load on trailers and parking of employee vehicles will occur in the morning, typically when residents leave for work, between 7:30 AM – 8:00 AM and should not create problems for nearby property due to size of the 4.81 acres property.

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

   The proposed use will not pollute the air, land, or water because no work is occurring on the property that results in physically changing the characteristics or features of the property.

   The existing gravel driveway must remain in its current configuration and dimension and cannot be expanded as a commercial parking lot is not permitted.

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

    The proposed use will not damage or destroy an irreplaceable natural resource because no work is occurring on the property that results in physically changing the characteristics or features of the property.

    The existing gravel driveway must remain in its current configuration and dimension as this property cannot become a commercial parking lot for employees.

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

    The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner is minimal. If this application is denied, the applicant will need to find a commercial (C-3/CP-3) or industrial zoning property that keep the materials, equipment and parking for employees.

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

    Due to the size of the property, 4.81 acres, and the length of the gravel driveway, the proposed use can temporarily accommodate the keeping of equipment, materials, and employee parking without resulting in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 24, 2022.

KEY ISSUES

Noise, Illumination and Vibration
Parking
Storage of equipment and materials
Ability to mitigate noise from adjacent property owners

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-056**, for **two (2) years**, subject to:

1. **Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;**
2. **Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;**
3. **For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;**
4. **The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.**
5. **The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;**
6. **Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;**
7. **Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;**
8. **Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;**
9. **All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;**
10. **A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
11. **No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).**
12. **If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;**
13. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must**

occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. **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;**
15. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed per Sec. 27-593(a)(27). 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 (2) months prior to the expiration of the permit 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,**
16. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-056** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

June 13, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Property Sketch
Applicant Response Letter
Neighborhood Meeting Letter/Minutes
Site Photographs Provided by Staff on May 18, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 13, 2022	June 30, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-056** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-056,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 13, 2022 City Planning Commission Minutes:

Hearing starts at 5:00:14:

SPECIAL USE PERMIT APPLICATION SP2022-056 – TOBIAS SANDOVAL SUAREZ - SYNOPSIS: Special Use Permit for the Temporary Use of Land to store construction equipment at 3914 North 59th Street.
Detailed Outline of Requested Action: The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59th Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 13, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Tobias Sandoval, applicant, 3914 North 59th Street, Kansas City, Kansas 66104
- James Mallinson, 4125 North 59th Street, Kansas City, Kansas 66104

Present in Opposition:

- Andrew Burke, 3948 North 59th Street, Kansas City, Kansas 66104
- Keith Gann, 3959 North 60th Street, Kansas City, Kansas 66104
- Peter Kovac, 4023 North 59th Street, Kansas City, Kansas 66104 had been present but had to leave and Mr. Burke read his comments into the record.

Staff Recommendation starts at 5:13:25: Planning Director Hand stated that this Special Use Permit is for the temporary use of land which means that according to code it is only for two (2) years maximum with no renewal with this case and any temporary uses of land moving forward with the Unified Government. The applicant is using the property for his commercial business. This property is in the north midtown neighborhood in the City-Wide Master Plan. Staff has received no letters in support and has received letters in opposition. There are Notices of Violation on the property relating to this use which necessitated the Special Use Permit; it started as a code violation case. Staff has worked with the applicant on hours of operation, ingress and egress with his employees and the equipment and storage on-site. Director Hand stated that the Fire Department issues and enforces all burn permits in response to one

of the questions by the opposition. Staff recommends approval for two (2) years to allow the applicant time to find a location for his equipment and employees, subject to the conditions in the staff report.

Motion starts at 5:16:15:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-056 for two (2) years:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to:

1. **Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;**
2. **Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;**
3. **For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;**
4. **The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.**
5. **The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;**
6. **Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;**
7. **Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;**
8. **Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;**
9. **All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;**
10. **A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by**

info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

11. **No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).**
12. **If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;**
13. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
14. **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;**
15. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed per Sec. 27-593(a)(27). 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 (2) months prior to the expiration of the permit 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,**
16. **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.**

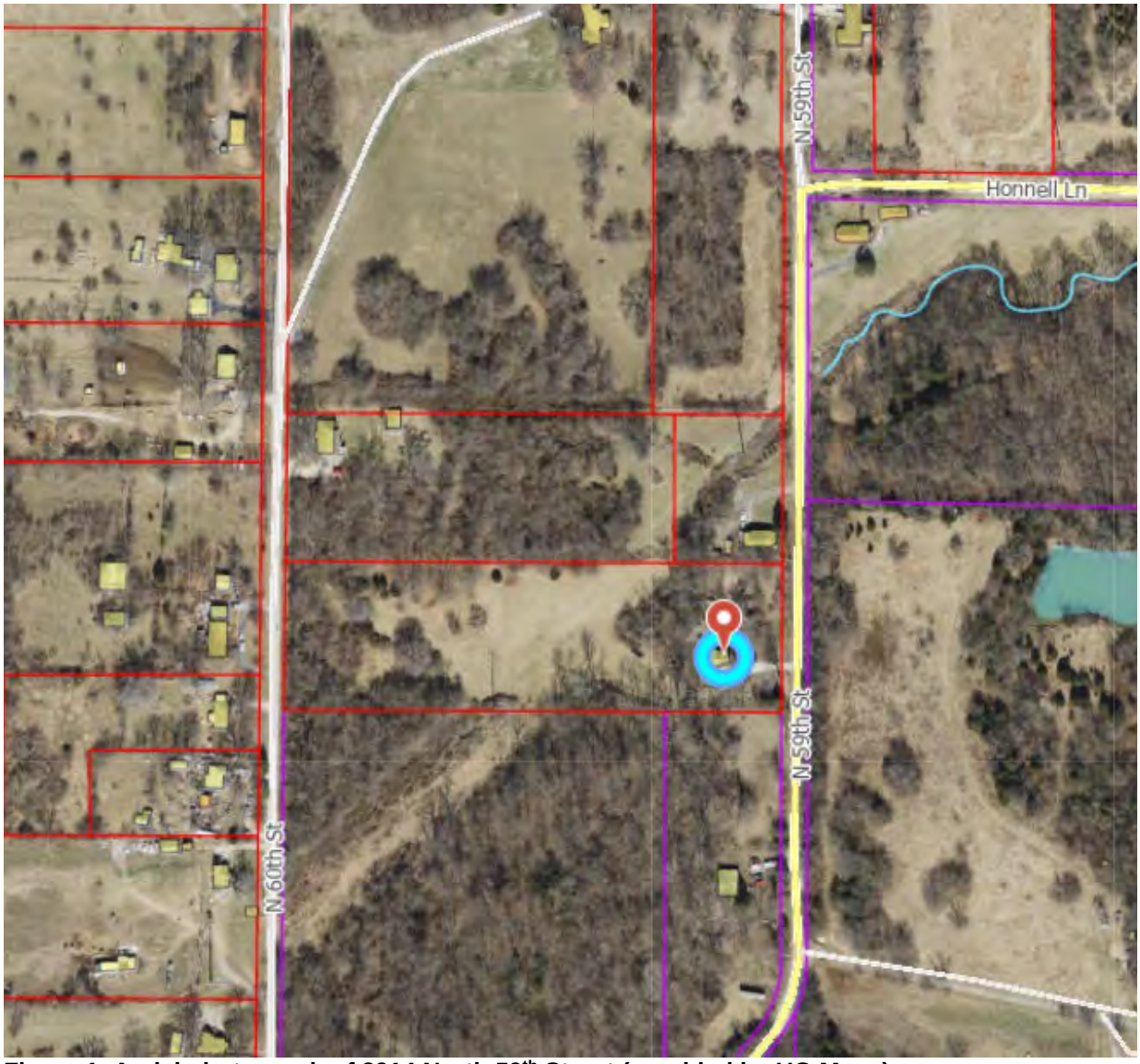


Figure 1. Aerial photograph of 3914 North 59th Street (provided by UG Maps).

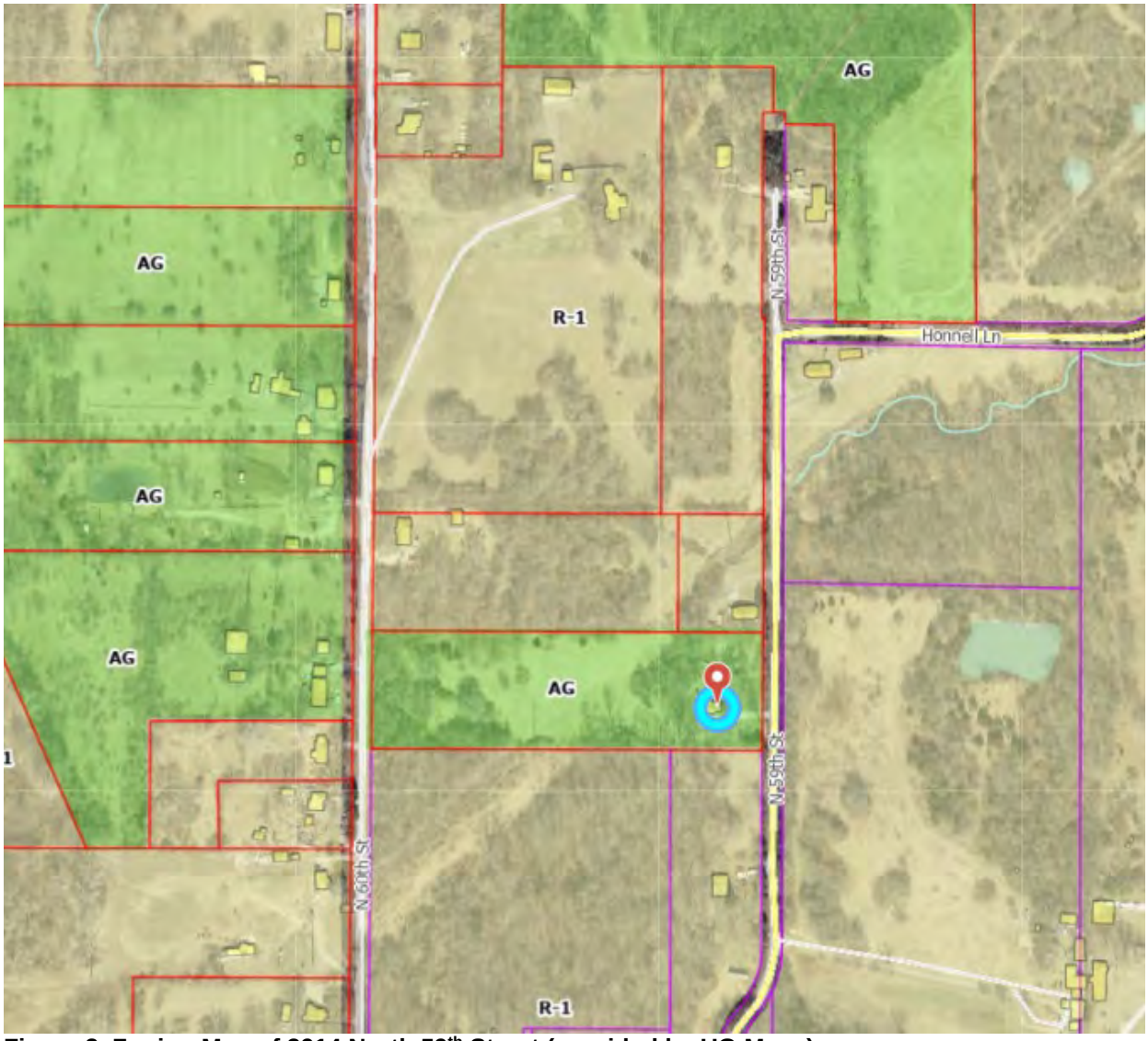


Figure 2. Zoning Map of 3914 North 59th Street (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map of 3914 North 59th Street as indicated by the green dot (provided by ArcMap).

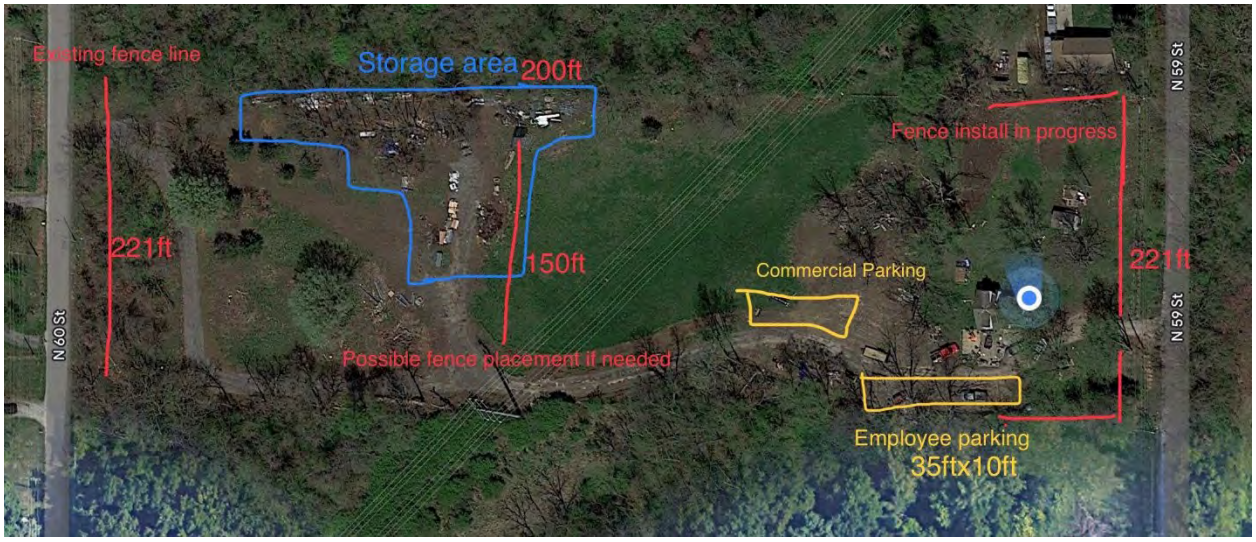


Figure 4. Property Sketch of 3914 North 59th Street (provided by the applicant).



Figure 5. Site photograph looking northwest on North 59th Street at 3914 North 59th Street taken on May 18, 2022.



Figure 6. Site photograph looking west on North 59th Street at 3914 North 59th Street taken on May 18, 2022.



Figure 7. Site photograph looking southwest on North 59th Street at 3914 North 59th Street taken on May 18, 2022.

(First published_____)

COZ2022-006

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 2724 North 13th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on February 1, 2022, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

> THE SOUTH 30 FEET OF LOTS 1 AND 2, IN BLOCK 1, BROWNE'S PARK, AN ADDITION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, Located at approximately 2724 North 13th Street, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-2 Planned General Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONNE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-018

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-018, commonly known as 2724 North 13th Street, Kansas City, Kansas, legally described as:

> THE SOUTH 30 FEET OF LOTS 1 AND 2, IN BLOCK 1, BROWNE'S PARK, AN ADDITION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, Located at approximately 2724 North 13th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a sports bar with event space/live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-022;**
2. **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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

3. **All entertainment must cease by at least 1:00 AM;**
4. **No outdoor loitering in alleyways or behind the building;**
5. **Trash must be maintained at the rear of the building;**
6. **Doors and windows must stay closed during any entertainment performance;**
7. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:**
   a. **Security guards may be required depending on the building capacity;**
   b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
   c. **An I.D. scanner will be used at all times when alcohol is served;**
   d. **At closing time, all security personnel will move patrons towards the exit and then to their vehicles;**
8. **No amplified speakers or entertainment is allowed in outdoor spaces;**
9. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
10. **If approved, the applicant must file and maintain a current business occupation tax application;**
11. **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;**
12. **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;**
13. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is**

only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**
15. **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.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(First published_____)

COZ2021-051

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 10 South Hallock, 525 Central Avenue and 529 Central Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family and CP-O Planned Nonretail Business Districts to RP-6 Planned High Rise Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 29, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family and CP-O Planned Nonretail Business Districts to RP-6 Planned High Rise Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

> The north 40 feet of lot 9, all of lots 10, 11, and all that part of vacated Prospect Avenue now known as South 6th Street lying east of said south 6th Street as now located all in Block 21, River View Addition, a subdivision in the City of Kansas City, Wyandotte County, Kansas, except the following described tract. Beginning at the southeast corner of the north 40 feet of Lot 9, thence north 06°39'38" east 91.37 feet; thence south 87°13'30" east 45.07 feet to the northwest corner of Lot 2 Block 21; thence south 32°07'20" west, along the east line of Lots 11, 10, and 9, 104.59 feet to the point of beginning.

10 South Hallock:
Riverview Blocks 2 to 24, a subdivision of land in Kansas City, Wyandotte County, Kansas, Block 21, Lot 2 less: beginning at the Southeast Corner; Northerly to the North Line, Easterly 15 feet to the Northeast Corner, Southerly to the point of beginning. Lots 3 and 4 and Northerly ½ of East 130 feet of Lot 5, Lot 10 and Lot 11, Northerly 40 feet.

525 Central Avenue:
Section 10, Township 11, Range 25, 60 feet East of the Southeast Corner of Prospect and Central Avenue, East 25 feet, South 120 feet, West 25 feet, North 120 feet, containing .07 acre.

529 Central Avenue:
Section 10, Township 11, Range 25, beginning at the Southeast Corner of 6th and Central; East 60 feet, South 120 feet, West 60 feet, North 120 feet to the point of beginning,

be changed from its present zoning of R-1(B) Single Family and CP-O Planned Nonretail Business Districts to RP-6 Planned High Rise Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-463, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-6 Planned High Rise Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

VAC2021-011

ORDINANCE NO._____

AN ORDINANCE vacating Lot 13, HUSTED & BERRYS ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas 66101. Parcel 120019, Commonly Known as 731 Tenny, located at approximately 731 Tenny Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described alley in Kansas City, Kansas be and the same is hereby vacated:

Lot 13, HUSTED & BERRYS ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas 66101. Parcel 120019, Commonly Known as 731 Tenny, located at approximately 731 Tenny Avenue, Kansas City, Kansas.

Section 2. 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, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

VAC2021-012

ORDINANCE NO._____

AN ORDINANCE vacating the right-of-way described as Kansas City Avenue in Rosedale Park Plat, adjacent to Lot 1, Block 3, Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 3801 Lloyd Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

> The right-of-way described as Kansas City Avenue in Rosedale Park Plat, adjacent to Lot 1, Block 3, Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 3801 Lloyd Street, Kansas City, Kansas.

Section 2. 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, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

VAC2022-001

ORDINANCE NO._____

AN ORDINANCE vacating a TRACT OF LAND BEING PART OF BLOCK 21 AND BLOCK 23, RIVER VIEW A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 21; THENCE NORTH 28°34'57" EAST 38.33 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 21 SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 6 OF SAID BLOCK 23; THENCE SOUTH 87°48'08" WEST ALONG THE SOUTH LINE OF SAID LOT 6, 85.69 FEET; THENCE NORTH 03°28'22" EAST 49.22 FEET; THENCE SOUTH 85°50'37" EAST 22.43 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 185.00 FEET AND AN ARC LENGTH OF 46.99 FEET; THENCE SOUTH 71°17'28" EAST 29.03 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 69°59'16" EAST, A RADIUS OF 205.98 FEET AND AN ARC LENGTH OF 118.80 FEET TO A POINT ON THE SOUTH LINE OF LOT 1 OF SAID BLOCK 21; THENCE NORTH 85°13'56" WEST 126.06 FEET TO THE POINT OF BEGINNING. GREG GRANT LS 1273 1-3-2022. CONTAINING 8281 SQUARE FEET OF LAND AND SUBJECT TO ENCUMBRANCES OF RECORD, located at approximately 10 South Hallock and 525 Central Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

A TRACT OF LAND BEING PART OF BLOCK 21 AND BLOCK 23, RIVER VIEW A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 21; THENCE NORTH

28°34’57” EAST 38.33 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 21 SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 6 OF SAID BLOCK 23; THENCE SOUTH 87°48’08” WEST ALONG THE SOUTH LINE OF SAID LOT 6, 85.69 FEET; THENCE NORTH 03°28’22” EAST 49.22 FEET; THENCE SOUTH 85°50’37” EAST 22.43 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 185.00 FEET AND AN ARC LENGTH OF 46.99 FEET; THENCE SOUTH 71°17’28” EAST 29.03 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 69°59’16” EAST, A RADIUS OF 205.98 FEET AND AN ARC LENGTH OF 118.80 FEET TO A POINT ON THE SOUTH LINE OF LOT 1 OF SAID BLOCK 21; THENCE NORTH 85°13’56” WEST 126.06 FEET TO THE POINT OF BEGINNING. GREG GRANT LS 1273 1-3-2022. CONTAINING 8281 SQUARE FEET OF LAND AND SUBJECT TO ENCUMBRANCES OF RECORD, located at approximately 10 South Hallock and 525 Central Avenue, Kansas City, Kansas.

Section 2. 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, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-003

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-003, commonly known as 1830 Quindaro Boulevard, Kansas City, Kansas, legally described as:

> All of the following described REAL ESTATE In the County of Wyandotte, State of Kansas, to-wit: THE WEST FORTY-TWO AND SIX-TENTHS FEET (42.6) OF LOT FIFTEEN(15), AND ALL OF LOT SIXTEEN (16), IN BLOCK TWO(2), IN TREASURE PARK, AN ADDITION TO THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, located at approximately 1830 Quindaro Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a car dealership with automotive repair, auto detailing, and auto stereo installation.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
2. **The applicant shall build a trash enclosure around the trash receptacle on the north side of their property;**
3. **The applicant shall remove the reflective glass from the windows, as it is in violation of Sec. 27-576 (h)(2) of the Commercial Design Guidelines, which states that "reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director;**
4. **Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,847 square feet, requiring two (2) trees be provided;**
5. **Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;**
6. **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;**
7. **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 buildinginspecton@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;**
8. **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;

9. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
10. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
11. **The applicant must maintain a current business occupation tax application;**
12. **Any business in Wyandotte County that is required to obtain any Special Use Permit 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 [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission.**
    Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;**
14. **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;**

15. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
16. **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;**
    a. **Sec 27-673(a) Any lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district;**
17. **The Special Use Permit shall be valid for two (2) 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 (2) 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,**
18. **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**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-007

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-007, commonly known as 2002 South 51st Street, Kansas City, Kansas, legally described as:

NORTHVIEW, S25, T11, R24, ACRES 4.11, L10 TO L13; ALSO, RIDGE VIEW: E1/2 L5 LS E 20FT, located at 2002 South 51st Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a health clinic, serving uninsured and under-insured people.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **This application is for zoning clearance only and does not replace the need for any other permits or licensing;**
2. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**

3. **In lieu of a renewal of the Special Use Permit, a Chane of Zone and/or Master Plan amendment shall be applied for to achieve higher zoning conformance, as the building is no longer a religious institution with associated accessories, but rather a medical office with storage annex;**
4. **Renovation work on the property must include a Change of Occupancy for the church building. When the Change of Zone is attempted, the accessory residence being used as storage shall also undergo a change of occupancy from a residential dwelling to a commercial use;**
5. **Upon the future application of the Change of Zone, the parking lot shall be improved per plan provided;**
6. **Upon the future application of the Change of Zone, the exterior parking lot lighting and landscaping shall be completed;**
7. **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;**
8. **Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
9. **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;**
10. **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;**
11. **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;

12. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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**
13. **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.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-019

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-019, commonly known as 4313 Rainbow Boulevard, Kansas City, Kansas, legally described as:

> MIAMI PLACE, S35, T11, R25, ACRES 0.14741, L1 LS: BEG SW COR; N TO NW COR, E 20.93FT, SLY TO S LN, W 18.12FT TO POB; ALSO BEG SE COR; N 50FT, E 15.26FT, S 50FT, W 15.34 FT TO POB, located at approximately 4313 Rainbow Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Applicant shall maintain a business license from the Wyandotte County Business License office;**
2. **Applicant shall post a Lead-Based Paint Notice and Asbestos**

Notice (if necessary) in the guest book or tenant guide;

3. **Applicant shall provide a third-party home inspection report no older than 6 months upon next renewal;**
4. **Applicant shall provide evidence of repair for any repairs required as a result of the home inspection report;**
5. **Applicant shall provide a copy of the site plan indicating parking and common areas;**
6. **Applicant shall provide a floor plan;**
7. **Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;**
8. **Parking must be of an improved surface of asphalt or concrete;**
9. **Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;**
10. **Guest parking must be provided off-street. Maximum number of guest vehicles shall be three (3);**
11. **Parking must take place off-street;**
12. **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;**
13. **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
14. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
15. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;**
16. **The Special Use Permit shall be valid for one (1) year 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 (2) 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,

17. **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.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-034

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-034, commonly known as 4420 North 107th Street, Kansas City, Kansas, legally described as:

TRACT 1:
ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 10, RANGE 23, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: "BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 10, RANGE 23, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 00° 06' 00" WEST, 1324.90 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST V4 OF SAID SECTION TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF NORTHEAST V4 OF SAID SECTION; THENCE SOUTH 89° 42' 16" WEST, 1322.46 FEET ALONG THE SAID NORTH LINE TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 00° 06' 00" EAST, 1324.76 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION: THENCE NORTH 89° 42' 39" EAST, 1323.03 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, LESS RIGHT OF WAY, FOR 107TH STREET.

TRACT 2:
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY,

KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH 89° 49' 44" WEST 418.70 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22 AND THE NORTH LINE OF THE "SECOND REPLAT OF AMERICAN HERITAGE ESTATES", A SUBDIVISION OF LAND ACCORDING TO THE RECORDED PLAT THEREOF, TO THE WEST RIGHT-OF-WAY LINE OF 110TH STREET, AS NOW ESTABLISHED; THENCE NORTH 0° 03' 20" EAST 1324.26 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE NORTH 89° 49' 35" EAST 418.70 FEET, ALONG SAID NORTH LINE, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH 0° 03' 20" WEST 1324.28 FEET, ALONG SAID EAST LINE, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, located at approximately 4420 North 107th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a modular classroom for Piper Middle School.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **This temporary classroom will be removed by 2024 as part of the Piper USD 203 Bond that was passed for modifications and programming to the school buildings within the district;**
2. **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 buildinginspecton@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;**
3. **The Special Use Permit shall be valid for two (2) 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 (2) 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,

4. **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.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-021

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-021, commonly known as 2618 South 48th Terrace, Kansas City, Kansas, legally described as:

> LOT 28, IN BLOCK 45, SECOND ADDITION TO HIGHLAND CREST, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 2618 South 48th Street.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to operate a toy and gift merchandise sales shop.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **If approved, the driveway and apron shall be upgraded to an improved surface such as asphalt or concrete. The amount of improved surface in the front yard shall not exceed 30% of the open space;**

2. **If approved, the applicant shall perform repairs to remove the fallen rear tree and repair the rear corner soffit;**
3. **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
4. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
5. **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;**
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. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
8. **The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit 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,**

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.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

HD2022-001

ORDINANCE NO._____

AN ORDINANCE designating property hereinafter described, commonly known as the Antioch Baptist Church, located at 1335 Quindaro Boulevard, in Kansas City, Kansas, as a Kansas City, Kansas Historic Landmark.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 25, 2022, by Shelly Cutchlow representing Antioch Baptist Church to have said property designated as a Kansas City, Kansas Historic Landmark.

It is likewise found and determined that the Landmarks Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Landmarks Commission, it is hereby ordained that the following described property:

> Antioch Baptist Church, BROWNES PARK, Section 32, Township 10, Range 25, ACRES 0.420000, Block 1, ALL Lot 10 to Lot 11, and the East 50 Feet of Lot 12, located at 1335 Quindaro Boulevard, Kansas City, Kansas,

be designated as a Kansas City, Kansas Historic Landmark as defined by the Landmarks Ordinances of Kansas City, Kansas.

Section 3. The Planning + Urban Design Department of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby ordered and directed to add such designation to the official historic designation register.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CEO

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

HD2022-002

ORDINANCE NO._____

AN ORDINANCE designating property hereinafter described, commonly known as the Westheight Manor Historic District, in Kansas City, Kansas, listed on the National Register of Historic Places and Register of Historic Kansas Places, as a Kansas City, Kansas Historic District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 11, 2022, by Jennifer Mills, President of Historic Westheight, to have said property designated as a Kansas City, Kansas Historic District.

It is likewise found and determined that the Landmarks Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Landmarks Commission, it is hereby ordained that the following described property:

> Westheight Manor Subdivisions 1 & 2, the SE 1/4 of Section 5, Township 11 South, Range 25 East, bounded on the North by Wood Avenue and Everett Avenue; on the East by North 18th Street; on the South by State Avenue; and on the West by North 22nd Street and North 25th Street, listed on the National Register of Historic Places and Register of Historic Kansas Places, commonly known as Westheight Manor Historic District,

be designated as a Kansas City, Kansas Historic District as defined by the Landmarks Ordinance of Kansas City, Kansas.

Section 3. The Planning + Urban Design Department of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby ordered and directed to add such designation to the official historic designation register.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CEO

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, breastfeeding is a proven primary prevention strategy, protecting both infants and mothers from a host of chronic and acute diseases and conditions, and building a foundation for life-long health and wellness; and

WHEREAS, employers that provide workplace lactation support experience an impressive return on investment, including lower health care costs, absenteeism, and turnover rates, and improved morale, job satisfaction, and productivity, and breastfeeding is economical, providing its benefits at little or no cost and providing a safe, renewable food source, especially critical during natural disaster and emergency situations; and

WHEREAS, all major medical authorities recommend that mothers breastfeed exclusively for six months and continue breastfeeding for at least the first year of a child's life, yet breastfeeding rates continue to fall short of the nation's Healthy People 2030 objectives; and

WHEREAS, Providence Medical Center and the University of Kansas Hospital are committed to providing maternity care practices supportive of breastfeeding as evidence by Providence's recognition as a "*High 5 for Mom & Baby*" hospital and KU Hospital's recognition as a Baby-Friendly Hospital; and

WHEREAS, Wyandotte County has an active and effective local breastfeeding coalition, a local breastfeeding support group, and 25 public establishments supportive of mothers needing to nurse in public as evidenced by their participation in the "*Breastfeeding Welcome Here*" program; and

WHEREAS, Wyandotte County has seven (7) employers who have received the "*Breastfeeding Employee Support Award*" in recognition of their high-level support of their breastfeeding employees, and 149 childcare providers who have completed a course in "*How to Support the Breastfeeding Family*"; and

WHEREAS, Wyandotte County has built a culture of breastfeeding support through the above activities and has met all criteria established by the Kansas Breastfeeding Coalition to be recognized as a community supporting breastfeeding.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 23, 2022, as:

"Community Supporting Breastfeeding"

In Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of breastfeeding. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, until Kansas residents voted whether or not to allow slavery when Kansas entered the Union as a state, owning slaves was legal in Kansas Territory and was therefore subject to U. S. laws until February 23, 1860, when the Territorial Legislature passed a bill over the governor's veto effectively abolishing slavery in Kansas; and

WHEREAS, Colonel Wiley M. Pope along with his former slave, now wife of "more than a third of a century" named Lucy, and their twelve children William Richard, Mary Eleanor, Benjamin Franklin, John Wesley, James Henry, Charles Edmund, Sarah Jane, Abram Henderson, Isiah, Dora Ann, Madison Monroe, fled Choctaw County, Mississippi to prevent their family from becoming indentured as payment for debts; and

WHEREAS, they sought refuge in the Quindaro of Kansas Territory to make a new life for themselves, and approached attorney Charles Chadwick then Justice of the Peace and local resident for Quindaro Township for assistance. As a result, a writ of emancipation was established, signed by both Pope and Chadwick, securing the Pope families' freedom, and preventing seizure from Federal Marshals, effectively June 6, 1860; and

WHEREAS, becoming freed approximately three years prior to President Abraham Lincoln's Emancipation Proclamation, Pope's sons went on to become some of the first black men to fight in the American Civil War. The Pope family, after gaining their freedom, went on to do many great things and have become notable in the townsite of Quindaro; and

WHEREAS, Lisa King, 5th granddaughter of Wiley M. Pope, sought out more information on her grandfather gained assistance from the Wyandotte County Museum and later authors and producers, to bring the Pope family story to life

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 6, 2022, as:

"Pope Family Emancipation Day"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of Pope Family Emancipation Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, On January 1, 1863, President Abraham Lincoln's Emancipation Proclamation went into effect, recognizing and securing in law the unalienable right to freedom of every enslaved person behind Confederate lines; and

WHEREAS, over two and one half years later, Union Army General Gordon Granger arrived in Galveston, Texas and read Order Number Three on June 19, 1865, informing the enslaved residents of that State of their freedom; and

WHEREAS, from that day forward, June 19th has been a day of celebration, prayer, and reflection focused on the history, hardships, and achievements of Black people throughout the United States of America; and

WHEREAS, Opal Lee, the "grandmother of Juneteenth" is an American retired teacher, counselor, and key activist in the movement to make Juneteenth a federally recognized holiday inspired President Joe Biden to sign Senate Bill S. 475, on June 17, 2021, making Juneteenth the eleventh federal holiday; and

WHEREAS, the work of securing liberty, justice, racial conciliation and healing for all continues throughout Wyandotte County and the State of Kansas. As such, we will continue our efforts to eradicate systemic racism, racial supremacy, hatred, bigotry, and bias that has a negative disparate impact on people of color; and

WHEREAS, the legacy of Wyandotte County/Kansas City, KS, has a rich cultural history as a free state given the Quindaro Township (our abolitionist settlement founded in 1856), along with our cultural diversity and the historic accomplishment of many of our African Americans residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 18, 2022, as:

"Wyandotte Juneteenth Day of Celebration"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of Juneteenth. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Linda Cofield began singing at the age of four and continued throughout her entire life. From the Sunshine Band to the Madden Temple Specials, she has used her vocal talents to minister and bless the hearts of people everywhere; and

WHEREAS, Linda has remained faithful to her local church first and foremost, she has also served in several leadership and administrative positions within the district and the state; and

WHEREAS, Ms. Cofield is a member of the Kansas City District Choir and the State Minister of Music for the Jurisdiction of Kansas East. She is also presently serving with the International Music Department of the Churches of God in Christ; and

WHEREAS, Linda has a long list of accomplishments that extend beyond the confines of her family and local church. She has served as a member of the Board of Directors for Cross Lines, the Music Coordinator for the annual Martin Luther King Jr. Celebration in Kansas City, KS, a board member of Alpha Mu Lambda and many other leadership roles; and

WHEREAS, Linda is currently serving as the State Minister of Music for the Kansas East District under the leadership of Lemuel Thuston and has brought many advancements to the choir and worked tirelessly to ensure that the music department is more than just a musical body; and

WHEREAS, under her direction, the Kansas East State Choir has been highlighted in several national meetings across the country to bless people through song; and

WHEREAS, Mrs. Cofield is a Kansas City, Kansas native who is a shining example of service to her community and beyond and her works in the areas of music and charity have made an impact on the people of Wyandotte County.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 24, 2022, as:

"Linda Cofield Appreciation Day"

in Wyandotte County/Kansas City, Kansas as a celebration of her achievements and contributions to the Wyandotte County Community. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Willie C. and Legusta Campbell-Vaughn founded the Evangelist Temple Church together in Wyandotte County / Kansas City, Kansas; and

WHEREAS, they realized their vision of establishing a church 57 years ago, purchasing a building at 168 Quindaro; and

WHEREAS, with family all working together, three generations have successfully led their ministry in this Wyandotte County / Kansas City, KS location; and

WHEREAS, founder Willie C. "Dad" Vaughn passed the mantle to his son Bishop Jackie Cortez Vaughn, and he then passed the mantle to his son, Bishop J. Cortez Vaughn; and

WHEREAS, Bishop J. Cortez Vaughn, is one who exemplifies the ministries current goal of comprehensively attracting those not only across the county, but those across the world seeking to locate, grow and prosper in our County.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 24, 2022, as:

"Bishop/Senior Pastor J. Cortez Vaughn Day"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance Bishop/Senior Pastor J. Cortez Vaughn Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Wyandotte County's diversity and rich cultural history has always been it's greatest asset, with peoples of varying backgrounds and circumstance living, working, and joining together to create a community committed to the betterment for all; and

WHEREAS, all people should have the ability to live and work without fear of discrimination, prejudice, bias, hatred, or violence based upon their race, culture, religion, disability, sex, sexual orientation or gender identity; and

WHEREAS, the month of June is recognized as Pride Month in communities around the country in support of equality; and

WHEREAS, The Unified Government (UG) does not discriminate based on race, color, national origin or ancestry, religion or creed, sex, pregnancy, sexual orientation, gender identity, age, or disability: and the UG Commission unanimously amended its anti-discrimination ordinance in 2018 as such; and

WHEREAS, The Wyandotte County Advisory Commission on Human Relations and Disability Issues, which advocates for a diverse, welcoming, inclusive community has requested and expressed its support for a community recognition; and

WHEREAS, it should be the hope and mission of all to continue our community's long-held tradition of diversity and inclusion.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of June 2022, as:

"Pride Month"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of "Pride Month". In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Staff Request for Commission Action

Tracking No. 211765

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Lisa Rangel	x5141	lrangel@wycokck.org	Commissioners' Office

Item Description:
Appoint Commissioner Christian Ramirez and Commissioner Chuck Stites to witness on July 11, 2022, the destruction of ballots and records that no longer need to be retained. Should the primary be unable to attend, alternate appointments should be Commissioner Melissa Bynum and Commissioner Angela Markley, submitted by Lisa Rangel, Commissioners Office.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 211780

Full Commission Meeting Date:
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: Yes

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/23/2022	Matt May	x6337	mmay@wycokck.org	Emergency Management

Item Description:
Proposing a resolution to extend the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through October 1, 2022, submitted by Matt May, Director of Emergency Management.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Mayor's Declar 60-day w Commiss.ext to 10-1-22

(Published_____)

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE STATE OF LOCAL HEALTH EMERGENCY FOR THE COVID-19 PANDEMIC FOR THE COUNTY OF WYANDOTTE, KANSAS, THROUGH OCTOBER 1, 2022.

WHEREAS, on the 13th day of March, 2020, the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas declared there was a state of local public disaster emergency in Wyandotte County, Kansas, resulting in potential or occurring pandemic known as COVID-19, in Wyandotte County, Kansas;

WHEREAS, on the 19th day of March, the Unified Government Commission adopted Resolution R-18-20 extending the state of local public health emergency through May 18, 2020;

WHEREAS, on the 14th day of May, 2020, the Unified Government Commission adopted Resolution R-30-20, extending the state of local public health emergency through July 17, 2020;

WHEREAS, on the 9th day of July, 2020, the Unified Government Commission adopted Resolution R-37-20, extending the state of local public health emergency through September 15, 2020;

WHEREAS, on the 3rd day of September, 2020, the Unified Government Commission adopted Resolution R-66-20, extending the state of local public health emergency through December 14, 2020;

WHEREAS, on the 3rd day of December, 2020, the Unified Government Commission adopted Resolution R-83-20, later corrected as Resolution R-83a-20 and published on February 4, 2021, extending the state of local public health emergency through March 15, 2021;

WHEREAS, on the 11th day of March, 2021, the Unified Government Commission adopted Resolution R-16-21 and published on March 18, 2021, extending the state of local public health emergency through June 15, 2021;

WHEREAS, on the 10th day of June, 2021, the Unified Government Commission adopted Resolution R-40-21 and published on June 17, 2021, extending the state of local public health emergency through September 15, 2021;

WHEREAS, on the 9th day of September, 2021, the Unified Government Commission adopted Resolution R-61-21 and published on September 16, 2021, extending the state of local public health emergency through December 16, 2021;

WHEREAS, on the 2nd day of December, 2021, the Unified Government Commission adopted Resolution R-86-21 and published on December 9, 2021, extending the state of local public health emergency through April 1, 2022;

WHEREAS, on the 31st day of March, 2021, the Unified Government Commission adopted Resolution R-20-22 and published on April 7, 2022, extending the state of local public health emergency through July 1, 2022;

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 85,520,045 cases and 1,006,890 deaths as of June 15, 2022; in Kansas, there have been 793,833 cases and 8,946 deaths; and in Wyandotte County there have been 41,054 confirmed cases and 521 deaths;

WHEREAS, in Kansas, while 63.2% of the total population has received at least one dose of the vaccine, only 55.3% of the population has completed the COVID vaccine series;

WHEREAS, many Wyandotte County residents have transitioned to utilizing their own at-home tests and not officially reporting the results, making it much more difficult to assess the scope of community spread;

WHEREAS, Wyandotte County residents continue to rely on the UG Public Health Department to provide access to COVID-19 resources, including testing, vaccinations, social support, access to health care, communications, and education, and those resources cannot be provided without the 90% federal match through FEMA;

WHEREAS, the Unified Government Board of Commissioners recognizes that a prolonged public health crisis requires the timely commitment of federal resources that flow to local units of government under an uninterrupted declared emergency;

WHEREAS, on March 1, 2022, President Biden issued his "Memorandum on Maximizing Assistance to Respond to COVID-19" to the Administrator of the Federal Emergency Management Agency (FEMA), in which the 100 percent federal cost share for all work eligible for assistance under applicable federal law was extended through July 1, 2022;

WHEREAS, on March 1, 2022, FEMA issued an advisory that the federal cost share would shift to 90 percent effective July 1, 2022, such percentage being less than the 100 percent cost share in place since the beginning of the pandemic, but more than the 75 percent cost share that is the federal statutory minimum;

WHEREAS, the Unified Government Board of Commissioners has the authority to further extend the declaration beyond July 1, 2022, as such conditions continue to endanger the public health, safety, and welfare of persons within the borders of Wyandotte County, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

1. That the state of local public health emergency in Wyandotte County, Kansas, initially declared on the 13th day of March 2020, shall continue and remain in effect through October 1, 2022, unless terminated earlier.

2. That the response and recovery aspects of all local disaster plans which are applicable to Wyandotte County, Kansas, shall initiate the rendering of aid and assistance thereunder.

3. That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law through October 1, 2022, unless modified or terminated in the manner prescribed by law.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF JUNE, 2022.

Approved:

_____

Tyrone A. Garner, Mayor/CEO

Attest:

_____

Unified Government Clerk

Staff Request for Commission Action

Tracking No. 211724

Full Commission Meeting Date: 06/09/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/27/2022	Ana Marin	x5010	amarin@wycokck.org	Administrator's Office

Item Description:
Update on County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 211797

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:
Presentation to the Unified Government of the Partners in Excellence Award from the Kansas University Health Systems, submitted by Mayor Tyrone A. Garner.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 211800

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Misty Brown	x5067	mbrown@wycokck.org	Mayor's Office

Item Description:
Resolutions approving execution and delivery of agreement to settle litigation and authorizing the issuance of General Obligation Bonds t fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Pink Sheet, RFA, 06-30-2022_Resolution Approving the Agreement -final, 06-30-2022_Resolution_re_Payment_for_Settlement_of_Litigation - final

SECOND AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JUNE 30, 2022

IX. MAYOR'S AGENDA

NEW ITEM:

Item No. 11 – RESOLUTIONS: APPROVING AGREEMENT TO SETTLE PENDING LITIGATION AND AUTHORIZING ISSUANCE OF BONDS

Synopsis: Resolutions approving execution and delivery of agreement to settle litigation and authorizing issuance of General Obligation Bonds to fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Attachments

- **Resolution Approving Agreement**
- **Resolution Authorizing Issuance of GO Bonds**

Staff Request for Commission Action

Tracking No. 211800

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Misty Brown	x5067	mbrown@wycokck.org	Mayor's Office

Item Description:
Resolutions approving execution and delivery of agreement to settle litigation and authorizing the issuance of General Obligation Bonds t fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
06-30-2022_Resolution Approving the Agreement -final, 06-30-2022_Resolution_re_Payment_for_Settlement_of_Litigation - final

RESOLUTION NO. _____

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO SETTLE LITIGATION

WHEREAS, on October 11, 2018, Lamonte and Rose McIntyre filed a lawsuit against the Unified Government and additional individuals ("Defendants") in the federal District of Kansas alleging violations of Kansas State law and 42 U.S.C §1983 in *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18-cv-2545-KHV; and

WHEREAS, jury trial in the matter is scheduled to begin on October 17, 2022; and

WHEREAS, the parties to the lawsuit held a mediation session on June 29, 2022; and

WHEREAS, the parties came to an agreement to settle all claims against all Defendants conditioned on the approval of the terms by the Unified Government governing body.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS:

SECTION 1. Settlement Terms. The Unified Government hereby accepts the following terms to settle all claims and allegations against all Defendants outlined in the lawsuit:

1. Payment to Lamonte and Rose McIntyre a sum of Twelve Million Five Hundred Thousand Dollars and NO/100 ($12,500,000).
    a. Each party shall be responsible for their own court costs and attorney's fees and expenses.
    b. Lamonte and Rose McIntyre shall be responsible for any liens or subrogated interests and will hold Defendants harmless therefrom.
2. Plaintiffs agree to dismiss the lawsuit against Defendants with prejudice.

SECTION 2. Execution of the Agreement. The Mayor/CEO, Administrator, Chief Counsel and Unified Government Clerk are hereby authorized and directed to execute, seal, attest and deliver an Agreement outlining the terms of the settlement presented to and reviewed by the Board of Commissioners at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the Unified Government.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Unified Government.

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ADOPTED by the governing body of the Unified Government of Wyandotte County and Kansas City, Kansas, on June 30, 2022.

_____
Tyrone Garner, Mayor

(SEAL)
ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Misty Brown, Chief Counsel

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO FUND A CIVIL LITIGATION SETTLEMENT.

WHEREAS, K.S.A. 75-6113 (the "Act") provides that payment of any judgments, compromises or settlements for which a municipality is liable pursuant to K.S.A. 75-6101 *et seq.*, and amendments thereto, may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or if the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants, temporary notes or general obligation bonds, provided that warrants or temporary notes issued shall mature serially at such yearly dates as to be payable by not more than 10 tax levies and any bonds shall be issued in accordance with the provisions of the general bond law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of the state of Kansas; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), is a municipality within the meaning of the Act; and

WHEREAS, the governing body of the Unified Government hereby accepts and approves a settlement offer of Twelve Million Five Hundred Thousand Dollars and NO/100 ($12,500,000) in *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18-cv-2545-KHV pursuant to K.S.A. 75-6101, *et seq*. (the "Settlement"); and

WHEREAS, the governing body of the Unified Government hereby finds and determines it to be necessary to authorize the issuance of general obligation bonds of the Unified Government to finance the Settlement and related costs.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. Financing. The Unified Government is hereby authorized to issue general obligation bonds (the "Bonds") pursuant to the authority of the Act in an amount necessary to pay the costs of the Settlement, plus interest on interim financing and associated financing costs. Bonds may be issued to reimburse Settlement expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 2. Further Action. The Mayor/CEO, County Administrator, bond counsel, and other officers, agents, and employees of the Unified Government, are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Unified Government.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Unified Government of Wyandotte County and Kansas City, Kansas, on June 30, 2022.

_____
Tyrone Garner, Mayor

(SEAL)
ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Misty Brown, Chief Counsel

Staff Request for Commission Action

Tracking No. 211712

Full Commission Meeting Date: 6/30
Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed $13,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of Flying Truss, LLC. The benefit of the bonds would be to provide the project with sales tax exemption on construction materials only.

Action Requested:
Approval and move to FC 6/30

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution of Intent (UG - Flying Truss)

RESOLUTION NO. R __-22

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 $13,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF FLYING TRUSS, LLC, AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Flying Truss, LLC, a Missouri limited liability company (the "Company"), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the "Application") requesting that the Unified Government finance the cost of acquiring, constructing and equipping a multi-purpose commercial project generally located at the Rock Island Railroad Bridge, as more fully described in the Application (collectively, the "Project") through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed $13,000,000 (the "Bonds"), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and, in the interest, and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed $13,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at the Rock Island Railroad Bridge located in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed $13,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 8. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit

has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE 30, 2022.

By:_____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Chief Counsel

Staff Request for Commission Action

Tracking No. 211714

Full Commission Meeting Date: 6/30
Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Resolution authorizing the approval of the termination of Foodie Park Development Agreement and subsequent amendments.

Action Requested:
Approval and move to FC 6/30.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution authorizing approval of Termination Agreement, Scavuzzo Termination Agreement - final

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE APPROVAL OF THE TERMINATION OF FOODIE PARK DEVELOPMENT AGREEMENT

WHEREAS, on September 26, 2019, the UG and the Original Developer entered into that certain KC Foodie Park Development Agreement (the "Original Development Agreement"), which Original Development Agreement was joined by Scavuzzo's, whereby Developer proposed to acquire, design, develop, and construct the Project on certain real property located in Wyandotte County, Kansas, which is generally bounded on the north by State Avenue, on the east by Interstate 635, on the south by Interstate 70, and on the west by North 47th Street; and

WHEREAS, the Original Development Agreement has subsequently been amended by that certain First Amendment dated as of December 12, 2019 (the "First Amendment"), that certain Second Amendment dated as of March 12, 2020 (the "Second Amendment"), that certain Third Amendment dated as of August 27, 2020 (the "Third Amendment"), and that certain Fourth Amendment dated as of August 26, 2021 (the "Fourth Amendment"). Collectively, the Original Development Agreement as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment are referred to herein as the "Development Agreement"; and

WHEREAS, among other things, the Development Agreement provided for public financing, including TIF, a CID and IRB financing, and the Development Agreement set forth certain deadlines, including without limitation, a deadline to Commence Construction of the Phase 1 Minimum Improvements; and

WHEREAS, pursuant to the terms of the Development Agreement, on March 31, 2020, the Assignee closed on the acquisition of the Phase 1 Property, and the UG delivered a deed (the "Deed") for said Phase 1 Property to Assignee. The Parties entered into that certain Acknowledgement and Assumption Agreement [Food Service Center] dated as of March 31, 2020 (the "A&A"), pursuant to which Developer acknowledged, assumed and agreed to perform certain of the Developer's obligations covenants and agreements under the Development Agreement as the same pertain to the design, construction, completion and operation of the Food Service Center; and

WHEREAS, though Developer made certain efforts to obtain the required private financing and Commence Construction of the Phase 1 Minimum Improvements, the UG does not agree that Developer ever satisfied its obligation to timely Commence Construction of the Phase 1 Minimum Improvements as defined and required by the Development Agreement. Accordingly, on Febuary 4, 2022, the UG sent an official default letter to Developer articulating the nature of the default and describing the cure periods provided for in the Development Agreement. The relevant cure periods for default have now expired and the UG does not believe that the Developer has cured the defaults described in the February 4, 2022 default letter; and

WHEREAS, without admitting that Developer has failed to cure the default as alleged in Recital E above, the Parties have agreed to terminate the Development Agreement, the

Memorandum and the A&A, and Developer forfeit any and all rights they, or any one or more of them, may have in the Project Site and/or the TIF, CID, IRBs and other public financing described in the Development Agreement, and to transfer the Phase 1 Property back to the UG.

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

Section 1. Authorization. The Unified Government Mayor/CEO is hereby authorized and directed to enter into and execute in the name of the Unified Government of Wyandotte County/ Kansas City, Kansas the Termination of the Foodie Park Development Agreement, in substantially the form attached as Exhibit A, hereto.

Section 2. Further authority. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. Effective Date. This Resolution shall be effective upon its adoption by the Unified Government Board of Commissioners.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 30th DAY OF JUNE 2022.

_____
Tyrone A. Garner
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____

Chief Counsel

TERMINATION OF FOODIE PARK DEVELOPMENT AGREEMENT

THIS TERMINATION OF KC FOODIE PARK DEVELOPMENT AGREEMENT (this "Agreement"), is made and entered into as of _____, 2022 by and among the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); **SCAVUZZO'S, INC.**, a Kansas corporation d/b/a Scavuzzo's Food Service Company ("Scavuzzo's"); **SCAVUZZO'S FOODIE CAMPUS, LLC**, a Kansas limited liability company ("Assignee"); and **KC FOODIE PARK, LLC**, a Delaware limited liability company (the "Original Developer"). Collectively, Scavuzzo's, Assignee and the Original Developer are referred to herein as the "Developer", and collectively the UG and Developer are referred to as the "Parties").

RECITALS:

A. On September 26, 2019, the UG and the Original Developer entered into that certain KC Foodie Park Development Agreement (the "Original Development Agreement"), which Original Development Agreement was joined by Scavuzzo's, whereby Developer proposed to acquire, design, develop, and construct the Project on certain real property located in Wyandotte County, Kansas, which is generally bounded on the north by State Avenue, on the east by Interstate 635, on the south by Interstate 70, and on the west by North 47th Street, as legally described on Exhibit A attached to the Original Development Agreement (the "Project Site"). A Memorandum of Agreement [KC Foodie Park Development Agreement] dated as of March 31, 2020 was recorded with the Wyandotte County, Kansas Register of Deeds (the "Register of Deeds") against the Phase 1 Property on April 1, 2020 as Document No. 2020R-04590 (the "Memorandum").

B. The Original Development Agreement has subsequently been amended by that certain First Amendment dated as of December 12, 2019 (the "First Amendment"), that certain Second Amendment dated as of March 12, 2020 (the "Second Amendment"), that certain Third Amendment dated as of August 27, 2020 (the "Third Amendment"), and that certain Fourth Amendment dated as of August 26, 2021 (the "Fourth Amendment"). Collectively, the Original Development Agreement as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment are referred to herein as the "Development Agreement." Capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Development Agreement.

C. Among other things, the Development Agreement provided for public financing, including TIF, a CID and IRB financing, and the Development Agreement set forth certain deadlines, including without limitation, a deadline to Commence Construction of the Phase 1 Minimum Improvements.

D. Pursuant to the terms of the Development Agreement, on March 31, 2020, the Assignee closed on the acquisition of the Phase 1 Property, and the UG delivered a deed (the "Deed") for said Phase 1 Property to Assignee for a Purchase Price equal to $100. The Parties entered into that certain Acknowledgement and Assumption Agreement [Food Service Center] dated as of March 31, 2020 (the "A&A"), pursuant to which Assignee acknowledged, assumed and agreed to perform certain of the Developer's obligations covenants and agreements under the

Development Agreement as the same pertain to the design, construction, completion and operation of the Food Service Center. The A&A was recorded with the Register of Deeds against the Phase 1 Property on April 1, 2020 as Document No. 2020R-04592.

E. Though Developer made certain efforts to obtain the required private financing and Commence Construction of the Phase 1 Minimum Improvements, the UG does not agree that Developer ever satisfied its obligation to timely Commence Construction of the Phase 1 Minimum Improvements as defined and required by the Development Agreement. Accordingly, on Febuary 4, 2022, the UG sent an official default letter to Developer articulating the nature of the default and describing the cure periods provided for in the Development Agreement. The relevant cure periods for default have now expired and the UG does not believe that the Developer has cured the defaults described in the February 4, 2022 default letter.

F. Without admitting that Developer has failed to cure the default as alleged in Recital E above, the Parties have agreed to terminate the Development Agreement, the Memorandum and the A&A, and Developer forfeit any and all rights they, or any one or more of them, may have in the Project Site and/or the TIF, CID, IRBs and other public financing described in the Development Agreement, and to transfer the Phase 1 Property back to the UG in accordance with the terms and conditons more fully set forth herein.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation of Recitals**. The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. **Termination of Development Agreement and Memorandum**.

2.1 Termination. Upon the Reversionary Closing (as defined in Section 3.2 below), the Parties hereby agree that the Development Agreement and the A&A shall terminate and be of no further force and effect thereafter, except for and subject only to the obligations set forth in Sections 2.4(a), 7.12, 7.16 and 10.12 that specifically survive termination of the Development Agreement and/or the A&A. The Parties hereby agree to record a termination of the Memorandum and the A&A with the Register of Deeds at the Reversionary Closing.

2.2 Release. Subject to Section 2.1 above and the terms and conditions of this Agreement, the Parties hereby acknowledge, as of the date of the Reversionary Closing, the UG and Developer hereby release and discharge each other and their guarantors, partners, officers, employees, agents, successors and assigns from any and all obligations, actions, causes of action, claims, demands, damages, costs, expenses and compensation arising in, out of, or in any manner related to the Development Agreement and/or the A&A. Without limiting the generality of the foregoing, Developer hereby agrees that Developer's release hereunder specifically includes any claims, rights and/or interests in and to (a) any

public financing described in the Development Agreement, including the TIF, CID, IRBs or other public financing described therein; and (b) any reimbursements for Developer's costs incurred in connection with the Project, the Project Site and/or the Development Agreement.

3. **Reversionary Closing**.

3.1 UG's Reversionary Interest. The Parties hereby understand and agree that Section 2.4(b) of the Development Agreement and the Deed includes a Reversionary Interest in the Phase 1 Property in favor of the UG, which Reversionary Interest may be exercised by the UG in the event that Developer fails to timely Commence Construction of the Phase 1 Minimum Improvements as defined and required by the Development Agreement.

3.2 Reversionary Closing. On or before July 15, 2022, Developer hereby agrees to transfer and convey the Phase 1 Property (along with any other property owned by Developer in the TIF District) and any Improvements thereon back to the UG by delivery of a special warranty deed to the UG (the "Reversionary Closing"). The UG shall retain, at its sole cost and expense, First American Title Company (the "Title Company") to serve as escrow agent for the Reversionary Closing. The UG shall not be required to pay Developer or reimburse any portion of the Purchase Price in connection with the Reversionary Closing.

3.3. Reversionary Closing Costs. The UG will pay all of the costs associated with the Reversionary Closing except for the following costs and expenses, which shall be paid by Developer on or before the Reversionary Closing: (a) Developer's attorneys fees; (b) any liens, mortgages or other monetary encumbrances burdening the Phase 1 Property; (c) all property taxes for the Phase 1 Property due and payable for 2021; and (d) prorated property taxes for the Phase 1 Property for 2022, prorated as of February 4, 2022. Any property taxes for tax year 2021 or prior to 2021 must be paid in full by Developer prior to the Reversionary Closing. Property taxes for 2022 shall be prorated based on the number of days prior to February 4, 2022 and estimated based on 100% of the property taxes assessed for 2021.

3.4 Other Actions and Documents. The Parties hereby agree to execute and deliver such other documents reasonably requried by the Title Company and take other actions necessary to effectuate the Reversionary Closing.

4. **Termination of Public Incentives**. Developer agrees that the UG may, in its sole discretion, elect to terminate the TIF District, the Project Area 1 Plan, the TIF Project Area 1 Ordinance and/or any other public financing and/or any other ordinances previously approved by the UG in connection with the Project and/or the Development Agreement.

5. **Miscellaneous**.

5.1 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which to the other shall constitute one and the same instrument. Electronic or PDF signatures by the Parties and transmission of the same shall be binding upon the respective Parties whose signatures are transmitted.

5.2 Prior Agreements. This Agreement (and all schedules and exhibits attached hereto) sets forth the entire agreement among the Parties with respect to the subject matter hereof.

5.3 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

5.4 Joint Responsibility for Provisions. Both Developer and the UG assume responsibility for the content and form of this Agreement. Therefore, the Parties agree that the rule of judicial interpretation to the effect that ambiguities and/or uncertainties contained in an agreement should be construed against the party who drafted that agreement shall not be applied in the event of any dispute arising from the content of this Agreement.

5.5 Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of Kansas.

5.6 Time. Time is of the essence with respect to the payment and performance of the obligations set forth herein.

5.7 Amendments. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by the Parties (or any one or more of them) against whom enforcement is sought.

Remainder of page intentionally left blank. Signatures on the following pages.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

UG:

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Tyrone A. Garner

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2022 by Tyrone A. Garner as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name:_____
Notary Public in and for said State
Commissioned in _____ County

My commision expires
_____

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

KC FOODIE PARK, LLC, a Delaware limited liability company

By: _____
Richard Scavuzzo, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2022 by Richard Scavuzzo as Manager of KC Foodie Park, LLC, a Delaware limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

_____

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

ASSIGNEE:

SCAVUZZO'S FOODIE CAMPUS, LLC, a Kansas limited liability company

By: _____
Richard Scavuzzo, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2022 by Richard Scavuzzo as Manager of Scavuzzo's Foodie Campus, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

_____

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

SCAVUZZO'S:

SCAVUZZO'S, INC., a Kansas corporation d/b/a **SCAVUZZO'S FOOD SERVICE COMPANY**

By: _____
Richard Scavuzzo, CEO

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2022 by Richard Scavuzzo as CEO of Scavuzzo's, Inc., a Kansas corporation d/b/a Scavuzzo's Food Service Company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

_____

Staff Request for Commission Action

Tracking No. 211715

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Ordinance repealing the 2019 Midtown Redevelopment Project Plan, submitted by Katherine Carttar, Director of Economic Development.

Action Requested:

approve and move to FC 6/30

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Repealing 2019 Midtown TIF Project Plan (UG - Foodie Park) (002)

(Published in ***The Wyandotte Echo*** on July __, 2022)

ORDINANCE NO. ____

AN ORDINANCE OF THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TERMINATING THE REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA 1 OF THE MIDTOWN REDEVELOPMENT DISTRICT.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), acting in its capacity as a city of the first class, adopted Resolution No. R-145-06 on November 16, 2006, declaring blight within the City; and

WHEREAS, the Unified Government, acting in its capacity as a city of the first class, established a redevelopment district, consisting of a single project area (the "Midtown Redevelopment District") pursuant to K.S.A. 12-1770 *et seq*. as amended (the "Act") pursuant to Ordinance No. O-139-06 on December 21, 2006; and

WHEREAS, after notice and public hearing as required by the Act, the Unified Government passed Ordinance No. O-63-19 on September 26, 2019, (i) dividing the Midtown Redevelopment District into four (4) project areas, and (ii) adopting that certain Tax Increment Financing Redevelopment Project Plan (Midtown Redevelopment District – Project Area 1) (the "Project Plan"); and

WHEREAS, the Project Plan was never undertaken or implemented and the Unified Government desires to terminate the Project Plan; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the "Home Rule Amendment") empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the Unified Government is a duly organized and existing municipal corporation under the laws of the State of Kansas, is a consolidated city-county having all the powers, functions and duties of a county and of a city of the first class, and is a city within the meaning of the Home Rule Amendment; and

WHEREAS, there is no enactment of the Kansas legislature which provides the procedure to terminate an approved redevelopment plan when such plan has not been undertaken or implemented; and

WHEREAS, the Unified Government has determined that it is necessary and desirable to adopt this Ordinance to terminate the Project Plan.

NOW, THEREFORE, BE IT BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. The Governing Body hereby finds that the Project Plan was never undertaken or implemented and that the Project Plan shall now be terminated.

SECTION 2. The Mayor/CEO, County Administrator, Unified Government Clerk and other officials and employees of the Unified Government, including the Chief Counsel, are hereby further

authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

SECTION 3. This Ordinance shall become effective from and after its passage by the Governing Body, signature by the Mayor/CEO, and publication once in the official City newspaper.

PASSED by the Governing Body of the Unified Government this June 30, 2022.

SIGNED by the Mayor/CEO this June 30, 2022.

_____
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

By: _____
Chief Counsel

Staff Request for Commission Action

Tracking No. 211716

Full Commission Meeting Date: 6/30
Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6 (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Resolution approving a special project application for a rebate on incremental property taxes pursuant to the Neighborhood Revitalization Act Plan for redevelopment of the Brotherhood Bank Building at 753 State Ave., Kansas City, KS into residential apartment units and upgraded office space.

Action Requested:
Approve and FC 6/30

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution Authorizing Brotherhood Bank Special Project NRA, Exhibit A to Resolution Authorizing Special Project Area

RESOLUTION NO. _____

A RESOLUTION APPROVING A SPECIAL PROJECT APPLICATION FOR A REBATE ON INCREMENTAL TAXES PURSUANT TO THE NEIGHBORHOOD REVITALIZATION ACT PLAN FOR REDEVELOPMENT OF THE BROTHERHOOD BANK BUILDING AT 753 STATE AVE., KANSAS CITY, KANSAS

WHEREAS, pursuant to K.S.A. 12-17,114 *et seq*., the Unified Government Board of Commissioners adopted the 2021-2025 Neighborhood Revitalization Plan (the "NRA Plan") on October 29, 2020; and

WHEREAS, the NRA Plan requires Commission approval for Special Projects in certain designated areas of Kansas City, Kansas that are over three million dollars ($3,000,000) in construction costs and have a Historic Designation by either the State of Kansas or Federal Register; and

WHEREAS, Special Projects are eligible for consideration of up to a seventy-five percent (75%) rebate on the tax increment created by the improvements for up to twenty (20) years, with the option of increasing the rebate to eighty-five percent (85%) by utilizing local, minority, and women owned business ("LBE/MBE/WBE") entities as subcontractors or suppliers; and

WHEREAS, KDG, LLC has submitted an NRA application for the redevelopment of the Brotherhood Bank building located at 753 State Ave., Kansas City, Kansas (the "Property") into approximately twenty-nine (29) residential apartment units and renovated office space (the "Project");

WHEREAS, the Property has been placed on the Register of Historic Places by the State of Kansas as well as the National Register of Historic Places by the Federal Government.

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

Section 1. The Unified Government hereby approves the Special Project application submitted by KDG, LLC in substantially the form attached as Exhibit A, hereto.

Section 2. The term of the NRA rebate on the incremental taxes shall be for twenty (20) years if KDG, LLC completes the Project and complies with all applicable requirements of the NRA Plan.

Section 3. The NRA rebate on the incremental taxes for the Property shall initially be set at seventy-five percent (75%), which may be increased by ten percent (10%) if the applicant meets or exceeds the LBE/MBE/WBE business enterprise goals set forth by the Unified Government, attached hereto as Exhibit B. The Unified Government County Administrator is

authorized to enter into a standard LBE/MBE/WBE Participation Agreement with KDG, LLC based upon these goals.

Section 4. KDG, LLC must be current on all taxes and special assessments for the Property before they are eligible for any rebates, per the policy set forth in the NRA Plan. KDG, LLC must become current on all taxes and special assessments for the Property no later than ten (10) days after entering into their construction loan for the Project in order to be deemed in compliance with this Resolution. Additionally, failure to keep current on taxes after entering into the NRA Plan may cause termination of all rebates, per policy.

Section 5. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to approve the application and execute any other certificate and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2022.

_____
Tyrone A. Garner
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to form:

_____
Chief Counsel

Exhibit B

DEVELOPMENT AND CONSTRUCTION OF THE PROJECT

A. GOALS FOR LBE/MBE/WBE PARTICIPATION

1. Construction and Professional Service Goals.

KDG, LLC will use its best efforts to meet the following goals based upon the total cost of the Project, but not including Specialized Services or Construction or Professional Services already contracted for prior to the Effective Date of this Resolution. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area LBE, MBE and WBE participation. These goals are not to act as quotas or set asides.

	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
Women	7%	8%

Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

Exhibit D NRA Application, Part 2, Section A: *NRA Application*

Date May 19, 2022

Applicant's Name KDG, LLC Phone: (573) 424-5930

Email Address kevinkearnsdevelopment@gmail.com

Applicant's mailing address 745 State Avenue, Kansas City, KS 66101

Owner's name KDG, LLC Phone: (573) 424-5930

Owners Mailing address 745 State Avenue, Kansas City, KS 66101

Project property address 745 State Avenue and 736 Minnesota Avenue, Kansas City, KS 66101

Are you the owner of the property? Yes ⓧ No ◯ [UG owns 736 Minnesota Avenue]

Are you the developer? Yes ⓧ No ◯

Developer's name KDG, LLC

Company KDG, LLC Phone (573) 424-5930
Check if there are 20 or less Full Time Employees ◯

Parcel Identification Number: 087610; 087608 School District: 500
(Take Parcel ID number and legal description from your tax statement or call the Unified Government Clerk at 573-2874)

Legal Description of Parcel: (Use additional sheets if necessary)
To be provided

Property Area, Type, and Use (check all that apply)

A. The Project is in: (Refer to Map)
   - Area 1 ⓧ
   - Area 2 ◯
   - Area 2 East–State Avenue East Corridor ◯
   - Area 2 East–State Avenue West Corridor ◯
   - Area 2 East–Leavenworth Road Corridor ◯
   - Area 3 ◯

Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

B. The Special Project Area is:
Retail ◯, Environmentally Contaminated ◯, Historic ⓧ

C. The Project is: New Construction ◯, Renovation ⓧ, Expansion ◯

D. The Project is: Residential ⓧ, Commercial ◯, Office ⓧ, Industrial ◯, Retail◯, Historic ⓧ, Environmentally Contaminated ◯

E. End use will be: Owner Occupied ◯, Rental ⓧ, Leased ⓧ

Improvements

Describe the Improvements (Be specific):

Historic renovation of 745 State Ave. for office and apartments (approximately 29 units); demolition of 736 Minnesota and construction of parking for apartment units at 745 State Ave.

Building Permit

Estimated cost of improvement: $ 20,900,000
Building permit value: $_____

Construction Timeline

Construction commences on Q3 2022
Projected Date of competition Q1 2024 (estimate)

Demolition of Structure(s)

List buildings to be demolished: 736 Minnesota
(Use another sheet of paper if needed)

If demolishing residential structures complete the following:

- Number of dwelling units: _____(List tenants if known occupying the building when purchased, or present tenants and note the date of occupancy or relocation. If needed, use a separate sheet of paper and attach it to this application)
- Demolition-permit number: (Attach copy of permit): _____

Tax Credits

Are you planning on applying for any tax credits? Yes ⓧ No ◯

Which type of tax credits? Already awarded historic tax credits

Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

Application Fee

An application fee of $500.00 is required for all multi-family projects.
An application fee of $1,000.00 is required for commercial, industrial, office, retail, historical, and environmentally contaminated projects.
If the project is in a Special Projects Area and the construction cost is over $3 million, the application fee is $2,000.00.
Make checks out to the Unified Government Treasurer.

Utilization of Local, Minority, and Women Owned Business Enterprise

Yes ⓧ No ◯ (Applicant will contact the UG Contract Compliance Department 913-573-5440 for goals)

Historic Designation

Yes ⓧ No ◯ (Please attach proof of Historic State and or Federal designation)

Pre and Post Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application at time of application or within 30 days of construction, renovation, or expansion to be eligible for the NRA tax rebate program:

1. *If applicable*, A copy of the building permit that shows the estimated cost (not the placard that is posted on site)
   a. In some cases, permits are in stages
   b. All permits must be submitted
2. Application fee (*if applicable)*
3. Pre-pictures of proposed interior/exterior improvement areas
4. A picture of the property with address (*if an existing structure)*
5. An aerial map showing the parcel/property
6. Plans/Renderings:
   a. Residential new - house plans
   b. Residential renovation/addition – project renderings-this can be what was submitted to Building Inspections Department
   c. Commercial new – architectural front elevation drawing
   d. Commercial renovation/expansion – interior/exterior project renderings – this can be what was submitted to Building Inspections Department
7. A list of improvement cost or improvement bid estimates

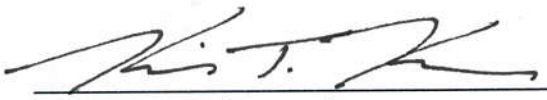
Prior to receiving a rebate, the following required post-construction documents must be submitted within 3 months of project completion:

1. Certificate of Occupancy (CO) or approved Final Inspection Slip issued by the Building Inspections Division of NRC
2. Pictures of the completed improvements
3. Receipts or certification of construction expenses

Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

Applicant Signature and Date

Submitted By: KDG, LLC by Kevin Kearns, Member
(Print Name)



Date: May 19, 2022
(Signature)

DO NOT WRITE BELOW THIS LINE - *FOR OFFICE USE ONLY*

Staff Review of Application

Date application came into this office:_____, 20 ____

Application completed in full and all documentation is attached: Yes ◯ No ◯

Comments: _____
_____
_____

Accept ◯ Reject ◯

Authorized Signature_____

Staff Request for Commission Action

Tracking No. 211717

Full Commission Meeting Date: 6/30
Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Resolution of Intent to issue bonds in the amount not to exceed $12,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of KDG, LLC. The benefit would be for sales tax exemption on construction materials only.

Action Requested:
Approve and move to FC 6/30

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution of Intent (UG - KDG, LLC)

RESOLUTION NO. R __-22

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 $12,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF KDG, L.L.C., AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, KDG, L.L.C., a Missouri limited liability company (the "Company"), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the "Application") requesting that the Unified Government finance the cost of acquiring, constructing and equipping a multi-purpose commercial project consisting of office uses, approximately 29 multifamily units, and parking facilities located at 745 State Avenue, Kansas City, Kansas 66101 and 736 Minnesota Avenue, Kansas City, Kansas 66101, as more fully described in the Application (collectively, the "Project") through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed $12,000,000 (the "Bonds"), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and, in the interest, and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed $12,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at 745 State Avenue, Kansas City, Kansas 66101 and 736 Minnesota Avenue Kansas City, Kansas 66101, located in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed $12,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 8. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of

this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE 30, 2022.

By:_____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Chief Counsel

Staff Request for Commission Action

Tracking No. 211587

Full Commission Meeting Date: 6/30/2022
Committee: Neighborhood & Community Development

Date of Standing Committee Action: 6/7/2022
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/27/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:
Consideration of a resolution to support the Mid-America Regional (MARC) Council's KC regional Climate Action Plan and for UG staff to conduct a Citywide Risk and Vulnerability Assessment in order to encourage greater community resiliency, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
2020.05.09_Climate Action Plan_UG Resolution Presentation_FINAL, Resolution_KC Regional Climate Action Plan Endorsement_FINAL DRAFT, MARC Letter

MARC CLIMATE ACTION PLAN

Net Zero Region by 2050

Gunnar Hand, AICP

Director of Planning + Urban Design



5 “BIG” Principles

1. We are already doing most of this
2. We have proven we can do this
3. Solutions must match the scale of the challenge
4. Leadership is required from all of us
5. Doing nothing is harmful



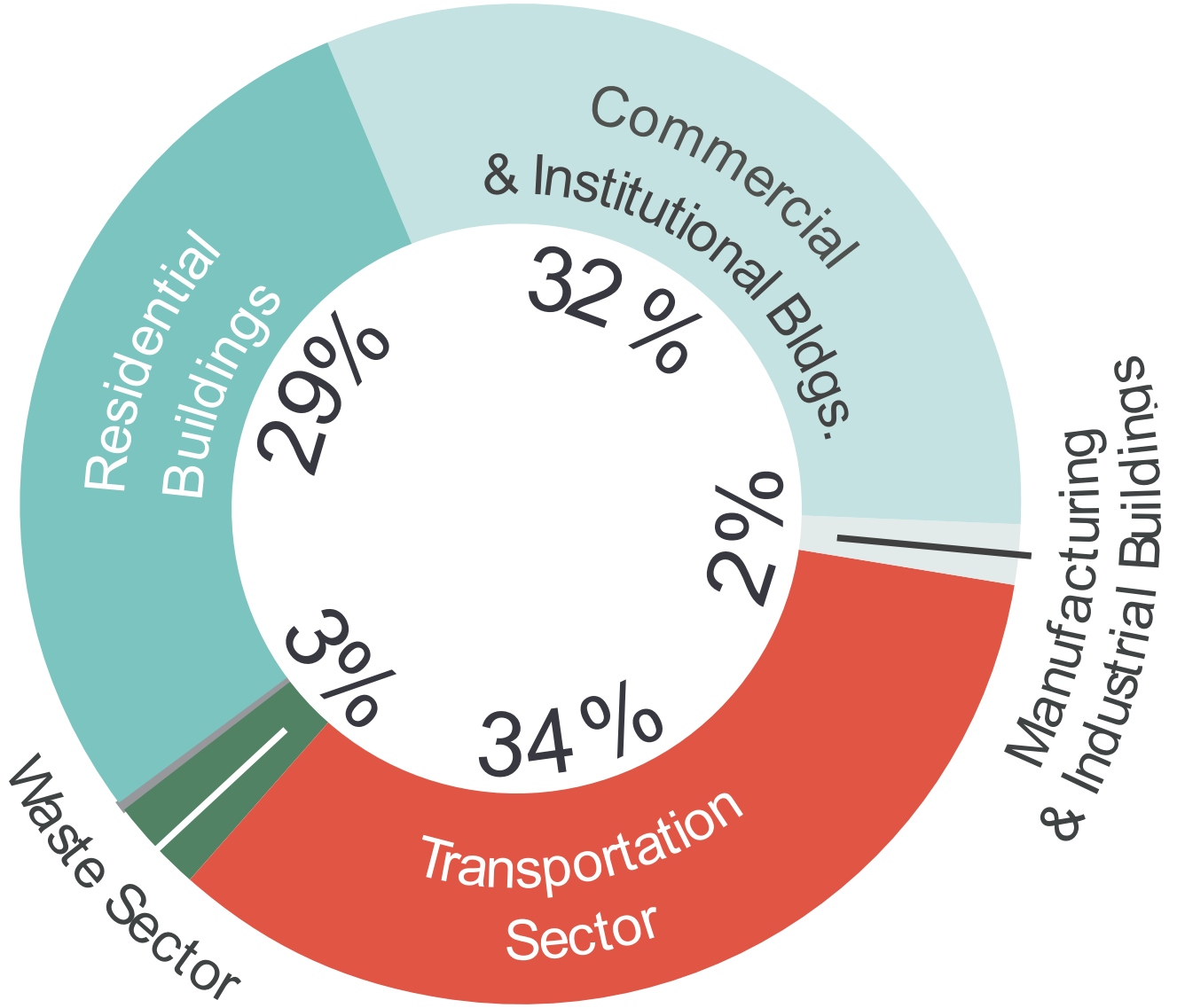
The Impacts Are Real (2100)

- The Weather is Changing
  - Longer, hotter summers
    - From 0.7 to 21.9 days over 105°F
  - Longer periods of drought
  - More intense storm events
  - Greater annual precipitation
- The Human Effects are Many and Varied
  - Decreased air and water quality
  - Increased asthma and other respiratory diseases
  - Greater energy loads to heat and cool buildings
  - Increased crime and mental health issues
  - Loss in productivity
  - Increased prevalence of pests and air/water borne diseases



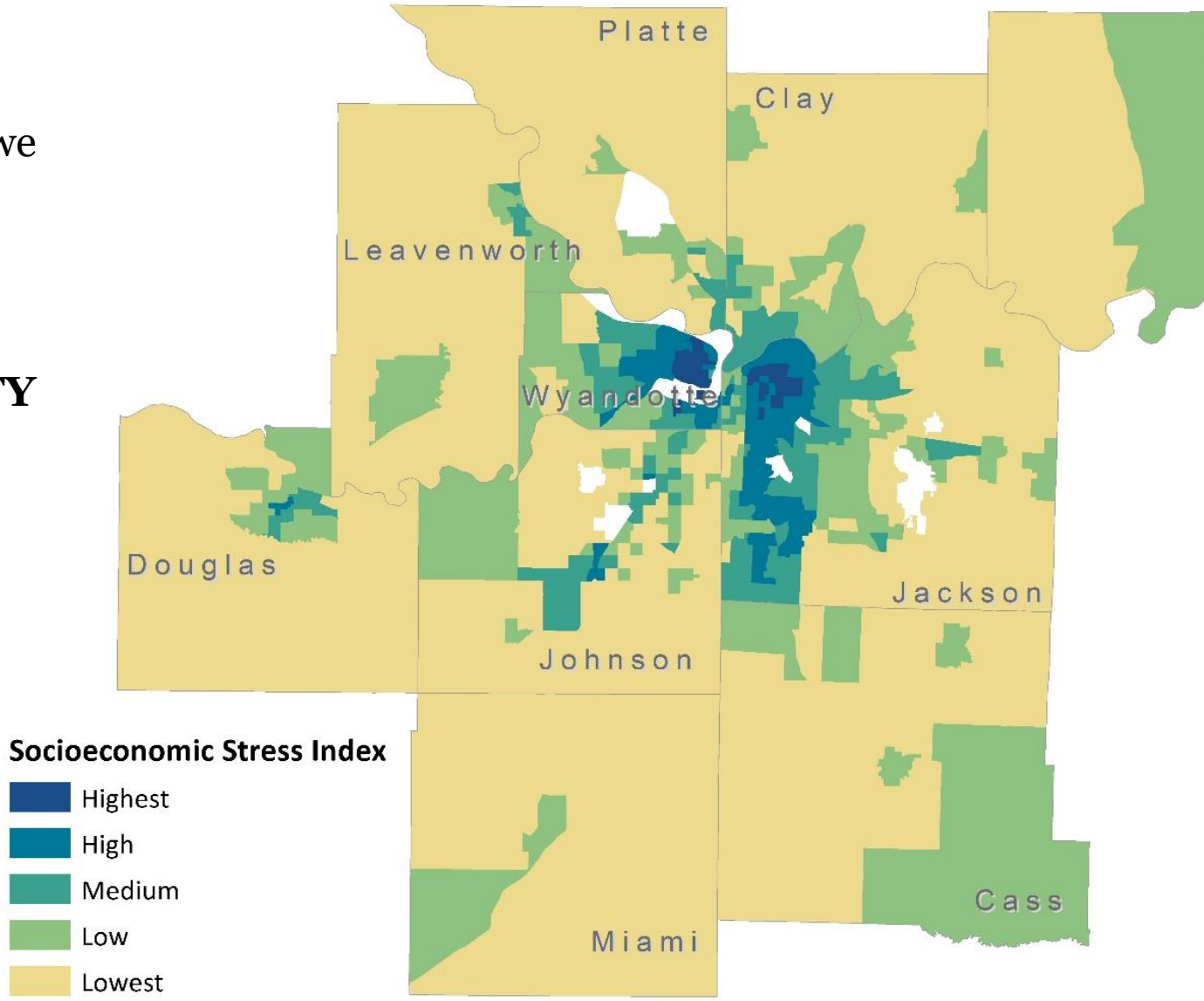
GHG Inventory: 2015

- Greenhouse Gas Emissions are **POLLUTION**
- Transportation Sector
  - goDotte **POLICY** changes
- Commercial & Institutional Buildings
  - UG Performance Standard (e.g. **LEED**)?
- Residential Buildings
  - Updating the **BUILDING CODE**
- Waste Sector
  - Municipal Waste Plan **STRATEGIES**
- Industry and Manufacturing
  - Creation of **ECO-DISTRICTS**



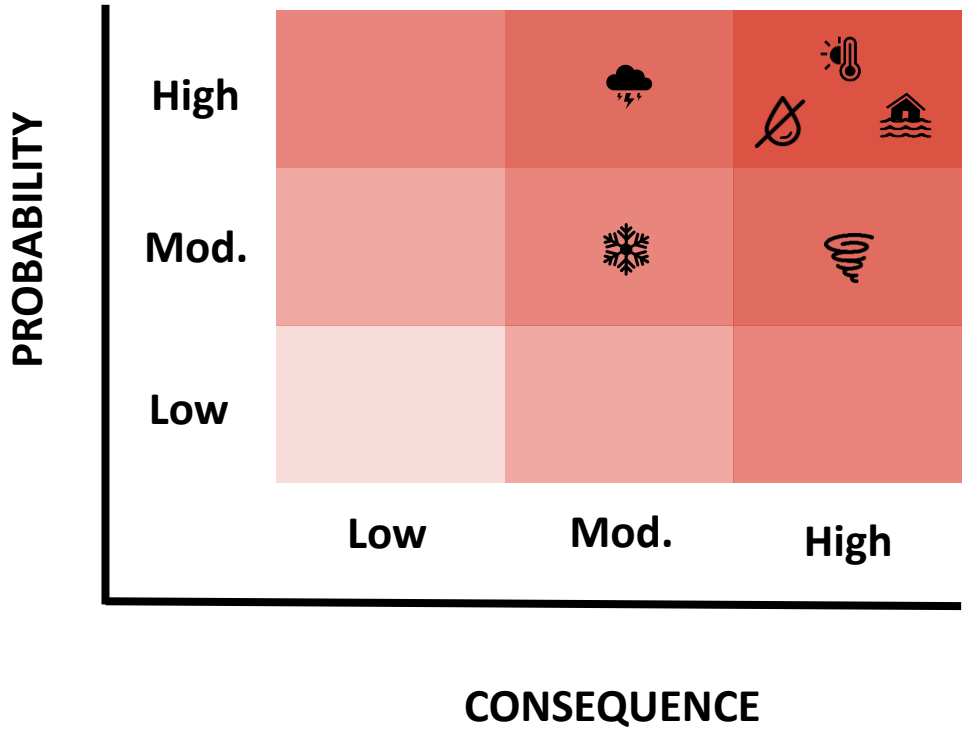
Climate Risk & Vulnerability Assessment

- MARC has completed a regional assessment, but we need to start with our own **LOCAL BASELINE**
- As we are more diverse & disadvantaged when compared to the region, **WYANDOTTE COUNTY** is:
    - More likely to be exposed to the impacts of climate change
    - More susceptible to damage caused by climate change
    - Less able to cope with and recover from increase disasters due to climate change



Path to Net Zero by 2050

- Decarbonize the electric power grid (**BPU** alternatives portfolio)
- Transition to electric vehicles (Public Works & Transit), mode shift (goDotte), and sustainable development (i.e. focus on **INFILL**)
- Optimize energy performance (**HOME RETROFITS** + UG building upgrades)
- **DIVERTING** food scraps and landscaping from landfills (municipal solid waste plan)
- Sequestering carbon in the soil (**URBAN FARMING** + open space preservation)



Action Areas: An Integrated, Systems Approach



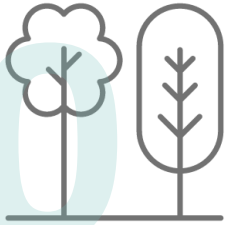
Collaboration
& Leadership



Innovation
& Finance



Community
Resilience



Urban
Greening



Renewable
Energy



Energy
Efficiency



Transportation
& Land Use



Industry &
Resource
Management



Food
& Agriculture

It’s Cleaner Air



It’s Complete Streets



It’s Greater Mobility Options



It’s Waste Reduction



It’s More Efficient Buildings



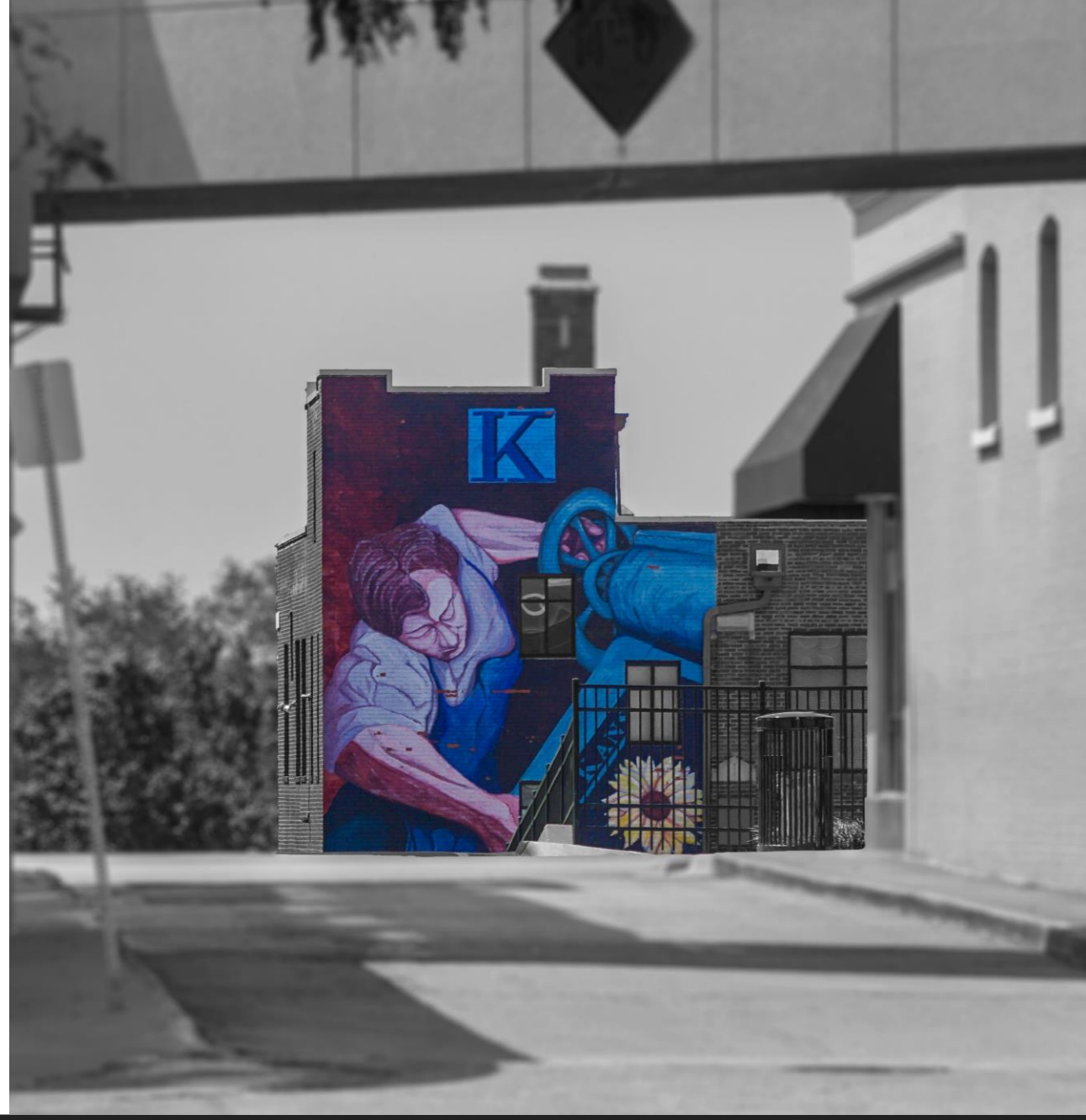
It’s Urban Farming



It’s Infill Development



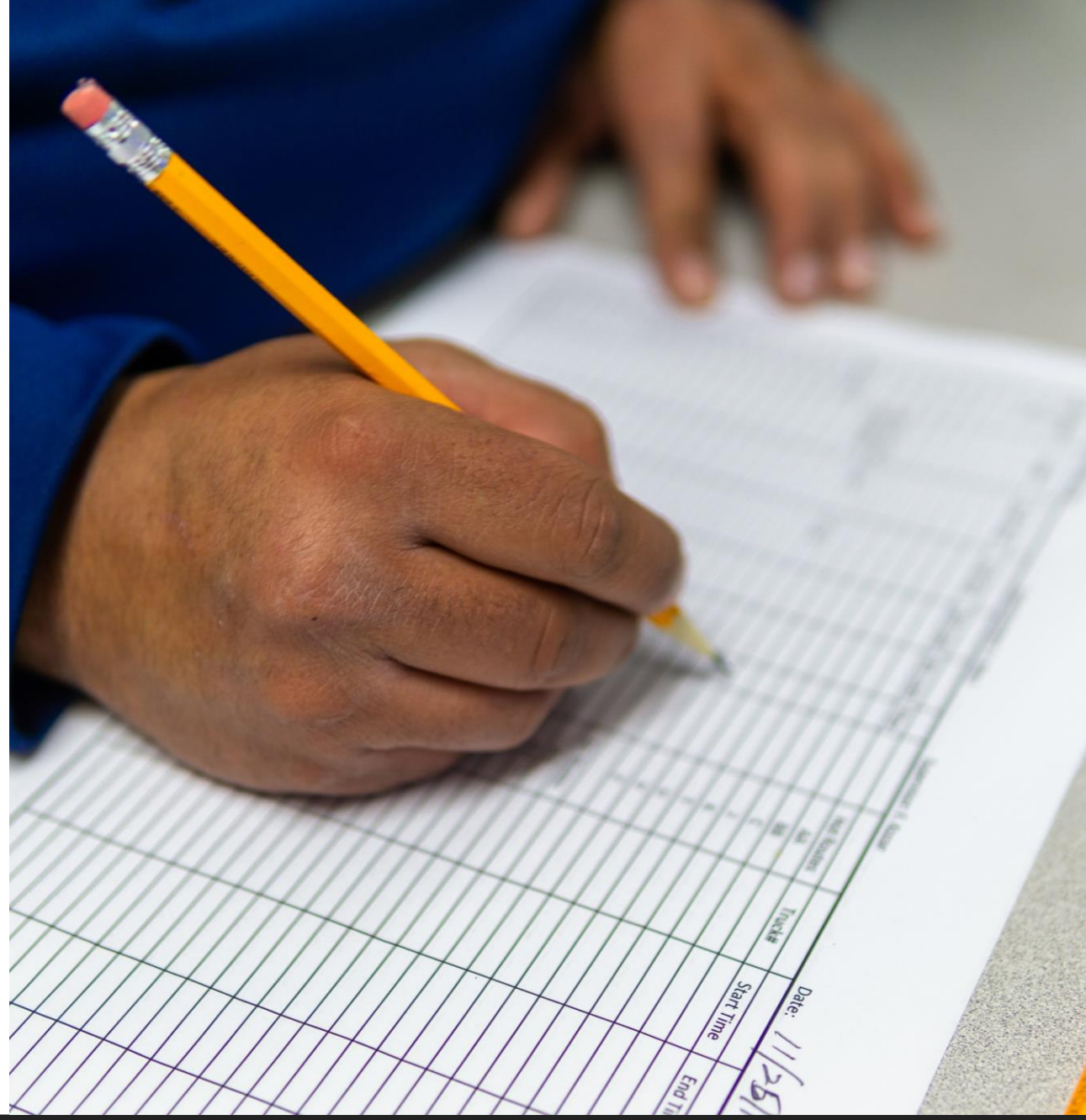
It’s Historic Preservation



It’s Open Space Conservation



It’s About Saving $$$



It’s Planting a Tree



Conclusion

- This is simply good planning **PRACTICE**
- Do **MORE WITH LESS** by framing all project as multi-benefit opportunities
- This is a **SYSTEMATIC** approach to work we are already doing
- Collectively makes our **COMMUNITY** more vibrant, healthy & equitable
- Federal **DOLLARS** are increasingly tied to this subject
- MARC Board has already **APPROVED** this Climate Action Plan



Next Steps

- Complete a **LOCAL** Climate Risk and Vulnerability Assessment
- Identify and codify transportation **POLICY CHANGES** and goals in goDotte
- Continue the **CONVERSATION** in the upcoming Citywide Master Plan
- **LEAD** by example
- **COLLBORATE** across sectors, municipalities, neighborhoods
- Make our community more **RESILIENT**



Next Steps for P+UD

- Local, equity-based information, education and **CAPACITY BUILDING**
- Complete, **GREEN STREETS** Ordinance (Completed)
- **TOD** Supportive Policies (goDOtte)
- **ADU** Ordinance (Up Next)
- **URBAND FARMING** Ordinance (On Deck)
- Native Species/**XERISCAPING** Ordinance (On List)
- **SOLAR-READY** Ordinance (Needed)



RESOLUTION NO. _____

A RESOLUTION ENDORSING THE MID AMERICAN REGIONAL COUNCIL'S REGIONAL CLIMATE ACTION PLAN.

WHEREAS, Climate Action KC (CAKC) is a regional nonprofit formed to promote strategies and solutions that drawdown greenhouse emissions and promote economic opportunity and quality of life; and,

WHEREAS, the Mid-America Regional Council (MARC) is a nonprofit association of city and county governments and the metropolitan planning organization for the bistate Kansas City region; and,

WHEREAS, CAKC and MARC partnered together to complete a Kansas City regional Climate Action Plan containing a regional emissions inventory and climate risk and vulnerability assessment; and,

WHEREAS, the Climate Action Plan creates a voluntary framework to guide and align local action in ways that make a difference for the entire Kansas City region; and,

WHEREAS, the Climate Action Plan contains a comprehensive set of goals and strategies that can be tailored to meet local community needs and priorities; and,

WHEREAS, the strategies in the Climate Action Plan build stronger, healthier, more vibrant and economically vital communities; and,

WHEREAS, the Climate Action Plan serves 10 counties, 123 municipalities in two (2) states, with a population of 2.14 million. In Kansas, these include Douglas, Johnson, Leavenworth, Miami and Wyandotte counties; in Missouri, the planning area includes Cass, Clay, Jackson, Platte and Ray counties; and,

WHEREAS, over 1,000 regional residents participated in the planning, prioritization, and drafting of the Climate Action Plan; and,

WHEREAS, success will only be achieved if there is equitable access to the benefits among the entire population of the metropolitan area without regard to race, gender, ethnicity, religion, nationality, sexual orientation, income, age, disability or any other classification.

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

1. The Commission hereby endorses the Kansas City regional Climate Action Plan and further resolves to review and consider implementing, as appropriate, the solutions and strategies enumerated therein; and,
2. The Commission hereby directs that a localized Climate Risk and Vulnerability Assessment be drafted and presented to the Commission for review and consideration. The Commission hereby authorizes the County Administrator to take such actions as may be necessary and desirable in coordination with all relevant Departments, partner agencies, stakeholders and the broader Kansas City, Kansas community therein, to accomplish the purposes of this Resolution.

ADOPTED BY THE COMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ___ DAY OF _____, 2022.

_____
TYRONE GARNER, MAYOR/CEO

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

600 Broadway, Suite 200
Kansas City, Missouri 64105-1659

816-474-4240
816-421-7758 FAX
marcinfo@marc.org
www.marc.org

MARC
MID-AMERICA REGIONAL COUNCIL

June 22, 2022

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Regional Climate Action Plan

Dear Mayor and Members of the Commission:

Last year, the Mid-America Regional Council Board of Directors adopted the Regional Climate Action Plan. This plan provides a flexible framework to support local plans, policies and actions. We applaud your consideration of a resolution to endorse this plan as another step to protecting public health, advancing social equity, and building resilience in Wyandotte County and Kansas City, Kansas.

The Unified Government already has taken many significant steps that align with the regional plan. The goDotte Strategic Mobility Plan will facilitate resilient transportation infrastructure. Clean water efforts support neighborhood revitalization, green infrastructure, parks and public health. Additional initiatives support affordable housing, energy efficiency, brownfield redevelopment, urban agriculture and more.

Our hope is the Climate Action Plan provides a voluntary framework to build from these many impressive efforts, and link them together in ways that generate a broad array of economic, social, environmental and public health benefits.

Thank you for your continued leadership on climate resilience, public health, and social equity issues. We look forward to working together on this agenda moving forward.

Sincerely,

Tom Jacobs
Director, Environmental Programs
tjacobs@marc.org

Chair
Harold Johnson Jr.
Commissioner
Unified Government
of Wyandotte County/
Kansas City, Kansas

1st Vice Chair
Carson Ross
Mayor
Blue Springs,
Missouri

2nd Vice Chair
Janeé Hanzlick
Commissioner
Johnson County,
Kansas

Treasurer
Eileen Weir
Mayor
Independence,
Missouri

Secretary
Beto Lopez
Mayor Pro Tem
Lee's Summit,
Missouri

Executive Director
David A. Warm

Staff Request for Commission Action

Tracking No. 211577

Full Commission Meeting Date: 6/9/22
Committee: Administration & Human Services

Date of Standing Committee Action: 5/23/22
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/27/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:
Amendment to Sec. 27-593, allowing telecommunications towers in residential zones by special use permit if they are integrated into stadium and athletic field light towers.

Action Requested:
To approve the Ordinance.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance

(Published _____)

ORDINANCE NO. O- ____ -22

AN ORDINANCE regarding special use permits for telecommunications towers on light poles used for stadiums and athletic fields in residential zones; amending **Section 27-593** of Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Section 27-593(a)(31)(h) of the 2008 Code of Ordinances, City of Kansas City, Kansas is amended to read as follows:

h. *Designation of uses os administrative determination, specially permitted, and prohibited.* Wireless communication facilities are authorized subject to the following:

	AG Zone	Residential Zones	Commercial Zones	Industrial Zones	Public Right-of-Way
Guyed Tower	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Self Support Tower	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Monopole Tower under 199 feet	Prohibited	Prohibited	Prohibited	Specially Permitted*	Specially Permitted* (50 ft max)
Stealth Tower between 80 and 199 feet	Specially Permitted*	Specially Permitted on stadium and athletic field light poles; otherwise prohibited. *Prohibited	Specially Permitted*	Administrative Determination*	Prohibited
Stealth Tower Under 80 feet	Specially Permitted	Specially Permitted	Administrative Determination*	Administrative Determination*	Specially Permitted* (50 ft max)
Collocation Installation	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**
Small Cell Network	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**
Distributed Antenna System	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**	Administrative Determination**

* Subject to separation, setback, application submission requirements and the height limitations for communication towers in the public right-of-way specified in this chapter.

** Subject to application submission requirements specified in this chapter, and provided that collocation in single family, two-family residential and agricultural zones is limited to nonresidential structures. Provided further that no collocation installation may be placed on any residential structure shorter than 30 feet in height, and any collocation on a structure shorter than 60 feet in height shall be integrated into the structure on which the wireless communication facility is placed.

The administrative determination, decision rests solely in the discretion of the director of planning, who may consider the future land use designation of the property or the area surrounding the property, based upon the city's comprehensive plan or any applicable area plan, neighborhood conditions, the existing or potential for the proliferation of wireless communication facilities in the surrounding area, or any other matter that, in the director of planning's discretion, warrants additional consideration or relates to the application. The applicant may appeal the administrative decision by filing for a special use permit within one month of the administrative determination.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2022

_____
Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to Form:

_____

County Administrator's Office
Cheryl Harrison-Lee, Interim County Administrator
701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: June 30, 2022

BOARD POSITION: Kansas City Area Transportation Authority (KCATA) Board

INCUMBENT: Joe Peterson (resigned)

APPOINTING MAYOR: Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Daniel Serda

TERM OF OFFICE: 7/1/ 2022-7/1/2026

STATE OF KANSAS	**)**	**PLANNING & ZONING AND**
WYANDOTTE COUNTY	**)) SS**	**REGULAR SESSION**
CITY OF KANSAS CITY, KS	**)**	**JANUARY 27, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 27, 2022, with ten members present via Zoom or on-site: 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; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Markley, Commissioner Sixth District; was absent. The following officials were also in attendance: Misty Brown, Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Katherine Carttar, Director of Economic Development; James Bain, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Elizabeth Groenweghe, Chief Epidemiologist; Dr. Allen Greiner, Chief Medical Officer; Dr. Erin Corriveau, Deputy Medical Officer, Health Department; and Brett Deichler, Unified Government Clerk.

Mayor Garner 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 onsite. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is a critical element 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 will be included in the record of the meeting. The public also has the opportunity to provide brief comments from the lobby of the Municipal Office Building here at 701 N. 7th Street, Kansas City, Kansas.

I'm going to call this meeting to order and ask the Clerk for the roll, please.

Roll call: Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Garner.

Mayor Garner said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ followed by the Pledge of Allegiance.

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

Brett Deichler, Unified Government Clerk, said, Mayor, yes, we had one change. It was a blue sheet issued for the Planning and Zoning Consent Agenda. It was Special Use Permit No. 2021-047, which was modified to include documents submitted by the Wyandotte County Conservation District. That includes all the changes on tonight's blue sheet, Mayor Garner.

Mayor Garner said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first, followed by the Regular Commission meeting. I'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

Mr. Deichler 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? **Mayor Garner** asked, do any commissioners have disclosures? **Commissioner Bynum** disclosed correspondence regarding Item A1 Change of Zone 2021-047. **Commissioner Burroughs** disclosed supporters and proponents to MPL2021-025.

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

Mayor Garner asked, does any member of the Commission, County Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? **Commissioner Kane** made a motion, seconded by Commissioner Stites to approve. **Mayor Garner** said 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. I just need clarity from the Clerk, Item No. 4, SP2021-083, has that been set aside? **Mr. Deichler** said it has not. No one requested to set it aside.

Mayor Garner said I'm requesting it to be set aside, please. **Mr. Deichler** said okay.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve all remaining items as submitted on the Planning and Zoning Consent Agenda**.

Mayor Garner said I'll ask the Clerk if he received any requests from the public to set-aside an item? **Mr. Deichler** said none were received.

Mayor Garner said I'll ask the Clerk if anyone joining virtually has their hands raised to set-aside an item? **Mr. Deichler** said seeing none, but we need to vote, Mayor.

Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 211251…CHANGE OF ZONE APPLICATION COZ2021-047 – MICHAEL MAKRIS WITH BHC RHODES

Synopsis: Change of zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to RP-4 Planned Garden Apartment District for Tower View Townhomes at 2416 and 2416A South 51st Street, 5115 Gibbs Road and 5125 Gibbs Road.

and

MASTER PLAN AMENDMENT APPLICATION ITEM NO. 1 – 211252…MASTER PLAN APPLICATION MPL2021-025 – MICHAEL MAKRIS WITH BHC RHODES

Synopsis: Master Plan Amendment from Community Commercial and Low density Residential to medium Density Residential (city-Wide Master Plan) at 2416 and 2416A South 51st Street, 5115 Gibbs Road and 5125 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a change of zone from R-1 Single-Family District, C-1 Limited Business District, and CP-1 Planned Limited Business District to RP-4 Planned Garden Apartment District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The multi-family development will consist of seven multi-family structures with a total of 32 dwelling units. The site plan contains three townhome buildings containing four units each, two townhome buildings containing two units each, and four fourplexes. The development includes the demolition of an existing single-family residence at 5125 Gibbs Road and a water retention pond. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-025 and Change of Zone Application COZ2021-047, subject to:

1. There must be an architectural screening wall to create a buffer between the subject property and the single-family residences to the south and west. Submit a revised landscape plan demonstrating an architecturally screened wall and submit elevations for said wall;
2. The applicant has not provided proposed amenities for the development. The applicant must submit all amenity plans for the development as part of the submission process for the Final Plan Review. All amenities shall be built within the first phase of the development.
3. The development must comply with the Multi-Family Residential Design Guidelines, per the City-Wide Master Plan;
4. The following requirements of the Multi-Family Design Guidelines have been met and must be incorporated into the development of the site as shown on the submitted site plans:
    a. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
        i. The primary entrance or entrances to each principal multi-family building;
        ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
        iii. Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
        iv. Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
    b. The maximum length of a multi-family residential building shall be 200 feet.

c. No more than six townhome units shall be attached in any single row.

d. Unity of design will be maintained through the use of similar materials and colors throughout all multifamily developments.

5. The following requirements of the Multi-Family Design Guidelines have not been met and must be met during the Final Plan process:

a. Pedestrian walkways and sidewalks shall be a minimum of six-feet wide.

b. To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.

c. Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.

d. All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.

e. All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.

f. Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.

g. On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty feet of building wall length.

h. For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.

i. Landscaping is required to screen all parking areas and service entries.

6. It is in unclear if the following requirements of the Multi-Family Design Guidelines have been met. In the Final Plan Review process, the applicant must provide further explanation or demonstration for the following:

a. There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.

b. All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and laundry areas.

c. High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.

d. Exterior building materials shall not include the following:

   i. Board and batten wood;
   ii. Smooth-faced or gray concrete block;
   iii Painted concrete block;
   iv. Tilt-up concrete panels;
   v. Field painted or pre-finished standard corrugated metal siding;
   vi. Standard single or double tee concrete systems; and
   vii. Vinyl siding.

e. Predominant roof materials shall be high quality, durable material such as, but not limited to:

   i. Wood shake shingles;
   ii. Clay or concrete tiles;
   iii. Composition shingles;
   iv. Asphalt shingles; and
   v. Other materials considered on a case-by-case basis.

7. The applicant has not provided the most recent full set of elevations for all building types proposed. In the Final Plan Review process, the applicant must provide elevations for all four sides of each building type that will be on site;

8. In the Final Plan Review process, a materials palette for all proposed building typologies must be submitted to Staff to verify compliant, and consistent ort complementary materials throughout the subject property;

9. A building permit is required. Please contact the Building Inspection Department to begin that process;

10. 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;

11. 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;

12. Site improvements that include land disturbance activity on greater than 1 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, Sections 8-610 - 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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections COZ2021-04 Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

13. 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 Kane made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2021-047 and Master Plan Amendment Application MPL2021-025, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 211253...CHANGE OF ZONE APPLICATION COZ2021-053 - JOHN CAUTHON

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 3817 Lust Drive, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, John Cauthon, is requesting a change of zone for the subject property at 3817 Lust Drive. 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 property's agricultural activity can continue. The subject property's prior land use was agricultural but changed to low-density residential when a neighborhood-wide rezone occurred. The applicant is currently cleaning up the property and wishes to construct multiple accessory structures to ensure the property's maintenance and utilize agricultural activity. The applicant wishes to build a single-family residence on the property in the future, but only wants to support the agricultural features for the immediate time. The change of zone allows the applicant to construct multiple accessory structures throughout the property for its maintenance and agricultural use without the need for further variances as required in its current zoning. The applicant has an additional application for a variance for maximum lot width-to-depth ratio. The Planning Commission recommended 8 to 0 to recommend approval of Change of Zone Application COZ2021-053, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2021-047. The following are conditions for BOZA2021-047 and are stated here for reference only, as CPC case is solely for COZ2021-053.

   a. If approved, the drive apron shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works.

   b. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process.

   c. If approved and should livestock be introduced to the property or timber strand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly.

   d. The deteriorated stable structure shall be demolished, and the pop-up camper shall be removed.

   e. 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.

   f. A loading and maneuvering area shall be paved with 6-inches of concrete over 4-inches of gravel within 25 feet of the right-of-way in accordance with UG Code §27-675(b)(2) and UG Standard Detail 4100-G.

   g. Agricultural districts are not required to obtain land disturbance permits (UG Code §8-613) but are still required to employ applicable best management practices (BMPs) included in standard details provided by the Unified Government (UG). When land disturbance exceeds 3,000 square feet, an erosion and sediment control plan may be required. The UG "Erosion Control Checklist" and "Guidelines for Preparing Erosion Control Drawings for Land Development" outlines plan preparation. Prevent, to the maximum extent practicable, any amount of soil, earth, sand, gravel, rock, stone, or other material, to be deposited upon or to roll, flow, or wash upon or over any public street, street improvement, road, alley, sewer, storm drain, watercourse, right-of-way, any public property or the premises of another.

   h. If there is any livestock in the area, the stream area needs to be fenced so livestock are not in the stream. The fenced area should include a 25-foot buffer of grass to reduce and slow any runoff.

   i. 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.

2. If approved, the drive apron shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
3. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
4. If approved and should livestock be introduced to the property or timber strand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
5. The deteriorated stable structure and stored pop-up camper shall be removed from the property;
6. 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;
7. A loading and maneuvering area shall be paved with 6-inches of concrete over 4-inches of gravel within 25 feet of the right-of-way in accordance with UG Code §27-675(b)(2) and UG Standard Detail 4100-G;
8. Agricultural districts are not required to obtain land disturbance permits (UG Code §8-613) but are still required to employ applicable best management practices (BMPs) included in standard details provided by the Unified Government (UG). When land disturbance exceeds 3,000 square feet, an erosion and sediment control plan may be required. The UG "Erosion Control Checklist" and "Guidelines for Preparing Erosion Control Drawings for Land Development" outlines plan preparation. Prevent, to the maximum extent practicable, any amount of soil, earth, sand, gravel, rock, stone, or other material, to be deposited upon or to roll, flow, or wash upon or over any public street, street improvement, road, alley, sewer, storm drain, watercourse, right-of-way, any public property or the premises of another;
9. If there is any livestock in the area, the stream area needs to be fenced so livestock are not in the stream. The fenced area should include a 25-foot buffer of grass to reduce and slow any runoff.
10. 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 Kane made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2021-053, subject to the stipulations**. Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 211256...SPECIAL USE PERMIT APPLICATION SP2021-047 - ALBERT H. WALKER

Synopsis: Special Use Permit to keep livestock (horses on the property) at 3633, 3703 and 3707 Bell Crossing, 3701, 3702, and 3706 North 37th Street and 3655 Sortor Drive, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Albert Walker, is requesting a Special Use Permit to keep horses on seven (7) residentially zoned parcels at 3633, 3703, & 3707 Bell Crossing, 3701, 3702, & 3706 North 37th Street, and 3655 Sortor Drive (herein after known as the "subject property"). This subject property is not the applicant's primary residence and has no primary residence on the property, but there is one (1) accessory structure (a clubhouse) and one (1) storage container. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2021-047, due to unresolved violations on the property, incompatibility of the land for livestock, and the recommendation of the Conservation District.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to deny Special Use Permit Application SP2021-047.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 211254...SPECIAL USE APPLICATION SP2021-077 – NATALIE MCNUTT

Synopsis: Special Use Permit for a Short-Term Rental at 3801 Lloyd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family resident on a dead-end street. The property was occupied by the owner's son before he relocated for a new job. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-077, subject to:

1. The applicant must show proof of the following repairs before occupancy:
    a. Replace the gas line to the hot water heater.
    b. Repair the gas line to clothes dryer.
    c. Install handrails on both sides of stairwell leading to second floor as required by code.

d. Provide exterior door or coverage to crawl space to reduce possibility of pest or intrusion;

2. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6) adults;

3. Guest parking must be provided off-street. Maximum number of guest vehicles shall be two (2);

4. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);

5. 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;

6. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;

7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;

8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;

9. The Special Use Permit shall be valid for one (1) year 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 (2) 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,

10. 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 Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2021-077 for one year, subject to

the stipulations. Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 3 – 211255...SPECIAL USE PERMIT APPLICATION SP2021-080 – RYAN STOOPS WITH JAMESTOWN PROPERTIES LLC

Synopsis: Special Use Permit for a Short-Term Rental/Airbnb at 3151 West 45th Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Ryan Stoops, is seeking approval for the operation of a short-term rental at 3151 West 45th Avenue. The subject property is a single-family residence and was recently purchases by the applicant. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-080, subject to:

a. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6);

b. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;

c. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);

d. If approved, the outstanding permits shall be updated to "Completed" status.

e. 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;

f. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;

g. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;

h. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance:

i. 913-246-5133 www.hostcompliance.com/tips;

j. The Special Use Permit shall be valid for one (1) year 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 (2)

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,

k. 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 Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2021-080 for one year, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 4 – 211248...SPECIAL USE PERMIT APPLICATION SP2021-083 – AURELIO AND MARIA NAVAREZ

Synopsis: Renewal of a Special Use Permit (SP2016-079 – expired 10/27/2021) for live entertainment in conjunction with a drinking establishment at 6550 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Auerlio and Maria Navarez, are requesting a renewal of Special Use Permit (SP2019-079) for a drinking establishment, restaurant, and live entertainment venue at 6550 Kaw Drive. The property was approved for Special Use Permit (SP2009-036) to operate a drinking establishment, in 2009 and was renewed in 2012 and 2014 for two (2) years and then again in 2016 for five (5) years. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2121-083, subject to:

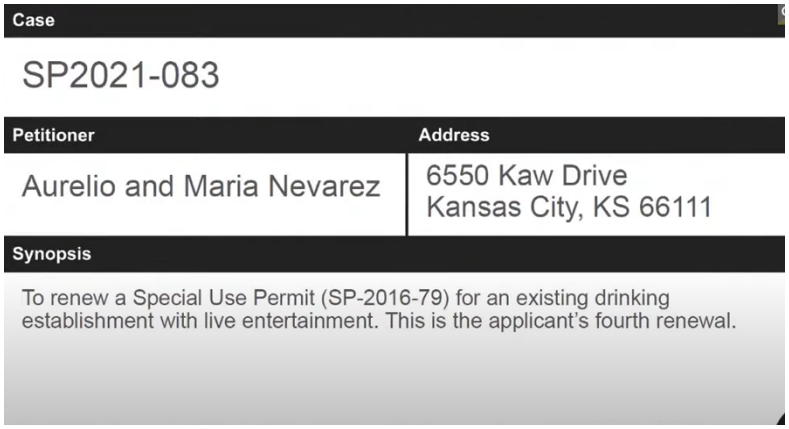
1. The applicant shall build an enclosure around their trash receptacles on the east side of their property;
2. The applicant shall either patch their parking lot or repave the parking lot for the parcel in which their reestablishment resides on;
3. The applicant shall install parking space striping for the required forty (40) parking spaces in the manner outlined by the Code of Ordinances Section 27-669;
4. Per Code of Ordinances Section 27-577(g), if the applicant wishes to complete this work in phases, "the first phase of construction should include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping";

5. 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;
6. 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;
7. 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;
8. All entertainment must cease by at least 1:30 AM;
9. Doors and windows must stay closed during any entertainment performance;
10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent uses;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec. 4-104(f) including:
    a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
    b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
    c. An I.D. scanner will be used at all times;
    d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
12. 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;
13. 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; and,
14. The Special Use Permit shall be valid for ten (10) 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 (2) 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

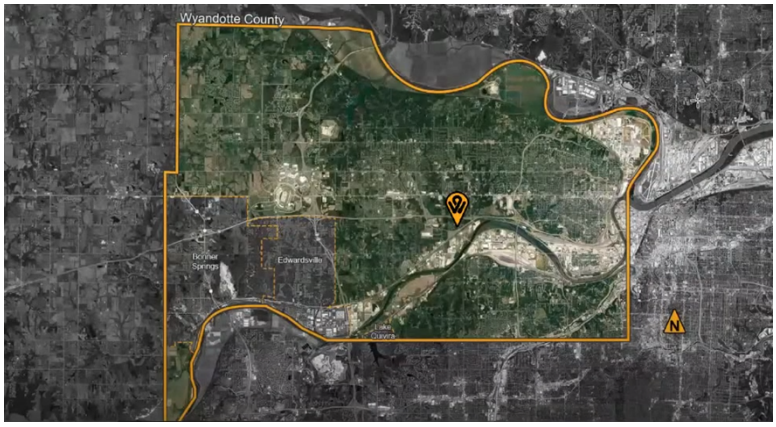
renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Mayor Garner said I'll ask the Clerk to provide the set aside number. **Mr. Deichler** said set aside No. SP2021-083, Aurelio and Maria Navarez.

Mayor Garner said I'll ask staff to make some opening remarks, please.



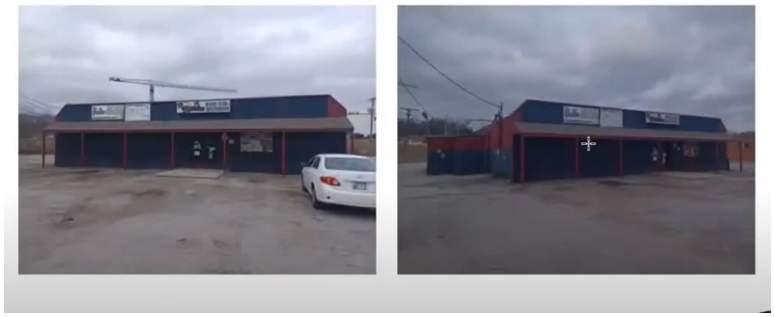
Gunnar Hand, Director of Planning and Urban Design, said this application is for a special use permit for live entertainment and drinking establishment, again at 6550 Kaw Drive.



This is in the Riverview area of the county. This would be the applicant's fifth approval. This is their fourth request for renewal.



You can see the site a little bit closer off of Kaw Drive right here.



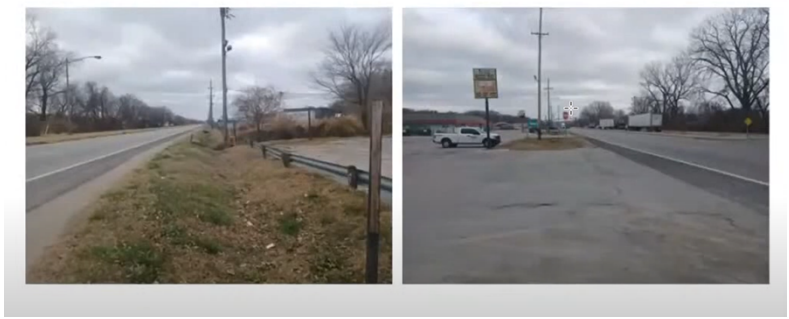
As I go through these pictures, I'll just add a couple of issues. In our review, since their last approval five years ago, we did note multiple police calls at the location. We received thus far, no letters of support, nor opposition.

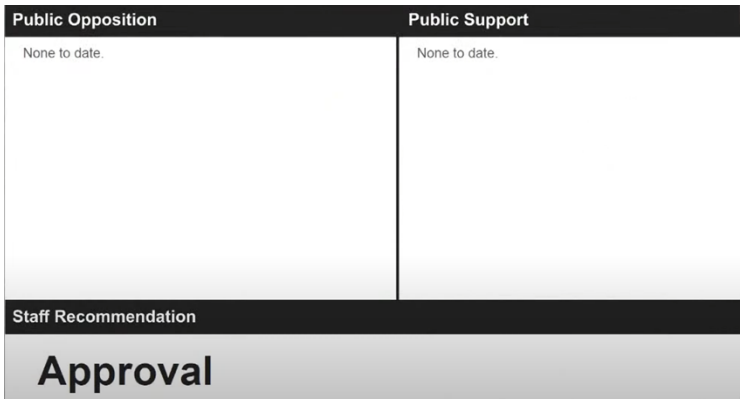


Some of the conditions of approval that staff had requested as a part of this renewal is to develop a trash enclosure for their trash bin,



to repair and restripe the parking lot. We did notice that there were a lot of flood lights on the building, which is in violation of our Code of Ordinances. We asked for downward lighting. There's also several unpermitted signs attached to the old building. It typical of bars and live entertainment venues of this kind. So, we asked that those be removed, accordingly. We do have a couple of conditions of approval as a sort of standardized ones that we have for these types of uses related to security, but no security plan was provided specifically for this use.





Staff agrees with the Planning Commission's recommendation for approval for 10 years.

Mayor Garner said I'll ask the applicant or representative to present their application. If you're present, please state your name and address for the record.

Maria Navarez, owners of said establishment, said we've agreed to all the conditions that they have said about the enclosure for the garbage and also the paving, except right now at this particular time, because of the weather, it's really difficult to get out there, but we have no objection to repairing what has to be repaired.

Mayor Garner asked, does that conclude your statement? Okay. I want to open the public hearing and ask the Clerk if he's received any direct notification from the public who wish to express their comments in favor of this item? Once acknowledged, you may state your name and address for the record. You will be given up to three minutes to state your comments. **Mr. Deichler** said we have not received any comments.

Mayor Garner asked, is there anyone joining virtually who would like to speak in favor of SP2021-083? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said we're seeing none, Mayor.

Mayor Garner asked, is there anyone joining us in the lobby who would like to speak in favor of SP2021-083? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none, as well, Mayor.

Mayor Garner said I'll ask the Clerk if we've received any direct notification from the public who wish to express their comments in opposition of SP2021-083? Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said we have not received any, Mayor.

Mayor Garner asked, is there anyone joining us virtually who would like to speak in opposition of SP2021-083? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said we're seeing none, Mayor.

Mayor Garner asked, is there anyone joining us in the lobby who would like to speak in opposition of SP2021-083? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none as well, Mayor.

Mayor Garner said I will close the public hearing. Would the petitioner like to make any closing comments? Seeing none. Do any members of the Commission have any questions or comments? I would like to recommend that we reduce, based on the issues that have been identified by staff, the amount of years from 10 to what was noted. Can staff inform the Commission on the prior special use permit approvals, in terms of years? **Mr. Hand** said the previous approval was for five years.

Mayor Garner said I recommend that we go back to that as well as revisiting this to ensure that a security plan is put in place for the safety of not only those that may be attending that venue, but also those that may be impacted from any potential occurrences that may arise in regard to that venue being at that location and provided that level of entertainment.

Mr. Deichler said, Mayor, Chief Legal has a question.

Misty Brown, Chief Counsel, said, Mayor, I just want to clarify your recommendation. Are you recommending that at this point we vote to reduce the approval from running 10 years to 5, or are you also recommending that we send it back to the Planning Commission to look at a security measure, or is that something you wanted to evaluate at the next 5-year mark?

Mayor Garner said it's a combination of both. I'd like it to be sent back with the recommendation for a security plan and a second look at reducing the approval, special use permit usage from 10 years back down to 5 years. **Ms. Brown** said so, the motion is to send it back to Planning Commission for additional review.

Mayor Garner said that is correct, and I'll entertain a motion.

Action: **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to send Special Use Permit Application SP2021-083 back to Planning Commission for additional review.**

Mayor Garner said there's a motion and a second. Is there any discussion? Seeing none, roll call.

Commissioner Davis said before I vote, Commissioner Townsend had her hand up.

Commissioner Townsend said I removed it because I was going to clarify a point of order, but Commissioner Kane's motion took care of that and with the second by Commissioner Burroughs, the question I was going to raise is no longer necessary.

Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Mayor Garner asked, are there any other set-aside numbers that the Clerk has available? **Mr. Deichler** said we have none, Mayor.

Item No. 5 – 211249...SPECIAL USE PERMIT APPLICATION SP2021-085 – PAUL RIDGWAY

Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2020-88 – expires 1/14/2022) for a personal trainer business at 419 Armstrong Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Paul C. Ridgeway, is seeking a Home Occupation Special Use Permit for the purpose of conducting personal fitness training sessions at his residence at 419 Armstrong Avenue. The applicant intends to instruct one (1) client at a time. Sessions will be temporarily held on a raised wooden deck in the back of the home. Support has been expressed by one (1) neighbor, John Headrick in previous meeting. In the future, the applicant intends to remove the existing deck, pour a new driveway, and build a new garage with a rooftop deck. This garage will be used to store one (1) vehicle and train clients. Staff notes that the home is within the environs of two (2) historic districts. Any new construction or alteration to the exterior of the home and/or accessory structure must go through the historical review process. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-085, subject to:

1. The applicant shall meet the R-1(B) setbacks and lot area regulations;

2. Due to the size of the property, the location of the proposed garage and the tandem parking space, the applicant must operate by appointment only. This will limit double stacking in the alley and/or along Armstrong Avenue;
3. Since the applicant stated that only one (1) client will be on the property at a time, training is restricted to one (1) client at a time in the garage;
4. Per the applicant, clients will train from 6:00 AM to 12:00 PM;
5. If approved, the applicant will need to file and maintain a current business occupation tax application with the Business Licensing Division. Please contact their office at (913) 573-8780 to begin that process. The garage cannot take up more than 40% of the rear yard and must be setback three (3) feet off the side of the rear property lines;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
7. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
8. 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;
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; and,
10. The Special Use Permit shall be valid for two (2) 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 (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after expiration date will be considered a new application with the associated application fee and approval term. If the new 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.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2021-085 for 2 years subject to the**

stipulations. Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 6 – 211250...SPECIAL USE PERMIT APPLICATION SP2021-086 – BEVERLY AND FREDERICK AVERY WITH AVERY'S VILLAGE

Synopsis: Renewal of a Special Use Permit (SP-2020-7 – expires 1/30/2022) for a youth residential facility (Avery's Village) at 6261 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Frederick and Beverly Avery, are requesting renewal of Special Use Permit SP2022-086, has permitted the operation of a youth residential facility at 6261 Leavenworth Road. The building was previously licensed as a nursing home from 1967 until 2014. The facility would be licensed with the State of Kansas to work with 35 or more children between 10 and 18 years of age. The applicant states that the facility has the capacity to house 45 youths. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, your support personnel, and case manager, renewal of the Special Use Permit would allow the continuation of a youth residential facility for boys 10-18 years of age. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-086, subject to:

1. Since no one staff member permanently resides in the building, there shall be continuous 24 hours, 7 days a week coverage by staff;
2. The applicant shall build an enclosure around their trash container that matches the materials from the primary structure;
3. The applicant shall restore the existing retaining wall;
4. The applicant shall replace the existing privacy fence with height limit of 6 feet;
5. No more than forty-five (45) children/youth residing on the property;
6. Per Business Licensing Division: The applicant has filed and maintained a current business occupation tax application;
7. 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;
8. 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; and,

9. The Special Use Permit shall be valid for five (5) 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 (2) 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.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve for Special Use Permit Application SP2021-086 for five years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 211252...MASTER PLAN AMENDMENT MPL2021-025 – MICHAEL MAKRIS WITH BHC RHODES

Synopsis: Master Plan Amendment from Community Commercial and Low Density Residential to Medium Density Residential (City-Wide Master Plan) at 2416 and 2416A South 51st Street, 5115 Gibbs Road and 5125 Gibbs Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **This was previously heard with Change of Zone Application COZ2021-047.**

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

Item No. 1 – ORDINANCE

Synopsis: An ordinance rezoning property at 4108 Adams Street, (COZ2021-046) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-7-22**, "An ordinance rezoning property hereinafter described located at approximately 4108 Adams 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 Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 - ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-076) for a Short-Term Rental at 4108 Adams Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-8-22**, "An ordinance authorizing a Special Use Permit for 4108 Adams Street, Kansas City, Kansas, for a short-term rental." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 3 - ORDINANCE

Synopsis: An ordinance rezoning property at 4318 Sortor Drive (#3215), from R-1(B) Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-9-22**, "An ordinance rezoning property hereinafter described located at approximately 4318 Sorter Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to A-G Agriculture District." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 4 - ORDINANCE

Synopsis: An ordinance rezoning property at 731 Tenny Avenue, (COZ2021-042), from R-1(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-10-22**, "An ordinance rezoning property hereinafter described located at approximately 731 Tenny Avenue, 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 Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 5 - ORDINANCE

Synopsis: An ordinance rezoning property at 3740 North 35th Street (COZ2021-040) from R-1(B) Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-11-22**, "An ordinance rezoning property hereinafter described located at approximately 3740 North 35th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to A-G Agriculture District." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 6 - ORDINANCE

Synopsis: An ordinance rezoning property at 2000 South 49th Street (COZ2021-049) 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-12-22**, "An ordinance rezoning property hereinafter described located at approximately 2000 South 49th 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 Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 7 - ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-082) for a group home program with gardens/greenhouse for training (Shalom House) and office/gardening space for New Roots program, at 2601 Ridge Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-13-22**, "An ordinance authorizing a Special Use Permit for 2601 Ridge Avenue in Kansas City, Kansas, for a group home program with gardens/greenhouse for training (Shalom House) and office/gardening space for New Roots Program." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 8 - ORDINANCE

Synopsis: An ordinance rezoning property at 7512 Leavenworth Road (COZ2021-045) from C-1 Limited Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-14-22**, "An ordinance rezoning property hereinafter described located at approximately 7512 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District." **Commissioner Kane made a**

motion, seconded by Commissioner Stites, to approve the ordinance. Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 9 - ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-079) for a used automotive dealership with light repair and maintenance at 7512 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-15-22**, "An ordinance authorizing a Special Use Permit for 7512 Leavenworth Road, Kansas City, Kansas, for a used automotive dealership with light repair and maintenance." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 10 - ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-071) for a Short-Term Rental, at 749 Locust Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-16-22**, "An ordinance authorizing a Special Use Permit for 749 Locust Street, Kansas City, Kansas, for a short-term rental." **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

PLANNING AND ZONING NON-CONSENT AGENDA

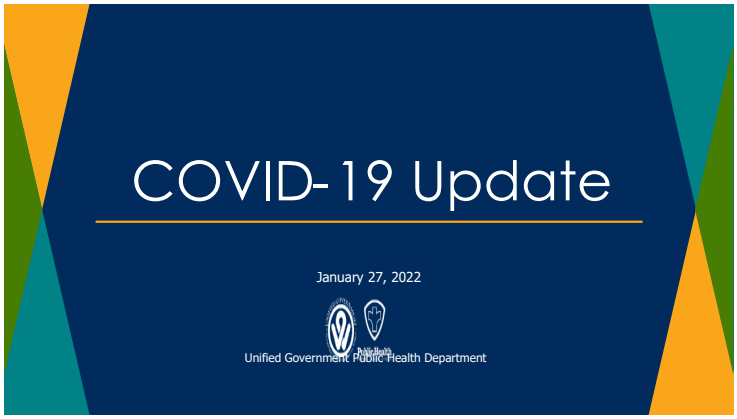
No items.

Mayor Garner said that concludes the Planning portion of our meeting. That takes us to the Mayor's Agenda.

MAYOR'S AGENDA

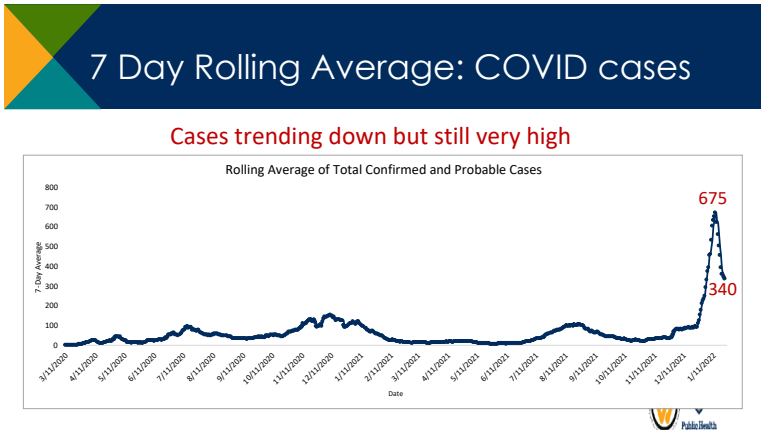
Item No. 1 – 211287…UPDATE: COVID-19 & MASK RECOMMENDATION

Synopsis: An update from the Wyandotte County Health Department regarding the status of COVID-19 in the county and a recommendation for all residents and visitors to wear masks while in indoor public spaces, submitted by Elizabeth Groenweghe, Health Department; and James Bain, Assistant Counsel.

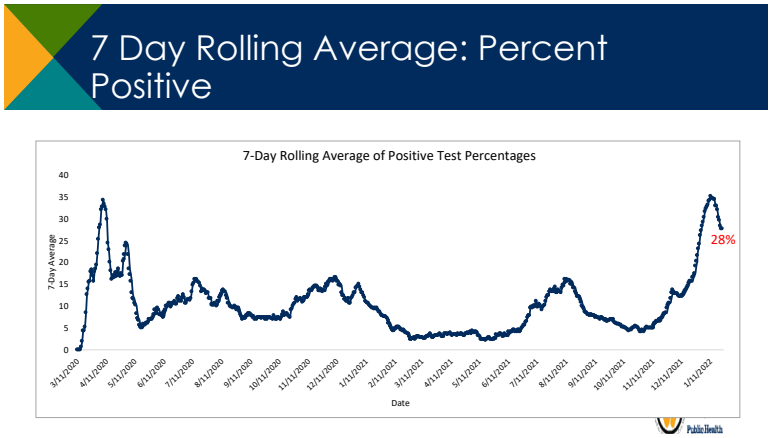


Alan Howze, Assistant County Administrator, said for the update this evening, we have with us Elizabeth Groenweghe, the Chief Epidemiologist for the Health Department; Dr. Allen Greiner, Chief Medical Officer; and Dr. Erin Corriveau, Deputy Medical Officer; who will be providing this evening's update.

Elizabeth Groenweghe, Chief Epidemiologist, said I'll be starting the presentation with a brief update on the current COVID situation in Wyandotte County.



This first graph here shows our seven-day rolling average for the average number of new COVID cases in Wyandotte County. You can see on the far left of the graph that starting towards the end of December, we saw a very large spike in the number of COVID cases per day and we then hit a peak on January 11th of an average of 675 new cases, which is quite a lot. It's the largest COVID surge that we've seen thus far in the pandemic. Fortunately, we then hit that peak, and cases are starting to come down. Right now, the seven-day rolling average is 340 new cases, but it's really important to recognize that 340 cases per day is still a tremendous amount of COVID in Wyandotte County. That's still higher than the average case rate has been throughout this pandemic up until this month's recent surge. It's important to recognize that even though we are trending down right now, that case numbers are still very high.



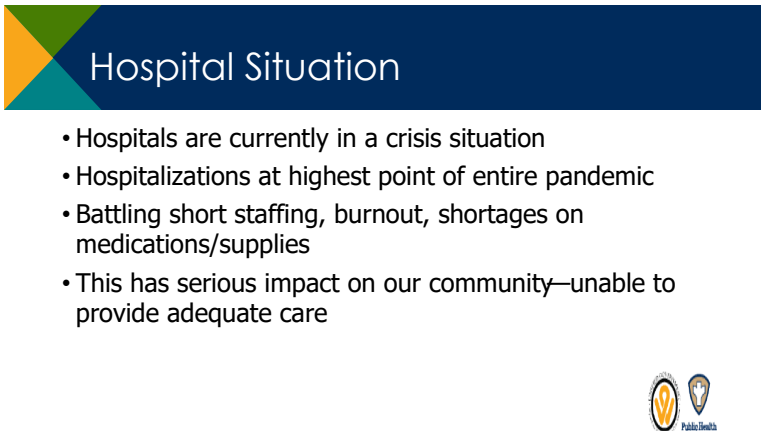
This next slide shows the seven-day rolling average for the percent positivity, so the percent of tests that are coming back positive. Again, you see a similar trend. We did peak on January 11th at our percent positivity at about 35%, which is very high and the highest we'd ever seen it. That is starting to come down, it's at 28% now. But, again, it's important to recognize that 28% is still a very high percent positivity. The CDC classifies anything above 10% as high community transmission or the red zone. We're still a long way off from being below 10%, which is really what the goal is.



These next two graphs show hospitalizations. This first graph here shows hospitalizations for the hospitals in Wyandotte County. You can see again that we've really hit quite a high peak with hospitalizations. The important thing to know about hospitalization data is that is does lag a bit behind those case numbers. We are seeing a decrease in the case numbers, but it takes time for hospitalizations to peak and then come down because it might take a couple of weeks before someone with COVID needs to be hospitalized.



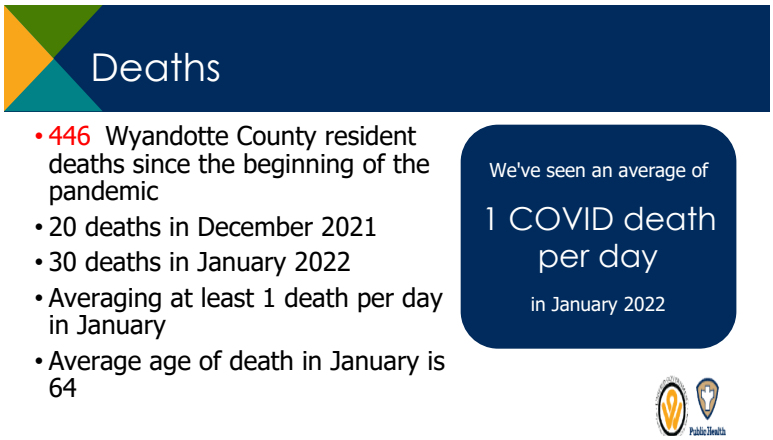
And, then again, a very similar trend across the whole MARC region, all the hospitals within the metro area seeing the highest hospitalization numbers that they've seen thus far in the pandemic.



I just wanted to take a minute to talk about the hospital situation. You've probably seen it in the news, or if you follow KU on social media at all, they've talked about this. But the hospitals are truly in a crisis situation right now. Hospitalizations are the highest they've ever been throughout the pandemic. The hospitals are battling a lot of other issues as well including short staffing, burnout of their staff who have worked tirelessly throughout this pandemic, shortages on a lot of medications and supplies, including the medications that we would use to treat COVID that we have right now but are just in very short supply.

I just wanted to take a minute to talk about how serious this is in terms of how it impacts our community. Right now, hospitals are canceling primary care visits or rescheduling them. People aren't getting their cancer screenings. Things like that that are really essential for our community that aren't happening because the hospitals are so overwhelmed. Unfortunately, people that are going to the ER have very, very long wait times, and it's not uncommon for people to wait, 1, 2, 3 days down in the ER waiting for a bed to open up on the floor for them.

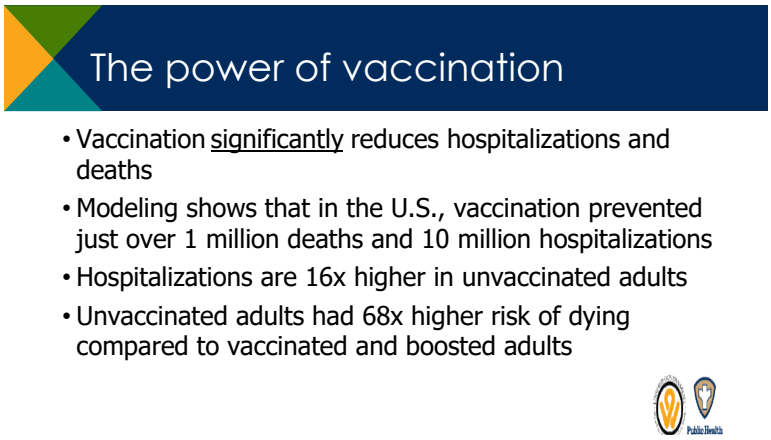
I wanted to share a quick story that recently occurred in our community as well because I think it really highlights how serious the hospital situation is. There was a resident who had a heart attack. EMS transported this person to hospital A, but hospital A was on diversion, meaning that they're not accepting incoming patients. So, they redirected EMS to take this patient to hospital B. Unfortunately, the patient died enroute from hospital A to hospital B possibly, because they did not have the access to emergency medical care that they needed because the hospitals are so overwhelmed right now.



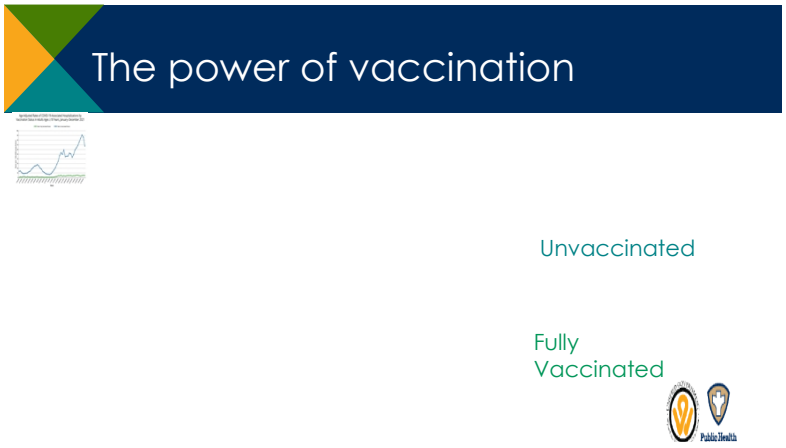
Then, finally I wanted to talk about the impact that COVID had in our community in terms of deaths. Since the beginning of the pandemic, we have lost 446 Wyandotte County residents due to COVID. We've had 20 deaths so far in December 2021 and 30 deaths thus far in January 2022, and we're not even through the month of January yet. We're averaging about a death per day right now in Wyandotte County due to COVID.

Another thing I really wanted to highlight is there's this misconception perhaps that the people that are dying of COVID are elderly and frail, but the truth is that the average age of death for the month of January in Wyandotte County is 64 years old. So, that means approximately half the deaths that we've had in January thus far are people that are 64 years of age or younger. That impacts Wyandotte County as a whole as well in terms of our community and the impact it has on families and jobs and things like that. I did want to highlight that the average age of death is 64 years old for January.

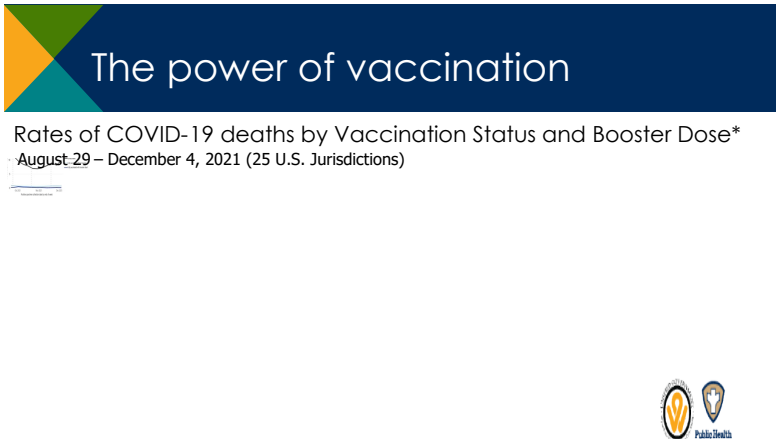
I'm going to turn the presentation over now to Dr. Greiner, and we're going to touch a bit on vaccination rates.



Dr. Allen Greiner, Chief Medical Officer, said we've talked about this before. We know vaccination is very powerful at reducing bad outcomes, and we're seeing that. Of course, we are seeing some bad outcomes even in the rare person that's vaccinated, but by in large, the majority of folks getting hospitalized and having bad outcomes are unvaccinated. You can see that vaccination in this country has prevented a whole lot of deaths and a whole lot of hospitalizations. With the hospitalizations being 16 times higher for those who are unvaccinated. Those who are unvaccinated have a 68 times higher risk of dying compared to those who are not.



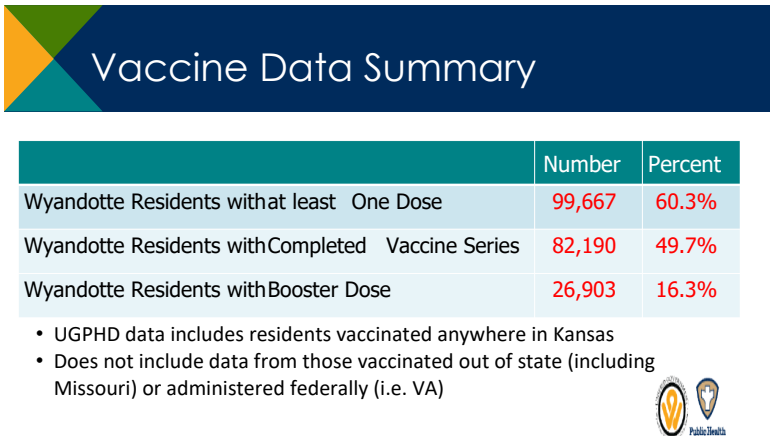
Just a graph that really shows the same thing. The rate of those who get hospitalized is really, really significantly higher than those who are vaccinated.



And the rates of deaths in the unvaccinated are much, much, much higher than those who are either fully vaccinated or fully boostered. We'll talk in a minute about how low the rate of booster shot administration is in our county, and I think we also want to talk about how we've really got a good news, bad news scenario tonight. We're seeing the peak of this Omicron variant. Things

are getting better. We're not out of the woods, but we've got to start looking forward and finding ways to live, live as a community and thrive as a community with this in our midst. But we've also got the bad news of this kind of statistic and the hospital data. I think we really want to start positioning this as a future focus long-term gain. Most of that long-term work needs to be about vaccination efforts for months and years going forward.

We also know at the Health Department, as we do our other services, whether that's doing environmental health services; women, infants and children services; women's health, other women's health services; other infectious disease services, we're going to weave this in. The vaccination campaign is going to be an ongoing effort and probably sort of an ongoing booster campaign.



This will be my last one. So, our rates are not what we want them to be. We have worked really, really hard. I think many of you have been involved in that work, and in some ways, I think, honestly, we may have done better than would have been expected, given the long-term health outcomes in this county. We don't have things where we want them to be. For completed series, again, we've still not even reached 50%. For booster dose, we have not even reached 20%. There are many reasons for this, right? We're not wanting to blame people who haven't gotten vaccinated, especially kids, for example, the 5- 12-year-olds. Their parents are responsible for them getting vaccinated, so we don't want to blame these people or shame these people. We want a long-term, forward thinking, positive approach to the future way of trying to convince people to change their mind, and not, not giving up.

I think the next slide is Dr. Corriveau, and I think she's going to finish this out. I'll turn it over to her, and we'll finish out.

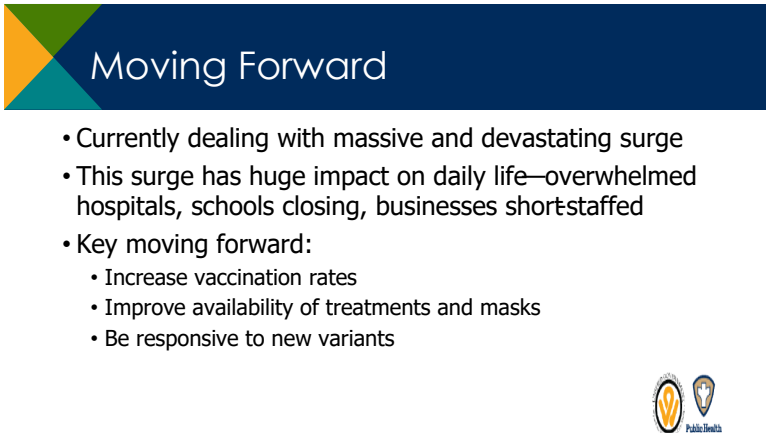


Dr. Erin Corriveau, Deputy Medical Officer, said I just want to also highlight the rates of vaccination by various age groups. Unfortunately, we're seeing our younger kids 5- 11-year-olds and then also young adults, 25 to 34 years of age as being our categories of lowest vaccine rates. We're trying to combat this by having vaccination events at workplaces. We're working really hard to increase these numbers. I kind of think of this as the parents that are not getting vaccinated and the children of those people. We worry about those two age groups, especially because we've seen, now in the pandemic and earlier in the pandemic, that the young people are actually often times driving the number of cases. So, they're often the ones who, unfortunately, are then getting infected and spreading the disease because, of course, they're out and about; they're working and living their lives.



I just want to show our county here. We can see where we have really higher rates of vaccination and where there are lesser rates, so we can see there, we've got our work cut out for us there in the Edwardsville area. We're certainly working hard with our community partners. They're in

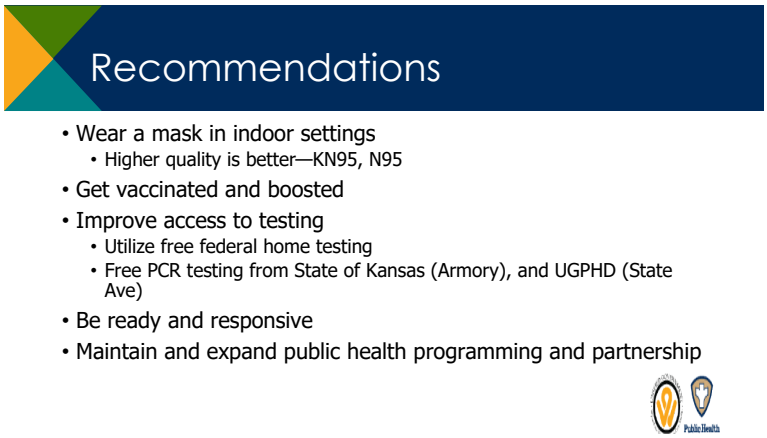
104, 102 and 106, that's where we're going to be concentrating a lot of efforts upcoming in the next weeks and months. I just want to highlight our awesome partnerships with our FQHCs and other community-based organizations, and of course our Health Equity Task Force and our pastors who are helping us to get the word out and have community-based events.



Again, as Dr. Greiner mentioned, we really are thinking about this and needing to think about this as a community in the long-term and as a long gain. COVID is still a big deal. It's still a pandemic. It's still a massive situation in our community that seems really on fire, especially in the hospitals right now. This has been a really devastating time for a lot of folks. It's upended schools. We've had school closures, we've had businesses that have been short-staffed. Clearly, we've been quite overwhelmed in the hospitals, as Elizabeth mentioned. Certainly, I can attest to that as somebody who is a primary care physician and also works in KU Hospital and in the emergency department there as well.

What's going to be key to moving us forward and understanding that we're going to be living with COVID, although probably having times of incredible surge is, again, we've got to increase our vaccination rates. That is going to be the key. We see fewer and fewer people who are getting really, really ill and dying from this disease. We're going to work really hard to improve availability of these treatments once we can increase that supply of the monoclonal antibodies and the antiviral treatments. We're going to be really working hard to get those out to our residents of Wyandotte County when needed. And also, we're going to work hard to be nimble. We're going to see more variants, I guarantee it. We're going to have to be responsive to those new variants. We're going to have to be ready to increase our testing; to get out in the

community. We're going to have to be ready to put out masks on when we go out so we don't spread this to others so that we break the chain of that transmission.



This is my last slide. We want to follow-up with some recommendations. Let's get back to the basics. When we don't have all of the things that we need, which is everybody to get a vaccination and to get boosted. When we don't have all of the medicines that we need. It's easy to cut the chain of transmission when we get back to the basics and we all wear masks when we're indoors and in public. It just works and it's important because Omicron and upcoming variants, I would surmise, are going to be extremely transmissible.

We're hoping that all of you will up your game, so-to-speak, in terms of what type of mask you wear. We're looking at KN95 masks and certainly paper masks are better than cloth. So, a lot of what we've done in the Health Department in the last couple of weeks, along with our community-based partners, is to give out over 320,000 KN95 masks to community organizations and to residents. We're really, really big believers in this because we know, again, it breaks that chain of transmission. What if we save a life? That's awesome. What if you save somebody from having to stay home from school and so our kids can learn better? It's important stuff. Get vaccinated and get boosted. We know that if you don't get boosted, you're really more susceptible to Omicron and upcoming variants. It's really, really important to get that 16% of our county that has booster shots. We've got to get that way up there. We're going to enter a time here where a lot of people have been sick. We have a lot of natural immunity in our community, but you know what it doesn't last as long as these vaccinations. So, we all really need to do our part.

We're going to continue to improve access to testing. Free testing is out there for every community member. Come down to the old K-Mart site at 78th and State or to the Armory. We're

there for you. Again, we're going to work really hard to remain in partnership with community entities, with our churches, and with others to remain responsive and nimble to the needs of the community and whatever this pandemic continues to throw at us. And with that, I'm going to finish up and I will pitch it back to Alan Howze, I believe?

Mr. Howze said, Mayor, that's the update from the Health Department and the medical officers. Are there any questions from the Commission?

Commissioner Ramirez said thank you Alan, Elizabeth, Dr. Corriveau, Dr. Greiner, and to Juliann and all of our healthcare workers, I thank you for everything you have done and continue to do. I highly, highly, highly suggest, not even suggest, the highest recommendation possible for everyone to wear a mask. I have had two nephews, one niece, one sister, one brother-in-law and their youngest son get COVID, and my sister is pregnant. Now, she has to have additional monitoring for her baby. This is affecting lives. There's 446 people dead. That's mothers, daughters, brothers, cousins, grandfathers, and grandmothers. This isn't a video game. Those people won't come out of it when the pandemic is over. So, I, highly, highly, highly, encourage, recommend to the highest degree for you to get vaccinated and to wear your mask because only then we will get through this. This isn't a me, myself, and I. This is a we. That is the only way we'll get out of here.

To the healthcare workers, thank you for everything you do. You are hatless right now. We have put the world on your shoulders to save us, but yet we refuse to do our part to help you. So, I cannot thank you enough for all that you have done, that you will do. You are on the frontlines, we are not. You see everything that happens. We have had, the Health Department just told us, a death, because of our overrun hospitals. At the school I work, we're running out of subs, teachers, students. We've had to quarantine whole classes. It's not over; we're still in a pandemic. Again, this is not a me, myself, and I situation; it is a we situation. We have to do our part as a community moving together.

Commissioner Townsend said I agree and applaud everything that Commissioner Ramirez just offered so passionately and correctly. Thank you again to our healthcare professionals who are

here with us tonight, and the hundreds of others who aren't here who are on the battlefield in the hospital and other medical facilities.

I just have two questions. Ms. Groenweghe talked about the average age of the people who were deceased and the thinking that this is an old people's disease. Is there any data, and maybe it was on one of the slides you showed, of what the average age is of those individuals who are hospitalized here with COVID? I'm just curious as to what that average age is for those who have been hospitalized with it. Do you have anything on that? I thought there might have been one slide that it came and went so quickly.

Ms. Groenweghe said we don't have that data at the county level. I don't know if one of the doctors might have it specifically for KU, if not, it's just not data I have readily available right now.

Dr. Corriveau said, Commissioner Townsend, I can add that at KU Hospital, certainly the age has decreased over the course of the pandemic. Initially, when we were first talking about COVID, now a couple of years ago, age of folks in the hospital and, of course, those who unfortunately were succumbing to the disease, was quite, quite elderly. Overtime that has just; that age has come down quite a bit. So, we're seeing a lot of people even in their 30s, 40s and 50s in KU. I know that the data would bear out from KU Hospital that would show a younger age there as well. Thanks for that question.

Commissioner Townsend said that gives a good comparison because I did jot down very quickly from one of the slides that it seemed to be the group that was vac'd, the largest group was at 65- to 74-year-old age range. So, I was just wondering how that compared to what you're seeing in the hospitals. Those who, unfortunately, had to be hospitalized with COVID.

One last thing, and this might be kind of far reaching, haven't heard it on the news. It's amazing that we are now a year from the time when a lot of the vaccines were first widely distributed in Wyandotte County. Have you heard from the medical insiders that there may be something else required in the way of dosage beyond the booster? Like we have to get a flu shot; it's recommended we get a flu shot every year. Is there any medical evidence being talked about

or discussed that we may have to start all over again with the cycle of the shots from the beginning?

Dr. Corriveau said it's an important question. I don't think that we have direction currently on that. I can tell you that in Israel, they've started on their fourth dose of the vaccination and so they've been helpful, I think, as a nation to look toward and to see their data before we implement. I do know that the vaccine manufacturers currently are creating vaccinations to match the variants that are coming up, specifically the Omicron. I predict that we will need boosters going forward, and I am not sure at this time as to how often that will be necessary. I do think that what you're talking about will likely occur.

I did want to get back to your previous question and just quickly say that the average age of hospitalized patients is 56, I believe, at KU Hospital. I appreciate that question again, thanks.

Commissioner Townsend said thank you for that follow-up. Again, thank you all for your hard work and continued diligence in this.

Mayor Garner said thank you, Mr. Howze. Does that complete your presentation?

Mr. Howze said yes, Mayor, it does. Just a reminder for folks listening that there's a lot of data and information on testing and vaccines, as well as the latest data on COVID rates, and a lot of the information you saw this evening on the website – wycokck.org. There's a COVID hub and a vaccine hub as well that are available from there with lots of data. It's another good resource for people who want to dig deeper into the data on this.

Action: For information only.

Item No. 2 – 211288…APPOINTMENTS: MAYOR'S SPECIAL COMMITTEE APPOINTMENTS

Synopsis: Special Committee appointments, submitted by Mayor Garner.

Mayor Garner said that takes us to the second item on the Mayor's Agenda – Mayor's Special Committee Appointments. Clerk, if you could please read those.

1. **Mayor's Committee on our Neighbors in Need/Unhoused Residents**
   Commissioner Andrew Davis, Chair

   The goal of the Neighbors in Need/Unhoused Residents committee is to establish minimum standards for wraparound community-based services that addresses local housing costs, rising homelessness, warming stations and shelters, food insecurity and substandard housing. This committee will also address emergent needs and focus their efforts on moving our unhoused population to housing and the impoverished population to a sustainable level of prosperity.

2. **Mayor's Committee on Community Safety and Justice**
   Commissioner Christian Ramirez, Chair

   Following an in-depth exploration of 21st Century Community Reform Models, the goal of this committee should be to reimagine and reconstruct where necessary our public safety system and build collaboration with our community stakeholders to address relevant community needs and/or challenges. Recommendations must also be made to reprioritize public spending to be in alignment with established goals and strategies.

3. **Mayor's Committee on Arts, Culture and Equitable Development**
   Commissioner Angela Markley, Chair

   The goal of this committee is to mobilize the local arts and culture and to work to advance the steering of public resources to embed these values into the transformation of neighborhoods using collaborative agreements that target economic and community development initiatives, creative placemaking models, and the use of arts and culture to support equitable policy change across the county.

4. **Mayor's Special Unified Government Charter Reform Committee (UG Commissioners Only)**
   Commissioner Tom Burroughs, Chairman

   The Charter Reform Committee is comprised solely of UG Commissioners for the purpose of conducting a comprehensive review and study of the existing foundational document, the Unified Government Wyandotte County, Kansas City, Kansas Charter Ordinance. This committee will seek out amendments or revisions that are designed to increase efficiency, effectiveness, shared governance that have a profound impact for all residents and stakeholders.

5. **Mayor's Committee on Government Efficiency**
   Commissioner Christian Ramirez, Chair

   The Committee on Special Efficiencies in Government is charged with identifying issues that impact residents and stakeholders, while also studying and proposing more efficient methods of organizational reform. Recommendations from this committee will be forwarded to the respective governing boards and/or administrators for consideration.

6. Mayor's Committee on Business and Economic Development
Commissioner Harold Johnson, Chair

The work of this committee shall serve as a support to businesses that, in accordance with the purpose and intent of the county comprehensive plan, are seeking to locate, grow, and prosper within our community. By streamlining processes, curtailing bureaucracy, and facilitating responsible and equitable redevelopment, the hope is that equitable opportunity can be realized throughout Wyandotte County.

7. Mayor's Committee on Community Health and Recreation
Commissioner Melissa Bynum, Co-Chair
Commissioner Gayle Townsend, Co-Chair

In addition to assessing community needs regarding health, parks and recreation are also key to health and well-being, we also strive to ensure that all people have access to these spaces, programs and services that remain essential to community vitality and serve as a key factor in advancing health equity, improving individual and community-level health outcomes, and enhancing quality of life. Key to this committee is to ensure that our youth and our seniors have access to health and recreation services critical to their quality-of-life needs.

Residents interested in serving should express their interest to their respective UG Commissioner.

Mayor Garner asked do any members of the Commission have any comments or questions? Seeing none, I just like to say that these committees have been set up in the call-for-action to basically look at some of the issues that have been outlined from various segments of our community. It's designed to improve service, streamline processes, and basically provide better governess to you, the people of Wyandotte County. These ordinances aren't just about having listening tours or mere conversations, they're designed to bring about real policy changes, ordinances changes, and funding considerations for your Unified Government Commission moving forward. I want to thank all those community people that have shown interest. All those community people that are currently involved, as well as every commissioner that has shown, basically the will to chair these committees and also be a part of these committees to hopefully bring about a better quality of life and governess to the residents of Wyandotte County. Thank you so much.

Action: Appointments read.

Item No. 3 – 211282…PROCLAMATION: JANUARY 17, 2022, DR. MARTIN LUTHER KING, JR. COMMITTEE DAY

Synopsis: Proclamation proclaiming January 17, 2022, as Dr. Martin Luther King, Jr. Committee Day 2022, submitted by Mayor Garner.



MAYOR'S AGENDA ITEM NO. 3

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Dr. Martin Luther King Jr. devoted his life to advancing equal opportunity, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

WHEREAS, Dr. King's teachings can continue to guide and inspire us in addressing challenges and inequities within our local community; and

WHEREAS, serving on the King Holiday is an appropriate way to honor Dr. King, meet local needs, bring our citizens together, and strengthen our communities and nation; and

WHEREAS, the King Day of Service is the only federal holiday commemorated as a National Day of Service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

WHEREAS, each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and

WHEREAS, as a collective, the Martin Luther King, Jr. Day Committee reaffirms the commitment of the community to advance the values and principles of Dr. King's work through service, collaboration, and kindness.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim, January 17, 2022:

"Martin Luther King Jr. Committee Day"

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County / Kansas City, Kansas, this 17th day of January 2022.

TYRONE GARNER, MAYOR/CEO

Brett Deichler, UG Clerk, read the proclamation.

Action: Proclamation read.

Item No. 4 – 211283…PROCLAMATION: JANUARY 2022 STALKING AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of January 2022 as Stalking Awareness Month, submitted by Mayor Garner.



211283

MAYOR'S AGENDA ITEM NO. 4

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, under the law of all fifty states, the U.S, Territories, the District of Columbia, and federal government, stalking is a crime; and

WHEREAS, 6 – 7.5 million people are stalked in a one-year period in the United States, and the majority of victims are stalked by someone they know; and

WHEREAS, 3 in 4 women killed by an intimate partner have been stalked by that intimate partner; and

WHEREAS, many stalking victims lose time from work and experience serious psychological distress and lost productivity at a much higher rate than the general population; and

WHEREAS, one stalking incident was reported every 13 hours, 54 minutes in Kansas in 2020; and

WHEREAS, the DELLA GILL/JOYCE H. WILLIAMS CENTER for Domestic Violence Survivors & their Children, "A Program of Friends of Yates," provides 24/7/365, free and confidential services to victims of stalking in Kansas City, Kansas; and

WHEREAS, this violence is inconsistent with the values of our community and will not be excused or tolerated:

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of January 2022 as:

"Stalking Awareness Month"

in Wyandotte County/Kansas City, Kansas and encourage all citizens to make stalking awareness and prevention efforts a priority. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Mr. Deichler read the proclamation.

Action: Proclamation read.

REGULAR CONSENT AGENDA

Mayor Garner 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'll entertain a motion for approval on the Regular Consent Agenda.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve all items as submitted.

Commissioner Davis said before I cast my vote, I just want to be clear. Is the Homefield Project part of this as well?

Mayor Garner said it is not.

Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 1 – 211253…APPROVAL: GRANT BUDGET AUTHORITY FOR FEMA REIMBURSEMENTS RELATED TO COVID-19

Synopsis: Request for approval of budgetary authorization in the Special Grants Fund for FEMA reimbursable expenses related to COVID-19, submitted by Kathleen VonAchen, Chief Financial Officer; and Julian VanLiew, Public Health Department Director. On January 3, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-17-22/RESOLUTION NO. R-17-22,** "An ordinance/resolution accepting FEMA reimbursement and a granting of budget authority for FEMA reimbursement related to COVID-19." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve the ordinance/adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 211259…ORDINANCE: TERMINATION OF THE TURNER LOGISTICS CENTER COMMUNITY IMPROVEMENT DISTRICT

Synopsis: An ordinance terminating the Turner Logistics Center Community Improvement District and repealing Ordinance No. O-43-19 due to Turner Logistics completing the Minimum Building Improvements of 1,000,000 square feet constructed, submitted by Katherine Carttar, Director of Economic Development. On January 3, 2022, the Economic Development and

Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-18-22,** "An ordinance terminating the Turner Logistics Center Community Improvement District and repealing Ordinance No. O-43-19." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve the ordinance as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 3 – 211249…RESOLUTION: AMENDING THE TWO-YEAR MEETING CALENDAR

Synopsis: A resolution amending the two-year meeting calendar for the Unified Government Commission from February 2022 through January 2024, submitted by Brett Deichler, Unified Government Clerk. (Changes are adding P&Z meeting June 29, 2022 and deleting P&Z meeting on December 7, 2022.)

Action: **RESOLUTION NO. R-5-22,** "A resolution amending the schedule of meeting times for the Unified Government Commission through January 2024." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 4 – 211279…PLAT: HARCROS 2ND PLAT

Synopsis: Plat of HARCOS 2nd Plat located at 51st and Speaker Road, being developed by Harcros Chemicals, Inc., submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve as submitted and authorize the Mayor to sign said plat.** Roll call

was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 5 – 211280…PLAT: MOUNT CALVARY CEMETERY SUBDIVISION

Synopsis: Plat of Mount Calvary Cemetery Subdivision located at 38th and State Avenue, being developed by Catholic Cemeteries Association of Wyandotte and Johnson County, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve as submitted and authorize the Mayor to sign said plat.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 6 – 211278…PLAT: CROWN ROYAL ADDITION

Synopsis: Plat of Crown Royal Addition located at 13310 Leavenworth Road, being developed by Crown Royal Investments, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve as submitted and authorize the Mayor to sign said plat.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 7 -211266…NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Joseph Straws for the Planning Commission/Board of Zoning Appeals, 1/27/22 to 12/15/25, submitted by Commissioner Davis.
- Vilmer Alvarado for the UG Board of Park Commission, 1/27/22 to 12/25/25, submitted by Commissioner Davis.
- Laura Flores for the Wyandotte County Library Board, 1/27/22 to 12/15/25, submitted by Commissioner Davis.
- J'Hlesa (Nikki) Richardson for the Law Enforcement Advisory Board, 1/27/22 to 12/15/25, submitted by Commissioner Davis.

- Michael Armstrong for the Law Enforcement Advisory Board, 6/3/22 to 12/15/23, submitted by Commissioner Ramirez.
- Darryl Hall for the Golf Advisory Board, 4//1/22 to 3/31/26, submitted by Mayor Garner.
- Hank Chamberlin for the Landmarks Commission, 4/1/22 to 3/31/26, submitted by Mayor Garner.
- Hazel Davis for the Kansas City Kansas Housing Authority Board, 4/1/22 to 3/31/26, submitted by Mayor Garner.
- Pastor Rick Behrens for the Law Enforcement Advisory Board, 1/27/22 to 12/15/25, submitted by Mayor Garner.
- Edgar Galicia for the Downtown KCK Self Supported Municipal Improvement District, 4/1/22 to 3/31/26, submitted by Mayor Garner.
- Diana Aguirre for the Board of Park Commissioners, 1/27/22 to 12/15/25, submitted by Mayor Garner.
- Louise Lynch for the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 5/31/22 to 5/30/26, submitted by Mayor Garner.
- Pastor Jason Sims for the Area Transportation Board, 1/27/22 to12/15/25, submitted by Mayor Garner.
- Don Jones, Contract Fairness Board, 1/27/22 to 12/15/25, submitted by Mayor Garner.
- Adriana Mendoza for the Juvenile Corrections Advisory Board, 1/27/22 to 12/15/25, submitted by Mayor Garner.
- Duane Beth for the Planning Commission/Board of Zoning Appeals, 4/1/22 to 3/31/26, submitted by Mayor Garner.
- Jacqueline Brown for the Wyandotte County Library Board, 4/1/22 to 3/31/26, submitted by Mayor Garner.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 8 - MINUTES

Synopsis: Minutes from special sessions of December 16 and 30, 2021.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 9 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 23 and 30, 2021; and January 6, 2022.

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

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES' AGENDA

Item No. 1 - RESOLUTION: AMENDMENT TO ASSIGNMENT AND ASSUMPTION AND DEVELOPMENT AGREEMENT FOR HOMEFIELD DEVELOPMENT PROJECT

Synopsis: This amended agreement contemplates the Unified Government issuing $130 million in STAR bonds and the developer, HFS KCK, LLC, constructing a new multi-sport Homefield development project with certain sports-focused assets and a themed hotel. The primary change is that the original agreement provided for a first issuance of $75 million with a second issuance of up to $55 million – for a total of $130 million. The amended agreement would combine them for a single $130 million public issuance. Additional changes include the new themed hotel and a new baseball partner focusing on high-tech data capture and analytics. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on January 24, 2022. It was requested, and approved by the Mayor, to fast track this item to the January 27, 2022, full commission meeting.

Mayor Garner said this item was fast tracked from a special standing committee meeting on January 25th, chaired by Commissioner Burroughs.

Commissioner Burroughs said I'd really like to thank the committee for joining us Tuesday night and the participants that chose from the public to listen. Mayor, I truly believe that this contract having been sent back is a much better development project for Wyandotte County. I'm

really pleased to see that we, as staff and commissioners and developers, were able to collectively work together to bring forward the proposal you will hear tonight. Mayor, it passed out of committee unanimously.

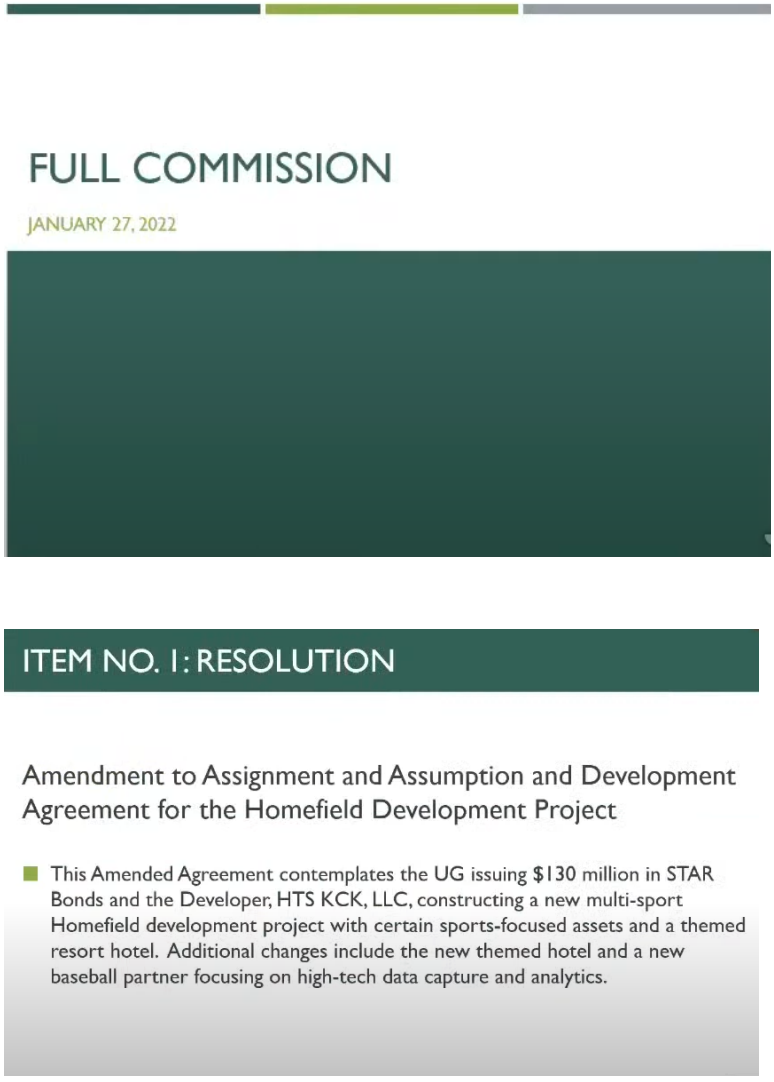
Mayor Garner asked, does any member of the Commission have any comments or questions?

Commissioner Davis said when I looked at the agenda, even the one that was updated, it did not have the changes that we made in my motion. My motion was to change that part of 7:18 and some of the language there. Could staff just advise? I just want to make sure that, that is included before we vote.

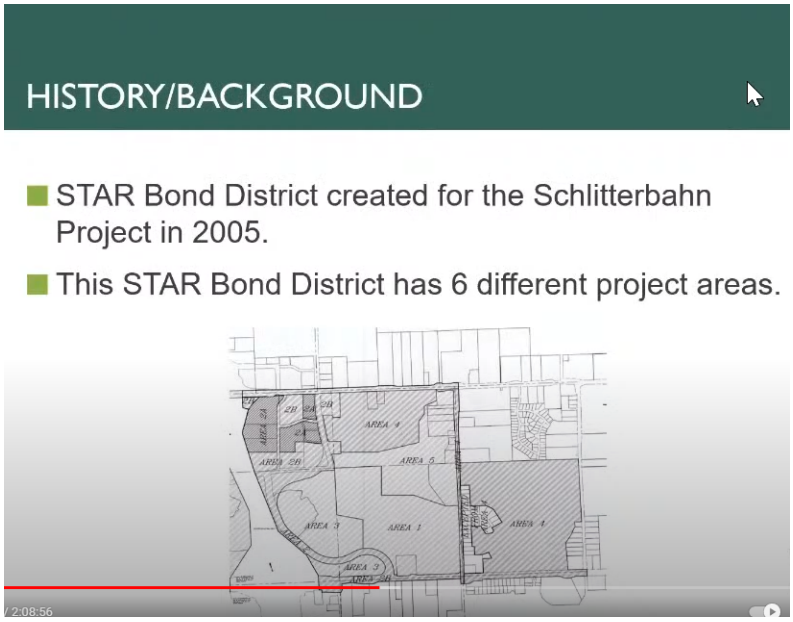
Bridgette Cobbins, Assistant County Administrator said, Commissioner, when it comes to items that advance from the standing committee, when it's advanced and it's going to be a blue sheet item, those items go into the agenda packet. We sent them out on Monday evening, so that packet contained the items in which they were originally presented on that day. But there is an opportunity for the motion to be made this evening with those considerations.

Katherine Carttar, Director of Economic Development, said staff is able and willing to provide a presentation, if that's desired. And also, Commissioner Davis' question, we would anticipate assuming that it does not get changed. It would be an execution copy and we do mention that in the presentation that we can provide, if desired.

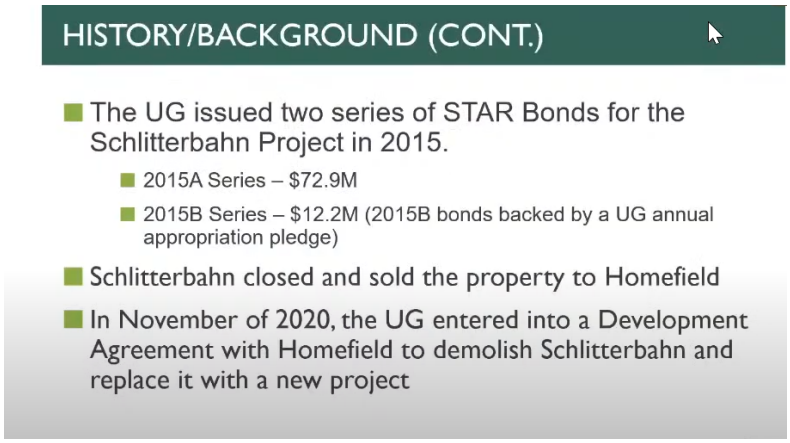
Mayor Garner said if you would go ahead and provide that presentation, Ms. Carttar.



Ms. Carttar said as Mayor Garner mentioned, this is an amendment to the assignment and assumption of the development agreement for the Homefield Project. This was previously seen by this committee and commission back in November of 2020. I'm going to go through, very briefly and hit some highlights and some history and what the goals were. Then Robb Heineman, from Homefield, will give a brief overview. And then, finally, Todd LaSala, from Stinson, our outside counsel, will kind of go into some of deal points. Then we'll open it up for questions and he can go into greater detail or leave it at that, if that is desired.

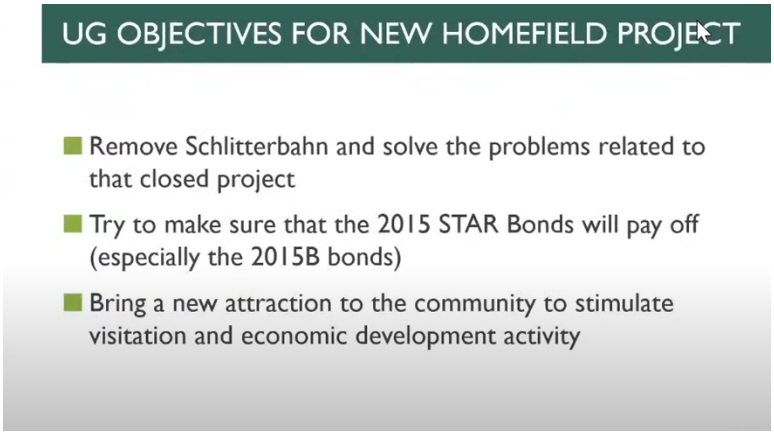


Just some quick history and background. Of course, this was the location of the Schlitterbahn Project. That's where the STAR bond district was first created for that back in 2005. There are six different project areas. These are the same project areas that are in place today. That is why this is an amendment agreement, so we are actually amending the original STAR bond district and project area agreements.



Importantly, as you will see as we kind of go through some of these specific deal points, the bonds that were issued in 2015, Series A and Series B, are important. Particularly Series B, I want to draw your attention to, as those have a UG annual appropriation pledge. That means that any shortfall, any sales tax that does not make up what that debt service is, the UG will have to make up that difference. This is significant in that because Schlitterbahn has been closed, these bonds are in trouble, so to speak. There's a lot of things that we've done, and I'll get into that in a

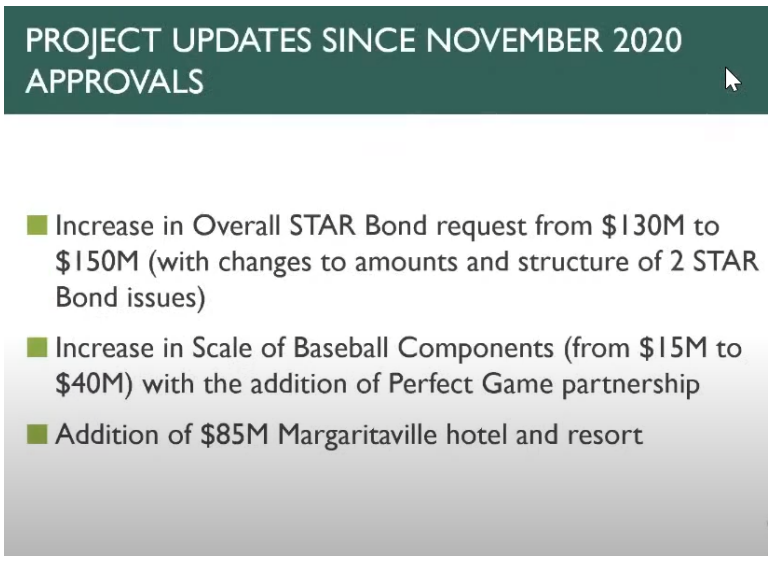
second, to ensure that these bonds are in a much better place, and in some cases, completely paid off. So, that's, I think, a really huge benefit to this as we move forward. Obviously, Schlitterbahn closed; and then over a year ago, the Homefield group actually purchased the property. Then, as I mentioned, back in November of 2020, the UG entered into the original development agreement that we are now amending tonight.



The three primary objectives for the Homefield Project really were, first of all, to remove Schlitterbahn and kind of the related problems that had become a blighted area. It's the Schlitterbahn area, but it's also the other area that the Henry family owned. It's over 200 acres in total, so quite significant. It's more than just that immediate Schlitterbahn area.

As I mentioned before, the 2015 STAR bonds, making sure that we're in a position to pay those off. We'll get into this in greater detail but that 2015 B Bonds that have the annual appropriation, we will be in a position to completely retire those and completely pay those off, which is, as you can imagine, a really big deal. That means we will not have any annual payment coming from the General Fund for those.

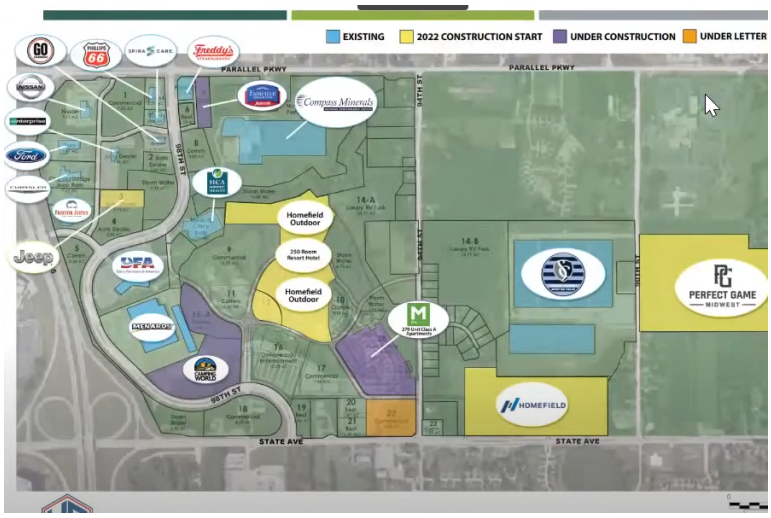
Finally, because this is a STAR bond area, it is incredibly important that we have a new attraction. The point of a STAR bond area is to bring people in from outside of the region. We feel really good about the prospects of what Homefield will do in that respect.



So, a couple of just quick changes that we think are really beneficial that have changed from the November 2020 version that was previously approved today. We think the project has only gotten better. The one big change really is the increase of the overall STAR bond request. It was a $130M request that was actually broken into two tranches. The first, a relatively small tranche, was about $70M that would be privately placed. That has changed. Now the request is $150M, with that first tranche being $130M that would be a public placement. This is really significant because that means that we'll be getting a lot more faster, earlier; more of the project will get done quicker and that means that we'll be getting more sales tax faster, and we'll get that attraction and get those benefits for the residents of Wyandotte County sooner.

Two other items that were kind of referenced in the original documents but have really grown and have taken a life of their own: the baseball component as well as the resort hotel component. The baseball component in the first agreement was five baseball fields, now it is far more significant. There's a partnership with Perfect Game that also includes guaranteed hotel room nights. Guaranteed hotel room nights—that's very important especially when you get to that next item, which is an $85M Margaritaville Hotel and Resort. This would be the first full-service hotel in Wyandotte County. This went from kind of referenced as a potential piece of the development to now this is a required piece of the development. Again, a big deal. This is now something that would be required for Homefield if they wanted to obtain additional bond financing.

I'm going to now turn it over to Robb Heineman to briefly go over the project and then we'll finish up with Todd LaSala.



Robb Heineman, Homefield LLC, said appreciate everybody's time tonight. It's an honor to speak with all of you again. I do have my business partners on the phone tonight: Greg Maday, Trey Bowen, and Richard Knapper are all on, so we're more than happy to answer any questions you have. We couldn't be more tickled about this site and what's happened with it. We've purchased about 400 acres worth of ground out here over the course of the last three years. We've worked diligently with staff from both the Unified Government and the State of Kansas. I think we have a great project. We thought originally this was going to be really just a Homefield catalyzed project where we would have kind of a Homefield building, call it a 150,000 square foot building, multi-sport. And we thought that was really going to hopefully be something that we thought over time could develop a large development for us. We've been pleasantly surprised by the fact that we've had a lot more traction than that over the course of the last couple of years.

South of the Menard site is Camping World. Camping World is the largest RV dealership, I believe in the world, I know they are in the United States. That site should do somewhere in the neighborhood of $60M worth of sales on an annual basis in this area. So, we're tickled to death about that.

Up to the north is a Fairfield Inn on Parallel Parkway that is under construction today. That should be open, I would guess, here in probably the next 12 months. If you go to the southeast corner of the project, the Milhaus development there in purple, is a 270-unit Class A apartment development that's under construction. It's vertical today. Those three projects, in conjunction with the land that's been purchased out there, there's about $100M worth of private investment that's underway. We're very happy about that.

If you look at kind of to the east where you've got the Homefield development there in yellow and the Perfect Game development also in yellow, two big catalysts that we think will drive somewhere in the neighborhood of a couple of million visitors a year to this site. That's another $100M worth of development that is in planning. We had hope that both those are under construction in the spring of this year. So, that's really positive for us.

Then, what's been talked about here quite a lot, come the newcomer to the party, which we never thought was going to be something that would happen this early, is Margaritaville. It's outlined in this site, as she's showing right there. It's kind of Homefield outdoor and the resort. Margaritaville, if you just do a Google search at all, you'll see it's one of the hottest kind of concepts in the United States right now with kind of resorts and destination locations in hotspots like Nashville, Times Square, and Orlando. So, we're really thrilled that we're able to bring one of these to Kansas City, Kansas, as kind of the first full-service resort in this area. We're going to start with somewhere in the neighborhood of 250 rooms. We're hopeful that because of everything that we have going on out here, over time that it's something that can grow. But that's probably somewhere in the neighborhood of a $100M project in and of itself. Hopefully, if we get through planning efficiently and design, that should be under construction in the fall of this year and opening probably in the spring of 2024. All in all, sort of everything that we kind of have going is about $400M, I think, in total project costs.

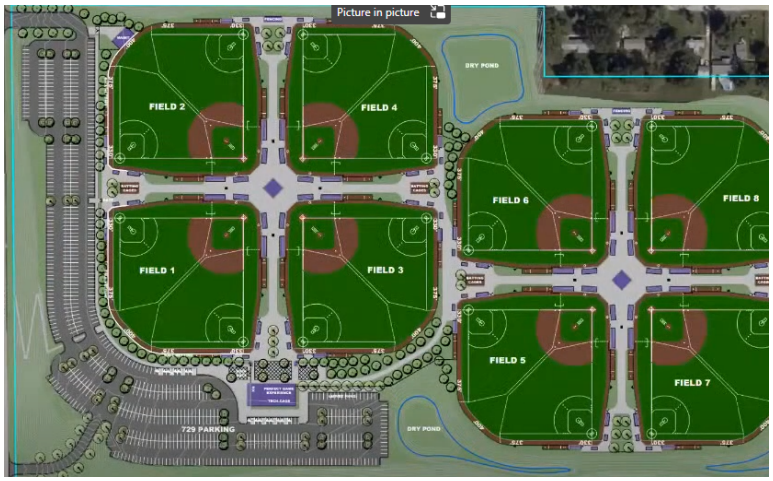
We still have other land out there and the great thing is every day we get a new call, whether it's a medical office, whether it's fast food, whether it's incremental car dealerships. We feel like, for us, this is really kind of a 20-year project that we think, and our hopes and vision, is someday the largest tourist attraction in the State of Kansas is how we feel about it. That's kind of the impetus for Homefield. Homefield, really for us was get the youth and amateur sports space in this country.



It's the largest kind of sports category in the country. It's larger and…



growing faster than any of the professional sports in this country. It's a $20B industry today. Growing probably somewhere in the neighborhood of $50B to $60B in the next five years,…



and candidly, COVID's done nothing but probably enhanced that potential. Based on the fact that all of us, as parents, spend a lot of time and money on our kids and their sports and will

continue to probably prioritize and even maybe more so prioritize those trips that we take with our kids to go to these tournaments.

Our thought in building this amateur sports resort out in Wyandotte County is, how do we get people from whether it's Oklahoma City, Des Moines, northwest Arkansas to come into Kansas City, park their car on Tuesday in a parking lot, and not really leave again until Sunday and spend money in all the different attractions that we all cumulatively have built out here in the Village West and east over the course of the last 20 years, and really optimize that visit. We're very excited about that.

As I mentioned, we started with Homefield. We were lucky enough to build a partnership with the Perfect Game Company. Perfect Game is the premiere baseball tournament operator in this country. What we're showing right here is their major complex out here, which is eight fields, and then we'll build another two fields for them, which are kind of the…



championship fields over by the Homefield building. We believe that will have upwards of 250 to 300 teams a week from what we thought to be was probably sort of Memorial Day to Labor Day; but I believe, based on more discussions we've had, it's probably even some of those shoulder seasons, you know, the spring and fall as well. Our commitment with them is that they'll produce 75,000 room nights a year. I think we have the opportunity to generate more than that. All those room nights will be booked and will flow through Homefield and our booking operations. The way that flows is first the STAR bond development, second to the Village West and East District, third to Kansas City, Kansas/Wyandotte County, broadly, and then anything that's left over goes to the State of Kansas. We'll make sure that we don't have any of these kind of sneaking over into Missouri or into downtown Kansas City, or anything crazy like that.

We're thrilled about this. We couldn't be more happy with the progress that's been made, everything that's happening out here. The Margaritaville is something that we never thought was going to happen as quickly as it has. I think just the concept of coming to this area and spending, like I said, four or five nights and making it a real primary tourist destination is in the process of becoming a reality.

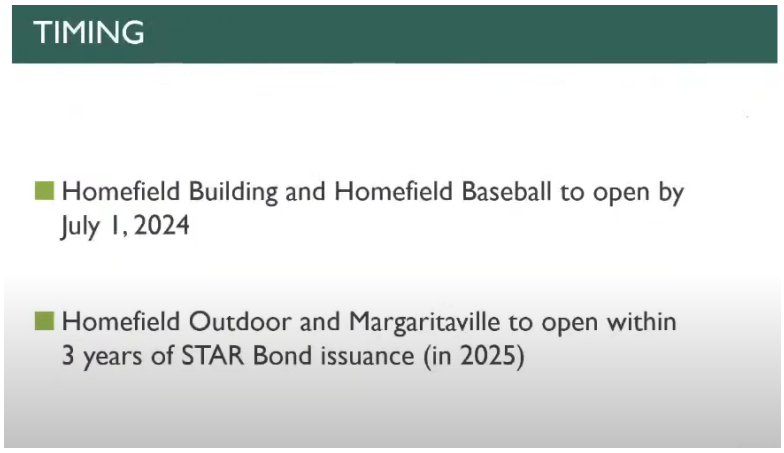
It couldn't have happened without the hard work of staff on both the Unified Government side and State. We've had great collaboration with a number of members of the Commission around how do we make this project as positive as it can be for everybody involved? I think we're thrilled to get to this point. I will tell you it hasn't been the fastest process in the world and a lot of that, the onus is on us. We probably could have been a bit quicker than we have been, but I think the fact that we're here today and we've got all the things lined up that we have lined up, the financing is in place to go make this happen. I think we're thrilled to get your approvals tonight, hopefully, and finalize some things with the State and we would hope that this destination is open and vibrant and really going gangbusters in middle to the end of 2023.

I'm happy to answer any questions anybody may have about the project. I know a lot of you have spoken to me and members of my team on a lot of the different aspects, but if there's anything we can answer tonight, we're more than happy to do it.

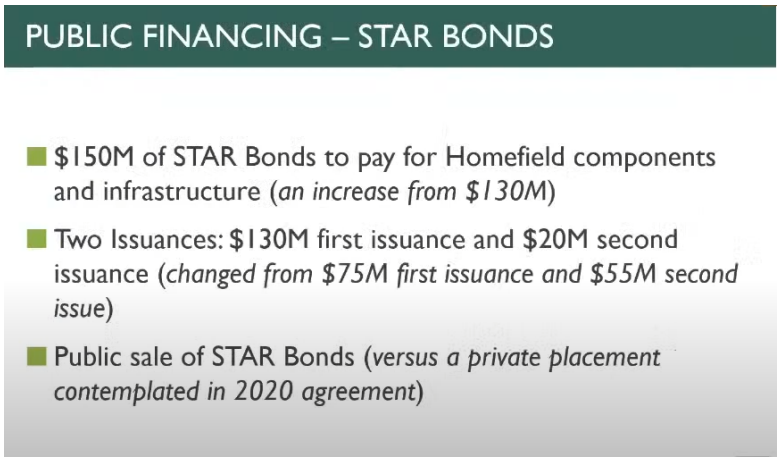


Todd LaSala, Stinson, said I have the privilege of being your outside counsel on this project. Katherine has asked me to, very quickly, emphasize and go through the development agreement key provisions with an emphasis on things that have changed since the agreement of November of 2020.

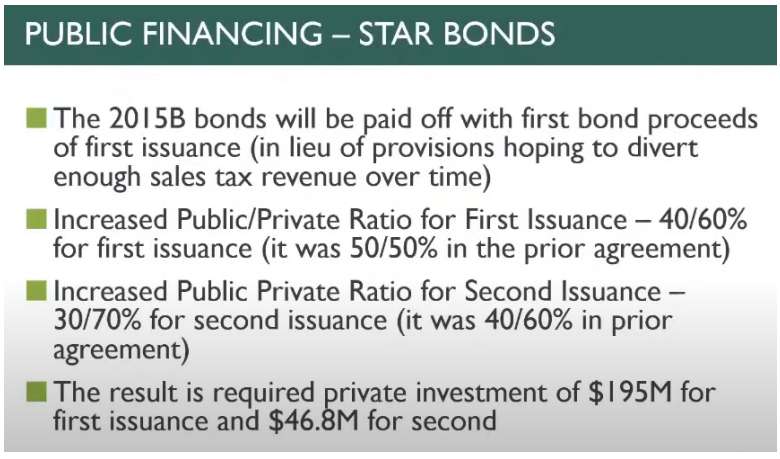
This first slide illustrates, in some detail, the project that Robb and Katherine are describing, along with the dollar figures associated with the various components that are contractually required by the document. You can see here that the Homefield building is a $60M asset. It has moved since 2020 from the original location where it was around Schlitterbahn down to the corner of 94th and State. The Homefield outdoor project is a $15M component. It is largely designed to be integrated with the Margaritaville Hotel. It's being designed with that, and it's supposed to be collaborative and have synergy with the hotel. The Homefield baseball component is a $40M asset. That figure has grown from $15M to $40M and it is now five fields larger than it was in November of 2020, in no small part because of the partnerships that Robb and his team have made with Perfect Game. The fourth thing on this slide, the Margaritaville Hotel that Katherine described, is an $85M asset. It's a 250 room, full-service hotel and resort. That piece of this slide is largely financed with private dollars. Those other three components above are really what the STAR bond money in this project pay for. That $115M you see there is most of that $130M STAR bond issuance that Katherine is describing. The other $15M in that initial issuance are for infrastructure costs.



This slide quickly shows you the timing. The Homefield building and baseball are designed to open in the summer of 2024. The Homefield outdoor and Margaritaville project, which are being designed together, will be about a year behind that. They should open in 2025.



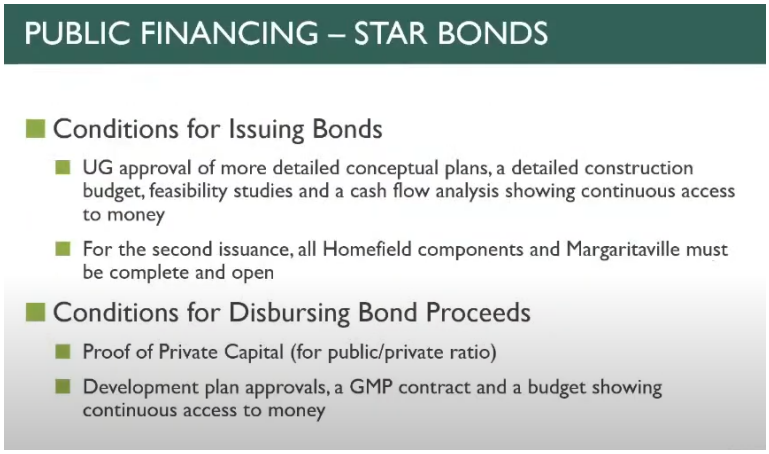
This slide shows some detail about the STAR bonds. Katherine was describing this very well. It's a $130M in the first issuance, but this new agreement would grow by about $20M for a total of $150M of STAR bonds. Again, two issuances: $130M in the first issuance, $20M in the second. That changed a little bit from the November agreement, which was originally $75M in the first issuance and $55M for the balance. Another change that Katherine made, I believe mentioned, was this is now contemplated to be a public sale of STAR bonds versus a private placement, which is what we had in 2020.



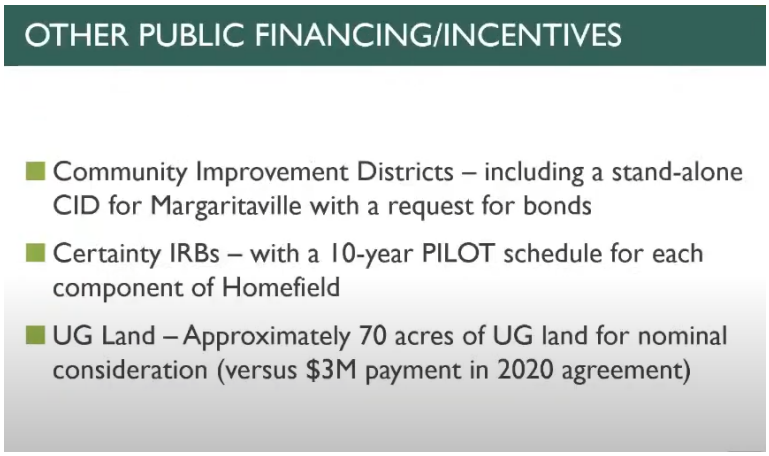
Enormously important point that I'll slow down for here, the 2015 B Bonds that Katherine mentioned at the beginning that were issued in connection with Schlitterbahn, that $12M bond series was backed by the UG by a general appropriation pledge. So, the UG is responsible for any shortfalls on those bonds. One of our primary objectives here has always been to make sure that those bonds are taken out of the equation and that the UG doesn't have to come out of the General Fund to back those bonds. A great thing and a change in this agreement is that the first

dollars out of this STAR bond issue will go to repay those 2015 B Bonds in full, and you will no longer have that liability or general appropriation pledge. It disappears entirely with this project. Enormously important for us.

This slide also shows the public/private ratios for this project. Very important to the UG that there's more private money coming into this project than public incentive money. Those concepts are hardwired into this document. In our first $130M bond issue, the developer has to demonstrate it's 40% public dollars, 60% private dollars. If we issue $130M bonds, the developer's got to show $195M of private investment. Some of that would be the Margaritaville Hotel, it's dollars for Camping World and other things, but we maintain these ratios throughout the project. When you get to the second issuance, it's a 30/70 ratio - 30% public, 70% private. The ultimate result here is that as you issue these bonds, you get a $195M of private money invested in the first issuance, and $46.8M for the second.



I'll only hit this very quickly. There are pages, and pages, and pages of conditions in this document about what it takes to issue these bonds. So, a page is about what it takes to issue the bonds in the first place, and additional conditions about drawing those bonds. Our objectives here, of course, are about making sure that we issue the bonds, these projects actually happen and get built. So, among other things, one of the conditions is that if we do the $130M, we're never going to do any more than that. We won't ever do this second issuance of $20M unless and until the developer has completed, opened, and fully delivered all three components of the Homefield Project, plus the Margaritaville Hotel.



There are three other public incentives or incentives that are worth mentioning on this project. The first is community improvement districts or CIDs. Some of you may remember that we had a CID in place for Schlitterbahn. You took the step of terminating that and that CID is now gone. This development agreement contemplates that the developer can come back to you for one or more CIDs within this district over time. Each of those would come back to the Commission separately. There would be terms and conditions related to those about what the money would be used for, what the caps would be, and so forth. They are telegraphing in advance that they expect a standalone, discrete CID for the Margaritaville Hotel. That would be a 2% CID for those that stay at the hotel. They would be requesting that be bonded. The other CIDs that may happen within this district is contemplated that they would be pay-as-you-go community improvement district financing.

A second incentive that is also on the table and contemplated by the agreement is industrial revenue bond financing. These are what I would characterize as certainty IRBs where they really serve two purposes. One, it would give the developer the opportunity to abate the sales tax on construction materials and labor as they build the project. The other is really a hardwired agreement about what the property taxes will be over a 10-year period. Rather than a percentage abatement, we've really talked about and thought about what the assets values would be and specific PILOT payments. Payments in lieu of tax are required for each of the components of Homefield. Two of those components we've agreed on now for both baseball and the Homefield building; and we've agreed that we will, as it's designed and developed more fully, we'll also specifically agree on a PILOT payment for the Homefield outdoor part of the equation.

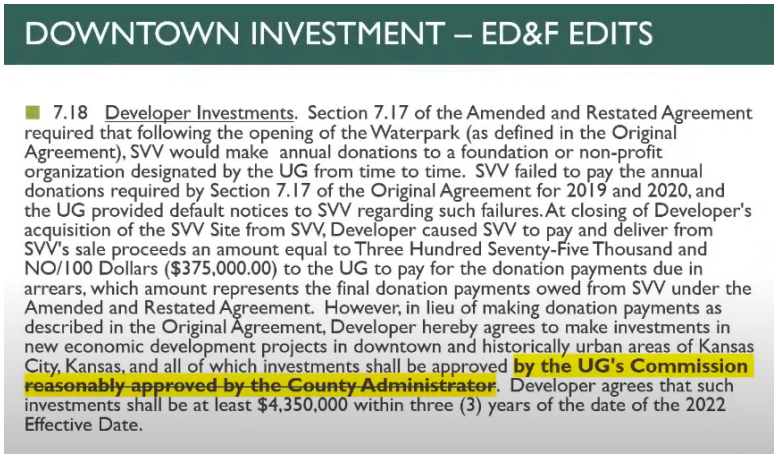
And then finally, the UG land. The UG has approximately 70 acres of land within this district that we've always contemplated conveying to the developer. This does represent a change

because in the November 2020 agreement, we contemplated that the developer would pay $3M for those 70 acres. In the new agreement, we don't have payment. And you may ask yourself, why, that seems like a bad deal for us? It's very important for us to remember that in the November 2020 agreement when they were paying that $3M, it was never coming to the UG's General Fund. That money was pledged to pay off the 2015 B Bonds where we had the annual appropriation. In other words, we had $11M of bonds outstanding that were supported or UG-backed, and that we had guaranteed, and we were buying down that debt by $3M to go from $11M to $8M. Again, never coming directly to us; always going to pay off those bonds. In the new agreement, that debt is going to be fully retired day one. So, we are no longer asking the developer to pay that $3M that was going to pay that debt. Instead, we're conveying this ground to them, essentially for free.

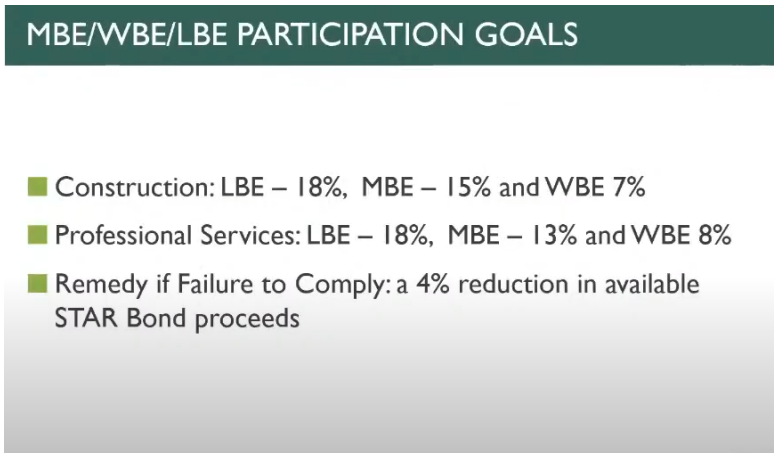


This is the donation concept that Commissioner Davis was asking about. Let me generally describe what this is, then I'll specifically show you the change. In the Schlitterbahn development agreement, once upon a time, some of the commissioners will remember that Schlitterbahn had agreed to make donation payments for foundations or non-profits. That money, combined with the casino money, could be carved up and devoted to good causes within the community. Overtime, Schlitterbahn quit paying that money as they became more troubled. The developer, in it's November agreement, said that when they went to acquire that land from Schlitterbahn, they would make Schlitterbahn pay the amounts that were in arrears that they hadn't paid to us, and they did. They did go get that. I believe it was $375K for us, and that money did windup flowing through the Commission to good causes and foundations.

This developer is not planning to make donations that same way, rather this developer has committed to make investments in our community in the downtown and historically urban areas of KCK. In the November 2020 agreement, the number was $3.75M of investments the developer would make within the community within a three-year period. That number has grown to $4.35, and it's really been scaled proportionately as the STAR bond request has grown.



I'm sorry there's a lot of words here, but this shows you the entire provision. We thought it was important because the committee on Tuesday night had robust discussion about this clause. The donations that we're talking about in the prior version of the agreement, and the version that went to committee, had the County Administrator approving the investments. The committee felt very strongly that those investments should be approved by the full Commission. The language and the change that you see here is the change that Commissioner Davis was talking about. The committee approved and advanced this document to the Commission tonight with this change in mind. So, we thought we'd show you that specifically.



This is the minority-owned business, women-owned business, and local business participation goals for the project. Here you have both construction and professional services goals that are consistent with what we normally do, and many of the commissioners usually ask us about whether these requirements have teeth or not. The remedy if the developer fails to use best efforts to comply and hit these goals is pretty significant in this case. It's a 4% reduction in the available STAR bond proceeds. When you're talking about $150M, that's a lot of money.

Mr. Mayor, commissioners, I'll stop there. We're happy to answer any questions, but that's a high-level overview of our development agreement.

Mayor Garner said thank you. Ms. Carttar, do you have follow-up remarks?

Ms. Carttar said the only thing I would add is that we have been working with the state, the Department of Commerce, as well as Lieutenant Governor Toland on this every step of the way. The state is an integral part of all STAR bond projects. They have reviewed this document and are comfortable with it and kind of left it moving forward. We appreciate the work that they've done as well as Commissioner Burroughs on the state side of things.

Mayor Garner asked, we'll circle back. Do any of the commissioners have any comments or questions?

Commissioner Stites asked, Todd, if you wouldn't mind, would you explain to the public as they may not be well-versed on the LBE/MBE what that actually means? We can see those acronyms and the percentage, but what does that actually mean to our community?

Mr. LaSala said it's a great question. What this means is that the developer is agreeing, as they build their project, to make use best efforts to use locally-owned businesses to build parts of the project, minority-owned businesses, and women-owned businesses. The UG sets specific goals for participation in the project. In this case, specifically, when it comes to construction of the project, they're going to go out and they're going to make sure that 18% of the contractors and subcontractors working on this project are locally-owned businesses. The UG has always felt that's important. Fifteen percent have to be minority-owned businesses, and seven percent, women-owned businesses. When it comes to professional services, that include lawyers, architects, engineers, and design firm, we similarly have goals in those three categories as well.

The UG has a very detailed, very thoughtful, strategic exhibit that we attach to these development agreements about what we think that means. What do you have to do in order to make sure you're using best efforts? The UG has always been very helpful to it's development partners about, alright, this is how you collaborate with us to make sure we make sure you meet people in our community so that you can hire locally and make sure that you have local contractors on your project.

Commissioner Townsend said Commissioner Stites' question was a good segue into what I want to follow-up on. With what frequency in the project will there be a check on how close we're coming to, or the developer is achieving the WMBE rates?

Mr. LaSala said the answer to your question is every single construction draw along the way. Our agreement requires that each time they come in and request money, they want to draw on those bond funds, they have to record exactly where they are in terms of these goals. So, we look at it every single time they ask for money throughout the project.

Commissioner Townsend asked, so at that time, heaven forbid that it is below the agreed-upon percentage, how does that affect the draw? Is that when the penalty would go into effect?

Mr. LaSala said the penalty goes into effect at the end but, Commissioner, we have a holdback. I have to make sure I get to this so I'm specific with you about it. As we get toward the end of the project and we become concerned they might not ultimately get there, I know that we hold back the last part of the money to make sure that we never windup dispersing more than the penalty would be. We have a holdback at the end to make sure we're never upside down relative to this requirement.

Commissioner Townsend said it was just the way that I saw in tonight as opposed to a couple of days ago. There was so much good information and new information, so I wanted to make sure I asked that question.

Mayor Garner asked, Katherine, did you have a follow-up for Commissioner Townsend?

Ms. Carttar said a quick follow-up. We do work with Sharon Reed, the Director of Procurement, on all of these goals throughout, so as Todd mentioned, we have these constant checks. If the developer is having—we do this on every project, so not just this one, but if the developer is having issues getting to a certain percentage on one, we work with them to help them target. We can do a request and help them send out information and get connected with more businesses. We try to be active participants, encouraging, and assisting in ensuring that they hit those goals throughout the process.

Commissioner Davis said I know we talked about this on Tuesday. One of the things that I did not see in the slide, which would be very, very beneficial for our community, and quite honestly, the local media has not reported on. Could someone go over the PILOT schedule and can someone go over the community benefits? We hear all the time in our community with bills like this that we're giving away everything and Wyandotte County's for sale, which this is not the case at all. There are considerable amount of community benefits as well as the $4.35M. Can someone please go over that so folks know?

Mr. LaSala said thank you, Commissioner. I know we really appreciate the question. Let me start with the question about the PILOT agreement. As I mentioned, exhibit 18 identifies the payments in lieu of tax that the developer would pay for both the Homefield building and the baseball component. We have an agreement that we're going to get together when they finish design to add provisions here about the Homefield outdoor component. The Homefield building in year one, the PILOT payment would be $241,253. It incrementally increases over a 10-year period so that the final payment is $263,855. When it comes to baseball, the original PILOT payment is $106,703. It also incrementally grows over time to $116,700 at the end of year 10. Those are the PILOT, the payment in lieu of tax benefits that we previously agreed to on those two components. We will reach a similar agreement on the third component of Homefield. For

the rest of the project, as we discussed on Tuesday, it's contemplated that it will pay regular property taxes without abatement. The STAR bond vehicle is a sales tax…

Commissioner Davis asked, can you repeat that one more time, just one more time on the property tax part?

Mr. LaSala said you bet. For the rest of the project, it is contemplated that they will pay property taxes. These vehicles are sales tax vehicles. The incentives are sales tax based. We keep the property taxes.

Commissioner, you've also asked a very good question about community benefits. What do we get in addition to this project? The developer has made agreements about community benefit. In addition to saying that they're going to have their headquarters here in Wyandotte County, they have also agreed to provide discounts to citizens in the community for admission to the Homefield building, Homefield outdoor, and portions of the baseball components. I know Robb can speak to this in some detail. He's proud of what they've agreed to about making sure there is a local team in these tournaments. He has also agreed that he's going to work with our local school districts about an agreement to have students from USD 202, 303, 204, and 500, having access to those facilities in non-peak times for their events and their training sessions. They also provide 500 tickets annually to the UG's Parks and Recs Department for free admission to Homefield outdoor. So, there are a series of benefits in addition to the project itself, the hotel room nights, and the other benefits we've been talking about.

Mr. Heineman said I think there is a ton of things that we can do for the community that aren't going to be in this document. Meaning, if you, as commissioners, bring forth to us, hey, we'd like to do this for the community, or the school district, around the water park, around Homefield, we're going to be more than open to talking about that because we're highly incentivized to make sure that we're providing opportunities for every kid in Wyandotte County the opportunity to be the best athlete they can be through what we provide at Homefield. Like I said the other night, there are things that we're able to do in documents when we don't really know how this all shakes out, at the start. What really is going to be more vibrant are the programs or the projects that you all bring forward to us that we work on together to make sure that this is as good as it can be for the community.

Commissioner Ramirez said I remember when we just started thinking about the project and Katherine bringing it forward to us. I'm very excited that it's here and that more is coming and more is being added to it. I think this is a good project, an amazing project for our community. I have a couple of questions, and both Commissioner Davis and Commissioner Townsend kind of touched on my two questions. The first one is about the PILOT payment. I believe I've asked this before, Katherine, but I do not remember the answer you gave me. Where do those PILOT payments go? After we receive them from the project, where do they go? Do they go to the General Fund, a special fund? I believe I've asked this, but I want to make sure.

Ms. Carttar said that's a great question. PILOT stands for payment in lieu of taxes. It is treated just like it would have been a property tax payment. It will go to the General Fund.

Commissioner Ramirez said okay, that's what I figured, but I just wanted to make sure. My second couple of questions are pertaining to the MBE/LBE/WBE goals. Commissioner Townsend asked how often they were, but how are they reported to us? Are they reported into a document, or how is that reported back to us or to the UG?

Ms. Carttar said generally we have a, there's kind of a format that, really as simple as an Excel spreadsheet that shows every single organization, business that they have contacted, each bid. All the subcontracts, that's all bid out. We see who bid, who was awarded; do those all under L/M, or WBE and have a tracking, whether it's monthly or that's something we kind of work out to have that tracking that shows exactly what that percentage is for each one with the backup material.

Commissioner Ramirez said I'm going to make a request, and I'm going to leave it to Legal to decide if we can make this request or not, as a Commission. Request that Economic Development and Interim Administrator share those MLBE reports with the Commission. That's never been done in the past. We have all these economic development agreements and all these projects and all these goals but we, as a Commission, never know if those goals have been met. So, especially with this project, and maybe future projects going forward, if any of those goals could be shared with the Commission so that we know what is happening and making sure there is that accountability.

Commissioner Johnson said this question is more or less for, I think, Katherine and staff. As related to the question from Commissioner Davis with regards to the PILOT. Are those payments

the same type of payments that we see on our BPU bill, or are they different in some way? Can you walk us through that, Ms. Carttar?

Ms. Carttar said I would be happy to. They are similar in that they are both a payment in lieu of taxes, but they are completely different in terms of the goals, who pays them, what their purpose is. You have the BPU, what you see on your BPU bill every month. That is specific to the UG. I would defer to someone else to explain exactly where that money goes.

This is really how we do an industrial revenue bond. The way that the industrial revenue bond works, is that the property is given 100% property tax abatement. That's just how it functions because they're getting basically our tax exemption. They get to utilize that. Because we don't, as Todd explained, we don't want to provide a 100% tax abatement, these are supposed to provide certainty. So, we are actually determining what that property tax payment would be so that we can provide the developer with some certainty; provide the Unified Government with some certainty so we know exactly what those payments are going to be for the next 10 years. Then that is what we call a PILOT, or a payment in lieu of taxes, because they are not being assessed normal property taxes that we have.

In exhibit 18, you can see the entire schedule and you will know exactly what they would be paying, again, in lieu of taxes, but it is effectively what their tax payment would be.

Commissioner Johnson said right. I guess I'm wondering out loud—and this is really to staff, to Mayor, and Legal—I'm wondering if we maybe could name that payment something different. I think it gives the average homeowner a different thought as to what it is versus, I guess, it's true outcome. I don't know. This is something I've been curious about for years, and since we're in a time of asking questions, I'm just wondering out loud if there is a better way to describe that payment in lieu of taxes versus the ones that the average consumer sees.

Mayor Garner said I'm going to ask our Legal Advisor to weigh-in on that, or someone from the Administrator's Office.

Mr. LaSala said statutorily, it is a payment in lieu of taxes. If it's helpful and provides clarity, I think in our documents we could call it something different. We could define it differently in the development agreement if we thought it provided greater clarity to the citizens. I think that's possible. I think we just have to be careful because under the statute, they are payments in lieu of taxes. And I think importantly, we've got to be clear. As Katherine said

earlier, it behaves in the same way as a normal property tax payment. I would want us to be careful about doing this in a way that we weren't suggesting otherwise.

Misty Brown, Chief Counsel, said I would agree with what Mr. LaSala said. We could certainly carefully do something to indicate in the agreements that it's not the PILOT the folks are seeing on the BPU. We just need to very carefully craft it. I do think it causes confusion, as Commissioner Johnson expressed. I just wanted to be very mindful of how we're doing it.

Commissioner Kane said well, I was 100% for the project but I didn't hear a lot about local-owned businesses that work with local unions. That's issue number one. And the most frustrating one is we're going to take care of School District 202, 204 and School District 500. What about School District 203? Are we not good enough?

Mr. LaSala said bear with me, Commissioner. I want to make sure I didn't misspeak. I hope I didn't.

Commissioner Kane said, you said 202 and 204. **Mr. LaSala** said I'm going to get my hands right on it here and make sure I get this right. 202, 303, 204, and 500.

Commissioner Kane asked, where is 303?

Commissioner Bynum said it's probably 203**. Mr. LaSala** said I'm sorry. That's a typo. It is 203. My mistake, I'm sorry, Commissioner.

Commissioner Kane said we are considered the pearl sometimes, and you misspeaking and saying 303 and not saying 203 because we're just as important as the rest of the school districts, just as important as any other district that's out there. **Mr. LaSala** said I apologize, Commissioner. My mistake.

Mayor Garner asked, Commissioner Kane, was that the end of your comments?

Commissioner Kane said no. I didn't hear anything about local unions, local businesses that have unions.

Mayor Garner asked, Commissioner, is that a question for Mr. Heineman? **Commissioner Kane** said that's a question for anybody who wants to answer the question.

Mr. Heineman said, Commissioner Stites, obviously we've done as we done… **Commissioner Kane** said my name is Commissioner Kane, not Commissioner Stites. **Mr.**

Heineman said, I'm sorry, Commissioner Kane, my bad. Commissioner Kane as we've done in the past with the projects that we've been involved with in Wyandotte County, obviously we will absolutely, unequivocally work with the unions. I'm relatively certain that the other projects we've been involved with have been, if not 100% union, nearly 100% union.

Commissioner Kane said, most of them have. Yes, sir.

Mr. Heineman said that's our expectation and that's our commitment. That's what we intend on doing on this project. It's the right thing to do. It's what we want to do. We want to be a good community advocate, a good community partner, so that's exactly what we intend to do is continue doing what we've done in the past. I apologize for calling you Commissioner Stites, Commissioner Kane. I appreciate your comments as always. And, Commissioner Stites, I apologize to you as well.

Commissioner Kane said here's the important thing, you guys have done that in the past. That was not said tonight. And for the rest of you commissioners, they have done very good with local-owned businesses, women-owned business, the whole shooting match. We have worked with these people in the past. They've done a really good job. I know they're going to do a good job. Just a point of clarification, I want to make sure my district's taken care of just like everyone else's.

Mr. Heineman said absolutely. Richard Knapper is on the call here tonight too, and we obviously have a bunch of construction underway today. I know that's all union construction that's happening today as well. I don't know, Richard, if you want to comment on that at all.

Commissioner Kane said he doesn't have to comment. I believe you guys.

Commissioner Stites said I appreciate the clarification on 203. It was important to me when I spoke at the subcommittee meeting that we included 204, Bonner Springs, Edwardsville, to make sure that this project is inclusive of all of Wyandotte County. Todd, I understand the oversight there, 303, but I've been extremely pleased with the transparency from all of our staff, everybody that has put in the time to make sure that this is clear, that it's understood that it is a clear benefit to our community. When we think about it, and we have a defunct waterpark that grew up in weeds, looks terrible, theft, crimes that were occurring out there, and now we have an investment group that's stepped up to make this type of investment into our community, and then you turn around on top of the amazing project, they've committed $4.35M to projects inside of northeast

and the rest of our community. I'm very excited about it. I look forward to it. I can't wait to be the one to make the motion to approve.

Commissioner Davis said I'll be brief, Mayor, because I know you have questions and others may as well. I just wanted to say this, at some point if it's possible for staff to send me and maybe others a list of organizations, businesses that are currently on PILOT schedules and what they're paying. I think that would be great. I think the opportunity before this Commission could be to really and truly take the benefits of the revenue that's generated out west and put it out east and other really distressed census tracks in Wyandotte County. That's really going to be up to us to make sure that the money flows from west Wyandotte out to the rest of Wyandotte County, especially to the areas that are in need. We can be very strategic about that. I just want to make sure that was said and perhaps we can take that idea and expand it so that everyone in Wyandotte County feels the impact of this project.

Mayor Garner said I'd just like to say I'm excited about this project as well. But I'd like a little more clarity, not just for myself, but for the public. I've got two questions, and hopefully you can answer them in a way that will bring at least bring some level of comfort.

The first one is the amount of money that has been set aside, that the commissioners will have the ability to delve out to the rest of the community, particularly the areas east, downtown. I think the clarity needs to be made what that amount is. Is that a one-time payment, or is that an ongoing annual, maybe three years? Can you be clear about that for the public?

Mr. Heineman said, Todd, you want to take that? Do you want me?

Mr. LaSala said I think we're talking about the development investments, Robb, so I think that's you.

Mr. Heineman said, Mayor, what we've agreed to, and I think the exact dollar figure, Todd, is what, $4.35M? Mayor, that's a one-time investment. It's not an annual investment. It doesn't necessarily have to be in one project; it could be in multiple projects. I think what we've expressed to the Commission is we would like this to be a collaboration where we have projects brought forth to us by the Commission, by commissioners for us to consider because, obviously, we're going to have to have sponsorship around those projects because we're most likely going to have to have other processes that are going to fall in line associated with just us picking

something, whether it's planning, zoning, maybe other incentives that might be involved in it. Everything that's associated with the project.

While we do have three years to go make these investments, time is of the essence because none of this happens quickly. If you look at this project, this is probably three to four years in the making. Obviously, that's something that we'll work in earnest on. We want to collaborate with you and your Commission and try to make these projects that are catalyst for the community. We don't want this to just be something that's sort of a standalone thing. Obviously, if it's synergistic to our core business, which as you're well aware, sports and hospitality-related, that would be attractive to us.

We have looked at a number of things downtown around various housing projects and things. I think it's really just the onus is on all of us to make sure that we unearth as many opportunities as possible and figure out what works best and what we all agree, especially now, based on the fact that we're going to have to agree to it on sort of a majority of all of us here on this Zoom. Let's make sure these are projects that are great for the community.

Mayor Garner said a little more clarity. These are grants. These are business investments that also adds value to you as well as an investor. So, there would be a return on that investment for you as well, as opposed to just a grant where you're investing in the community and the community receives 100% of those proceeds. Is that correct?

Mr. Heineman said yes. That's how it's designated today. Again, like I said, we'll have to take a look at each of those projects as they're brought forward. To the extent that they provide synergy to our business, maybe the return thresholds would be lower. It's not like this is something that we're just trying to say that we have to hit a homerun on every deal we do. We want to make sure these are quality projects that we all think are good for the community. We do intend on these being for-profit projects, but having said that, we're open to looking at everything that's brought to us and take it under serious consideration.

Mayor Garner said well, one thing I hope you would take into serious consideration beyond the for-profit projects is that we'll be, at some point, invested, in collaboration with our commissioners, as what other developers have done. They have taken upon themselves to see the need in Wyandotte County.

When you talk about youth program, the lack of affordable housing, seniors, recreational programs, consider or at least give some level of commitment moving forward that you will see

that need and make investments in Wyandotte County as being a good neighbor as your profit allows, like a lot of our other developers have done, and not just in a one-time investment that benefits you. Maybe an annual investment that has more of an advantage to the distress levels of people within our community, be it homelessness, poverty in those areas we can look at and hopefully we can have that conversation as a Commission with you and see how that can be something that just moving beyond entertain, but actually something that can become a reality for Wyandotte County. We have these big investments. We want to make sure that these investments really add value to all of Wyandotte County and not just the eastern portion.

When you talk about Bonner Springs and Edwardsville, they're also players in our community. We just want to make sure that long-term, beyond the initial investment, that really benefits you as well, that there are also investments that you're willing to make that can be of broad value to Wyandotte County.

The next question I have is basically, you talked about a tourist destination. I think Mr. LaSala talked about that. Just a little more information. What brings you to that conclusion? When you talk about jobs, what's that look like? When you talk about jobs, are you going to attract a workface ready partnership with folks right here in Wyandotte County? What does that look like? When you talk about jobs, and then just that vision of seeing that this could be an enhanced tourist destination right here in Wyandotte County. Can you share what that vision looks like and what led you to that conclusion?

Mr. Heineman said absolutely. Mayor, one thing that I do want to point out is, obviously, not directly this company Homefield, but obviously Mr. Maday and I that are on the line tonight are investors and owners in Sporting Kansas City, and we have collaborated with Wyandotte County to do a number of futsal courts throughout the community. We did those in collaboration such that we did one in every district in the community to make sure that we're trying to do something to re-community and provide programming for kids. We're definitely going to be open to looking at projects or programs that benefit the community that doesn't always have to provide a profit motive, so that's number one.

When we looked at this site initially, what was attractive to us was the access to the site, the visibility to the site, obviously the crossroad's right there at I-435 and I-70. The proximity of the Kansas City metropolitan area in the center of the United States.

When we look at the industry of youth amateur athletics, it being a $20B industry, growing to $50B, sports tourism to us is a tremendous opportunity. With some of those elements that I mentioned, whether it's access or centrality of our location, we think that if we build a vibrant resort, which has the sorts of assets that we're providing here through the STAR bonds, with the hospitality assets like a Margaritaville is going to provide, and obviously the billion dollars of investments that have been made out here in this area over the course of the last 20 years, whether it's the Speedway, Children's Mercy Park, obviously Nebraska Furniture Mart at the Legends, I don't know how this isn't going to be a magnet for us to attract some of the finest tournaments and events in the country.

Through that, we feel like if you just look at the partnership that we've generated with the Perfect Game Company, the premiere baseball operator here in the country, they've pledged 75,000 room nights a year. That is an enormous amount of hotel room nights. And, candidly, if they do what they think they're going to do, we'll blow through that number.

Our aspirations as four individuals, when you take myself, Mr. Maday, and the Bowen family into account, are people that have been in Kansas City for years, and years, and years and our aspiration is to make Kansas City the best youth sports destination in the United States. When we got involved in Sporting Kansas City, we were probably one of the most meek, underperforming professional franchises in the entire United States. We took it as a challenge to why can't this be the best major league soccer city in the United States and, candidly, I think that's what we are today.

That's the same sort of motivation. That's the same vision that we go into this project with where this needs to be the best youth sports destination in the United States. I think we've got the location to do it. I think we have the land to do it. I think we've got the civic will to do it. We're excited about this opportunity on what it can be.

The great thing about the way the STAR bonds work, and STAR bonds, as we all know, are a highly controversial thing, is the mandate that is presented to us is it's not only about the sort of destinations that you build, but it's also about the private spend that you build. What we're able to do out here because of the great land that we're utilizing, is we have all sorts of different tenants that we're working with, whether it's additional car dealers, whether it's great hoteliers, whether it's medical office providers. All those are jobs.

When you're talking about a medical office, and we have a medical office under letter of intent right now, which would be somewhere in the neighborhood of a $30M to $40M building, which would probably have 100 to 200 jobs that I don't know what the average salary of those will be, but those are nurses and doctors, so those are going to be high paying jobs.

Camping World, which is one of our tenants, is the largest RV dealer in the country and their salespersons make upwards of $2, $3, $400,000 a year based on the number of RVs they sell. So, these are not just low paying jobs, these are high paying jobs that are going to be on destination out here.

When you look at something like a Margaritaville, when a Margaritaville is open and going on July 10th, there's probably 500-600 people working there. Those aren't all $200K jobs, obviously. Some of those are lower-waged jobs, but there is going to be plenty of opportunities out in this 400 acres that we're creating to probably do, I don't know what the number is, but it's probably 2,000 to 3,000 jobs when everything is up and going the way it goes. That's going to provide tremendous opportunities for local people to work out there. We obviously will have every impetus to try to hire as many local people as we can. I'm sure we'll work with you and your staff to make sure that we have all processes in place to give those that are local kind of a first right to work out there. I can't tell you how excited we are about this location.

This started as it was a place we wanted to build basically a gym. We wanted to build a Homefield gym and let kids come out here and play sports. But as we worked with it and talked with your staff and the State's staff, it's turned into something a lot different than that. We have $100M worth of projects underway today. We have another $100M in planning.

We've got another probably $100M to $200M on the chalkboard. This is something that I think will be the largest tourist destination in the State of Kansas within four to five years. I think that's something that we're all going to be really proud of. It's not easy; it hasn't been easy. The process getting to where we are tonight hasn't been easy, but we're here and man, we have a lot of momentum. I think it's going to be something that we're all going to be really proud of. It is going to be a lot of work, like I said, but we'll get through it. I hope it's something that you can be really proud of when you can say that you're kind of the guy that watched over it as it all happened.

Action: **RESOLUTION NO. R-6-22,** "A resolution adopting the assignment, assumption and second amended and restated development agreement (Homefield Project)." **Commissioner Davis made a motion, seconded by Commissioner Burroughs, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

ADMINISTRATOR'S AGENDA

No items of business.

Mayor Garner said that concludes the portion of our regular meeting. I adjourn us in that capacity. I'll call us back to order as the Land Bank Board of Trustees'.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, does any member of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda? Seeing no motion to set aside.

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

Item No. 1 – 211262…LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager

A. New Construction - Single Family Homes – 18 Homes

1. Mejia, Edwin Anahun Castellanos – 1 Home addition
   2915 Hiawatha St. – 907117
2. Habitat For Humanity – 3 Single-family homes
   1137 Pennsylvania Ave. – 072545
   1139 Pennsylvania Ave. – 072546
   1211 Pennsylvania Ave. - 068246

1213 Pennsylvania Ave. - 068247
1215 Pennsylvania Ave. – 068248

3. Habitat For Humanity – 3 Single-family homes
   704 S. Valley St. – 072290
   1261 Shawnee Ave. – 072287
   1267 Shawnee Ave. – 072546
4. Chris Solutions Construction LLC – 2 Homes
   820 N. 78th St. – 008600
   900 N. 78th St. – 008601
5. Innova Pro Construction & Pillar KC LLC – 1 home
   649 Sandusky Ave. – 081484
6. Innova Pro Construction & Pillar KC LLC – 1 home
   914 Argentine Blvd. – 127802
7. Innova Pro Construction & Pillar KC LLC – 2 homes
   719 S. Coy St. – 073694
   713 S. 8th St. – 073666
8. Innova Pro Construction & Pillar KC LLC – 4 homes
   1147 Armstrong Ave. - 080814
   1211 Ann Ave. – 080937
   1223 Ann Ave. – 080943
   1235 Ann Ave. – 080947
9. Steven Bashus – 1 home
   1600 S. 86th St. - 145656

B. New Construction - Commercial - 2

1. Chris Solutions Construction LLC
   4815 Parallel Pkwy – 916619
2. Kansas City Kansas Community College – Downtown Campus
   632 State Ave. – 082174
   1101 N. 7th St. - 082176

On January 3, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

Item No. 2 – 211263… LAND BANK PROPERTY TRANSFER

Synopsis: Request consideration of the following Land Bank transfer, submitted by Jud Knapp, Interim Land Bank Manager.

Yard Extension

Ray Sawyer – Unbuildable Lot
4808 Sortor Dr. – 107600

On January 3, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to Full Commission.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:10 P.M.
January 27, 2022

_____
Brett A. Deichler
Unified Government Clerk

tk/am

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **FEBRUARY 10, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, February 10, 2022, with eleven members present via Zoom and on site: 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; James Bain, Assistant Counsel; Susan Alig and Casey Meyer, Senior Attorneys; Bridgette Cobbins, Assistant County Administrator; Karl Oakman, Chief of Police; Colonel Daniel Soptic, Sheriff's Office; Katherine Carttar, Director of Economic Development; Brett Deichler, Unified Government Clerk; and Monica Sparks, Deputy UG Clerk.

Mayor Garner 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 onsite. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of the meeting. The public also has an option to provide brief comments from the lobby of the Municipal Office Building.

I'm going to call this meeting to order and ask the Clerk to please call the roll.

Roll call: Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Sites, Garner.

Mayor Garner said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk, are there any revisions to tonight's agenda?

Brett Deichler, Unified Government Clerk, said, Mayor, we had one change to the agenda. It was for the Mayor's Agenda, Item No. 1 under the ordinance, Safe and Welcoming City Act. Public comment on the item number one of the Mayor's Agenda will be limited to a total comment period of one hour. Each speaker, whether in person or online, will be limited to one minute. It is anticipated that 30 minutes will be allocated for those online who wish to speak to the matter, and 30 minutes will be allocated for appearing in person who wish to speak to the matter. Fifteen comments were electronically provided to the UG Clerk before the deadline, and those items were also delivered to the Commission before tonight's session. I would also add that the Clerk received 21 submissions to speak in person, as well.

Mayor Garner said I believe that a change is also in order. **Mr. Deichler** said yes, Mayor, we did. For the sake of continuity, we are going to actually go to the Mayor's Agenda. We're going to read the proclamations which are Items 2 and 3, in succession, before we go back to Item No. 1, which is the ordinance for Safe and Welcoming.

MAYOR'S AGENDA

Item No. 2 – 211344…PROCLAMATION: FEBRUARY 10, 2022, CHEF ANNIE DAY

Synopsis: Proclamation proclaiming February 10, 2022, as Chef Annie Day, submitted by Mayor Garner.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Annie and Wally Der immigrated from China, met and married, started their first Chinese restaurant together in Wyandotte County/Kansas City, KS; and

WHEREAS, Realized their dream of purchasing a building and starting a business; and

WHEREAS, Fifty years ago today, February 12th, 1972, Annie and Wally Der opened Tao Tao Restaurant at 1300 Minnesota Avenue, and

WHEREAS, They started a family and raised 4 children, Tina, Irvin, Leo and Dara whom have all worked in their local restaurants; and

WHEREAS, The Der family continues to epitomize the arduous work, family involvement and customer loyalty it takes to be successful; and

WHEREAS, Chef Annie continues to serve Chinese food with LOVE, working whole heartedly, entered her 75th year of life on February 10th, 2022;

WHEREAS, The Der family and their family owned restaurant exemplifies our goal of developing a comprehensive plan that attracts small businesses seeking to locate, grow, and prosper within our community.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Saturday, February 12, 2022, as:

"Chef Annie Day/Tao Tao Day"

in Wyandotte County/Kansas City, Kansas as a celebration of this landmark restaurant and commend them for their consistently outstanding contributions to our city. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Item No. 3 – 211345…PROCLAMATION: JANUARY 31, 2022, DR. BERTRAM CARUTHERS JR. DAY

Synopsis: Proclamation proclaiming January 31, 2022, as Dr. Bertram Caruthers Jr. Day, submitted by Mayor Garner.



MAYOR'S AGENDA ITEM NO. 3

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Dr. Caruthers is retiring January 31st, 2022 having served the citizens of Kansas City for 45 years as an active contributor to the health and wellness of Wyandotte County | Kansas City, Kansas as a physician and surgeon in the practice of dermatology; and

WHEREAS, Dr. Caruthers graduated from Sumner High School in 1963, received his undergraduate degree in 1967 from the University of Kansas, and his medical degree in 1971 from Howard University School of Medicine before returning to the Kansas City metro area; and

WHEREAS, Dr. Caruthers, was commissioned as a US Army Major from 1971-1977 having served as Chief of Dermatology and Assistant Chief of the Emergency Room in Kimbrough Hospital Fort Meade, Maryland; and

WHEREAS, Dr. Caruthers is a lifelong member of St. Peter's CME church, a life member of National Medical Association, Alpha Phi Alpha Fraternity, Incorporated, Howard University Medical Alumni Association, Southern Poverty Law Center and the NAACP; and

WHEREAS, Dr. Caruthers is a member of the American Academy of Dermatology and Society of Dermatological Surgery and served as President of the Kansas Dermatological Society and an officer for the Kaw Valley Medical Society and Kansas City Medical Society; and

WHEREAS, Dr. Caruthers served as a Clinical Instructor for the Kansas University Medical Center and a reviewer for the Kansas Foundation of Medical Care and advanced health equity throughout his career.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Monday, January 31st, 2022, as:

"Dr. Bertram Caruthers Jr. Day"

in Wyandotte County/Kansas City, Kansas and urge all citizens and employees to join me in congratulating Dr. Caruthers for his outstanding medical career and wishing him many continued years of happiness. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Mayor Garner said congratulations to those individuals on receiving this well-deserved honor.

Commissioner Kane said I received the blue sheet at my house at 4:41 today and wasn't really able to get ahold of anybody, but you stated in your inaugural speech that you would work tirelessly to do what the people wanted, not what you wanted. Several people wanted to voice their opinion tonight, but with this timeframe they will not be able to. When we worked on the casino, which was a hot topic at the time, we were in the chamber until 1:30 a.m. and listened to all concerns. My goal has always been and will be to be as transparent as possible, and I don't believe this is. The last thing I want to say, just because you can limit a timeframe to a hour doesn't mean you should. I'm very disappointed that a lot of people will not be able to voice their opinion.

Mayor Garner said in light of that, that was a consideration but that is not a mandate, moving forward. We're going to try and accommodate anybody that is listening in sight and sound of this meeting, to be able to voice their opinions, their concerns, their recommendations in light of the pending agenda item on the Mayor's Agenda.

Item No. 1 -211243…ORDINANCE: SAFE AND WELCOMING CITY ACT (REVISED PER BLUE SHEET)

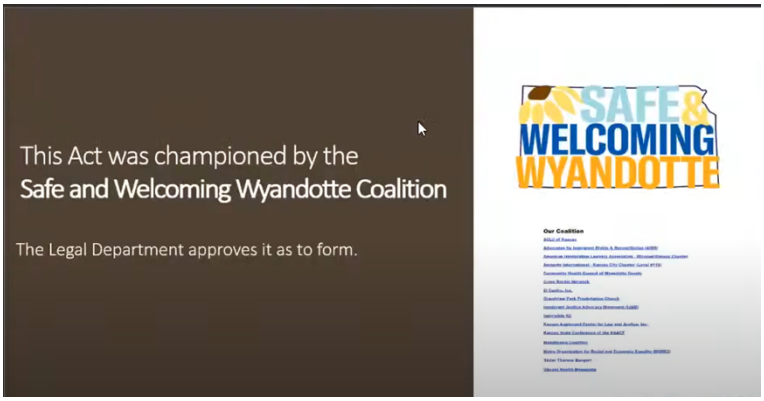
Synopsis: The Safe and Welcoming City Act would ensure that Unified Government resources are not used to enforce federal immigration law, state that the Unified Government is an inclusive and welcoming city for immigrant members of our community, and create a municipal ID, submitted by Susan Alig, Senior Assistant Counsel. On January 24, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full Commission.

Mayor Garner said that takes us to Item No. 1, ordinance Safe and Welcoming Act. Our first order of business is the Mayor's Agenda. This is keeping a commitment that I made to Wyandotte County that I would move the first item, regarding the Safe and Welcoming City Act. This item was approved unanimously on January 24, 2022, by the Public Works and Safety Standing

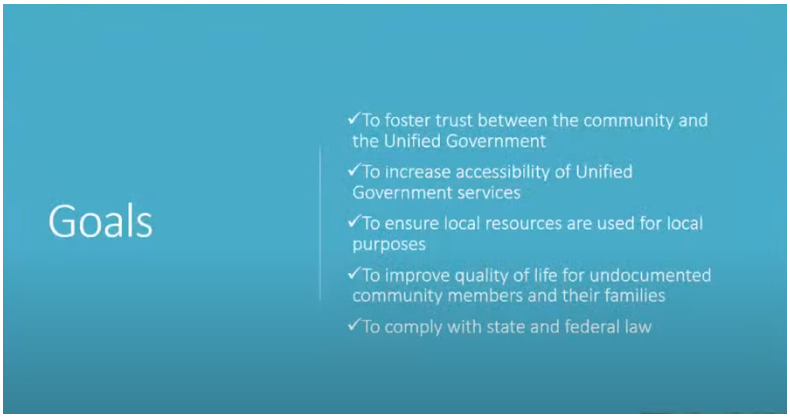
Committee, chaired by Commissioner Bynum. I'll turn it over to Susan Alig from our Legal Department.



Susan Alig, Senior Attorney, said this act is a proposed ordinance…



that was brought to the Unified Government by a community group called Safe and Welcoming Wyandotte. It's a coalition that came to the Unified Government back in 2018 with a proposed ordinance. There have been two special sessions on this topic. The first one happened in May of 2020 and the second one happened in January of 2021. I just say that to show how long of a process we've been going through. The initially proposed ordinance presented some legal concerns, and that was the topic of the May 2020 presentation. In January 2021, we presented again, and the Legal Department then worked with the coalition to come up with a draft that would not present those same legal concerns.

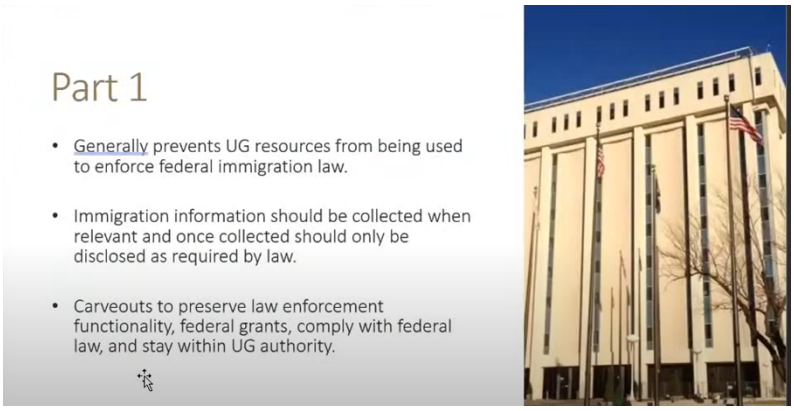


The stated goals of this act would be to foster trust between the community and the Unified Government, to increase the accessibility of Unified Government services, to ensure that local resources are used for local purposes. That's a reference to using local resources for purposes other than enforcement of federal law, including federal immigration law. To improve quality of life for undocumented community members and their families and also, importantly, to comply with state and federal law.

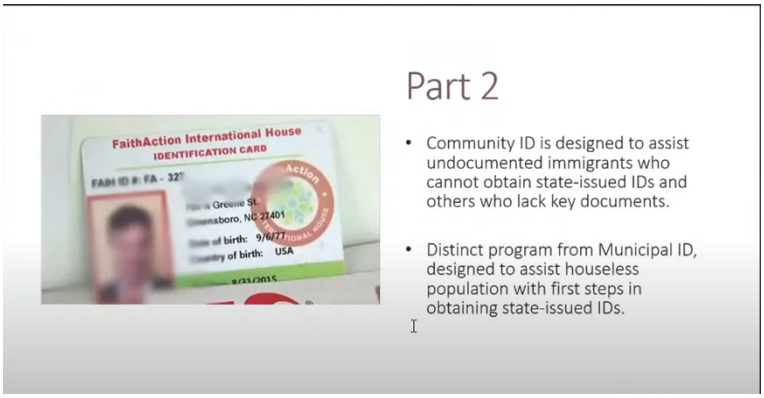


As it's drafted, the Act has two parts. The first part has been colloquially referred to as the Safe and Welcoming City Ordinance, and that is where the statement that local resources should be used for local purposes is found. It also discusses how the Unified Government will collect and handle immigration information. In general, it states that we will not be collecting information unless we have some legal reason why we need it, and then we will not share it unless there's a legal reason why we need to share it. It states that we'll provide translation services, and it states that we will not discriminate based on whether someone is documented or undocumented.

The second part of the act has to do with community ID. Casey Meyer will be talking about that when we get to that portion.

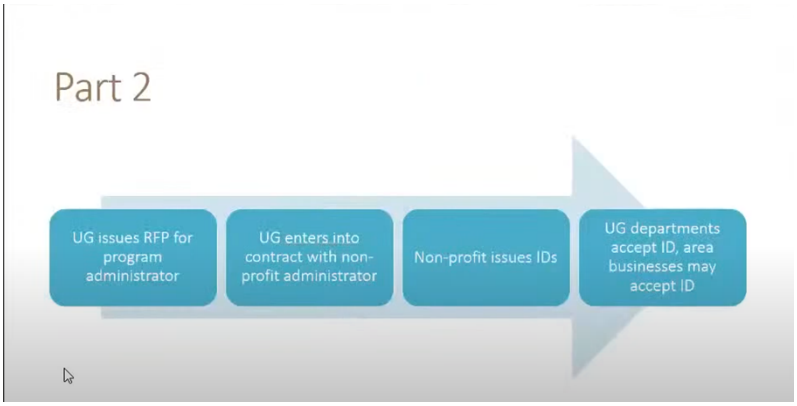


Just in broad strokes, Part 1 generally prevents the Unified Government from using it's resources to enforce federal immigration law. That is somewhat already status quo. That's part of Police Department policy, anyway. It says that we'll only be collecting immigration information when necessary and then that information will be treated as sensitive and only shared as required by law. Part of the process between the last time we presented on this in January of 2021 and now has been adding carveouts that preserve law enforcement functionality, ensure that our federal grants are not placed at risk, and ensuring that we comply with federal law. We've also tailored this ordinance so that the Board of Commissioners doesn't exceed their lawful authority with any provision in it. So, moving on to Part 2, I will turn it over to Casey Meyer.



Casey Meyer, Senior Attorney, said I'm a Senior Attorney in the Legal Department, I'm also the Police Advisor. Like Susan said, two parts. The community ID is the second part and the process that will be used to go through the community ID process. The Unified Government will issue an RFP for people to apply so that we can then pick a third-party administrator to run the program. This community ID program is completely distinct and separate from the Kansas City, Kansas

Police Department's program. The program that the Police Department runs is primarily for the unsheltered population. The Police Department verifies those IDs and that is an avenue for those people to get a valid state ID. This is completely different. It would be a third-party administrator that is not the Police Department. The third-party administrator would be the one to take the applications, hold any documents related to that. The Unified Government would not have any access to the documents related to those applications.



Once people obtain a city ID, all Unified Government departments would be required to accept those. Local businesses do not have to accept them, but may accept them. I don't think there is anything else I need a cover on that. The Board of Public Utilities can accept additional forms of ID if they need to. If you have any questions, I'm happy to take them. I also think our Chief of Police is on here if you want to ask him any questions.

Mayor Garner asked, does that conclude your presentation? **Ms. Meyer** said yes it does. **Mayor Garner** said as a form of order, we're going to keep this moving.

Mr. Deichler said two commissioners have their hands up. First, Commissioner Stites and then Commissioner Johnson.

Commissioner Stites said I've got a question here. I went to the Safe and Welcoming website, and I printed off from their site, and I'm a little bit confused here about this letter that was sent to David Alvey, Mayor/CEO, on March 6th of 2019. It says in the third paragraph, a municipal ID card is a form of photo identification issued by a city or county government. Then when I just heard, just now that it's not going to be issued by a city or a county government. What happened

there? It's not the same as what's on the Safe and Welcoming website, and I printed it off from their site.

Ms. Meyer said, like Susan said, this process has been ongoing for a very long time. The original discussions and version of things are not the same as they are now. Originally, when this was proposed to us by the coalition, the idea was that the Unified Government would be running the program. I think all parties involved thought that the best and most efficient way to do it was not to have it in-house within the Unified Government, but rather contract with a third party to do it. It's still, I think, considered a city ID, it's just that a third party is going to be running the program.

Commissioner Stites said okay. I appreciate that answer. I think the group may want to remove that form or that letter that's on their site that is inaccurate, just so that people aren't getting the wrong information out there.

The other question that I had regarding the third party issuing the ID, you said they will be gathering the documents needed to possess an ID, and after someone receives their municipal ID, that's not issued by a municipality, no access to the documents by any oversight committee. What checks and balances are there once that RFP is responded to and awarded?

Ms. Meyer said some checks and balances can be created within the contract itself. The coalition, part of the reason it's a third party is under the Kansas Open Records Act. If the Unified Government had those records, they would be open records. If the third party is the administrator, they are not going to be considered open records. Privacy considerations were part of this decision as well. As this is currently written, the Unified Government would not have access to any of the records that the third-party administrator would take in administrating the program.

Commissioner Stites said and with that being said, then there would not be—I'm not saying that we need to retain those documents to do a spot check, for instance, you know, if we were just to verify what's going on, quality control, if you will.

Ms. Meyer said I understand your concern. As it's written, that would not be permitted under the ordinance as it's written. If there's a criminal investigation, the Police Department could get a search warrant and get records from the third-party administrator that way, but as it's written, we wouldn't be able to get records from the contracted party.

Commissioner Stites said that's all I have for now.

Commissioner Johnson said I just wanted to get a point of clarification. Will the commissioners have opportunity to speak at the conclusion of the public comment or is this our opportunity now? I just want to get a point of clarification there.

Mayor Garner said yes, you will have an opportunity to speak and ask additional questions as well. **Commissioner Johnson** said after the public comment. **Mayor Garner** said that is correct.

Commissioner Townsend said Commissioner Johnson addressed what I was going to inquire about. Seeing as how you want to give as many people as possible who want to comment, the opportunity to do so, I will withhold any questions I have to a later time.

Mayor Garner said I will now open the public comment. I'll ask the Clerk to provide a synopsis including how many comments were submitted to the Clerk's Office.

Mr. Deichler said as iterated earlier, we did receive 15 comments that were electronically provided to the Unified Government Clerk. Those were also delivered to the Commission before tonight's session. We also received 21 requests for speakers who, I believe, are in the lobby, and that is what we received.

Mayor Garner asked, is there anyone in attendance in the lobby of City Hall here who would like to speak on this item? If so, staff will call your name to come to the podium in the order that you signed up. Once you have been acknowledged, you will be asked to provide your name and city of residency for the record. Thirty minutes will be allocated at a minimum for those appearing in the lobby to speak. Due to more than expected citizens in the lobby, we will allow all those who came onsite this evening to speak and voice their concerns. You will be given one minute to state your comments. Staff will announce you at 30 seconds remaining to give you time to wrap up your comments. This meeting will be conducted in accordance with the Rules of Procedure and if remarks are determined to be out of order, I shall instruct the speaker to stop making such remarks and declare them to be out of order. Derogatory and improper language or actions will not be tolerated. If you persist with such derogatory statements, you may be asked to leave and your comments will not be entered into record. I'll turn it over to the staff in the lobby at this time.

Irene Caudillo said I want to thank Mayor Garner first off for putting Safe and Welcoming on the agenda. I believe we will all gain from Safe and Welcoming, to have a city where people don't fear to report a crime, or fear to go out to spend time in the marketplace, or to visit their child's school. Safe and Welcoming is just one small policy change to respond to the needs of our thousands of poor and marginalized residents. Among them are 14,000 undocumented immigrants. They do some of the toughest and most essential jobs. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Caudillo** said they pay plenty of taxes and it's about time they are welcomed into our community and valued rather than insulted and scorned by people who never get to know them. Safe and Welcoming is looking forward to our 21st Century future as a city full of energy that immigrants bring, anxious to harvest the creativity, entrepreneurial spirit of people who are still looking for the American dream. Let's welcome them and treat them like neighbors rather than tell them you don't care if they are safe. **Ms. Sparks** said your time has expired.

Katie Jones said I'm a licensed social worker and resident of Wyandotte County. Currently I work for Kansas City, Kansas public schools and as a private practice therapist at KU Strawberry Hill Psychiatric Hospital. Every day I work with residents of Wyandotte County who don't have access to an ID and the basic rights it warrants in their community. Being denied basic rights affects your nervous system and leads to chronic stress stemming from feeling unsafe. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Jones** said if the systems within your community deny you your basic rights, it doesn't make sense to trust or participate in them. Denying people their basic rights contribute to systemic disfunctions and a never-ending cycle of trauma. Though I provide much needed mental health services, what many of my clients need before anything else is housing, employment, and consistent social services, all which would be more attainable if they had an ID card. Safe and Welcoming is one simple solution that can make mental health interventions more effective and can build trust. **Ms. Sparks** said your time has expired.

[Inaudible] Wyandotte County, KCK, said we are a 45-year-old Latino-serving organization, and we believe that passing the act not only affirms, but goes beyond the touted description of this community, it's diversity. Unfortunately, a diverse city community does not automatically mean inclusive, safe or welcoming. **Ms. Sparks** said you have 30 seconds remaining. **Speaker** said we have work to do to ensure that all members of our community feel valued and respected. This has

no provision that requires any employer or law enforcement officer to break or bend any laws for anyone. Adopting and enforcing this act allows more of our community to contribute to a safe and well-being of us all. Systems and policies do not work without equitable. **Ms. Sparks** said your time has expired.

Rick Behrens, Kansas City, KS, said I'm a lifelong resident and I live in the 5th District and have pastored in the Central Avenue neighborhood for 40 years. Many of our neighbors who have rebuilt our community have lived in fear for 20 years or more because the federal government immigration system is broken and unjust. We can't fix that. None of us here can fix that. Safe and Welcoming City Act is not about fixing our federal immigration system. We have no control over that. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Behrens** said Safe and Welcoming is about how we're going to treat our neighbors. We do have control over that. Are we going to pay double and ask our law enforcement to do a job for which they are not trained and for which they have no responsibility and don't want to do, or are we going to leave the responsibility where it belongs with our federal government? Are we going to invite our neighbors to help us build a safer community by reducing their fear and inviting them into the public square? Are we going to help law enforcement and the whole community by making it possible for 30,000 people, our neighbors, without adequate identification? **Ms. Sparks** said your time has expired.

Naomi Tolentino, President of Advocates for Immigrant Rights and Reconciliation, said we are committed to empowering and uplifting the voices of the immigrant community and providing them with the tools that they need to better protect themselves and their families. We believe that all people, no matter where they were born, deserves the chance at a safe and dignified life. Our team has been working to raise community awareness and support the Safe and Welcoming Act for years. Local officials, including majority on this call, have been invited—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Tolentino** said and engaged throughout that time. We have seen the support of our community. In fact, you have received thousands of letters of support. It is important that this wonderful city/county considers giving our most vulnerable communities an ID and ensure that they are safe for immigrant families by voting to pass the Safe and Welcoming Act today. Let's show our community, our neighbors, and the world that we are a safe and welcoming—**Ms. Sparks** said your time has expired.

Randy Lopez, President of the Kansas City, Kansas Public School Board of Education, Kansas City, Kansas, said I serve on the Central Avenue Betterment Association Board. Tonight, I come before you asking that you support and vote yes to the Safe and Welcoming City Act. Both the Kansas City, Kansas Board of Education and Central Avenue Betterment Association voted unanimously to support Safe and Welcoming because we've heard the thousands of voices who have been asking for this. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Lopez** said Safe and Welcoming is rooted in compassion, equity, justice and inclusivity. Now's the time. By voting yes, you will help the most vulnerable in our community, including hundreds of McKinney-Vento houseless students in our district, those aging out of foster care, and our senior community. By voting yes, you can help foster a positive relationship with our police and community. By voting yes, you acknowledge the thousands of residents who have signed petitions and knocked on doors and sent you emails. Let Wyandotte County be a shining example of forward thinking, inclusive community—**Ms. Sparks** said your time has expired.

Victoria Arcano, previous resident of KCK, said I worked for the Kansas City, Kansas Police Department, and I'm the current CXO of a local domestic violence shelter. I'm a social worker and advocate for survivors of domestic violence. I experience the repercussions of the unwritten bias of city employees and the lack of explicit protection of all residents of Wyandotte County. It is not the policy to call ICE, but it happens and the impact on survivors is dangerous. It is also dangerous for the larger communities. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Arcano** said if survivors know ICE will be called as a consequence when seeking protection, the city is cutting off access to safety and limiting the city's ability to prosecute violent crimes. To survivors, safety is not worth the risk of deportation, even if a family member is abusive and unsafe. You need to guarantee that deportation is not a factor weighing on survivors of violence with they seek safety. Vote yes.

Sarah Waggoner, Rosehill Development Association, said every summer, youth who are involved in our Summer Youth Employment Program have trouble receiving the money they earn from their job placements. Why is this? Because many don't have state issued IDs, are too young for driver's license, or don't have bank accounts. By working closely with our local bank, we have

been able to have students use this student ID as an alternative with great success. A community ID used as a similar alternative would make extremely—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Waggoner** said useful basic services like check cashing available to all of our residents. Also, KCKPD community policing officers have a long-standing relationship with RDA and the Rosedale community due to their involvement. They attend neighborhood meetings, volunteer with us, and keep our neighborhood leaders informed. In turn, residents feel comfortable communicating and trusting in the police. For a lot of our residents, that trust is challenged by news of deportations and local ICE raids—**Ms. Sparks** said your time has expired.

Thomas Alonzo, Strawberry Hill, Kansas City, KS, said I'm Second District Representative to the Advisory Commission on Human Relations and Disability Issues. Our group studies human relation issues and advises commissioners and other UG officials. We have studied this issue extensively. As a Commission, we unanimously passed a resolution supporting Safe and Welcoming Wyandotte in February of 2020. Dozens of cities across the U.S. have passed similar ordinances. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Alonzo** said this ordinance will improve public safety providing a safe environment for all citizens to cooperate with local police as well as help improve economic development and a means of building community and increasing accessibility.

Marge Gasnick, Kansas City, Kansas, said I want all of my neighbors to live with dignity and safety. The Safe and Welcoming ordinance strengthens that by providing a community ID that will allow people who are living on the margins a chance to be able to take care of everyday tasks and errands and to improve their quality of life. Furthermore, Safe and Welcoming clarifies the responsibilities of our law enforcement and will provide a sense of—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Gasnick** said peace and trust, particularly for our immigrant families. I ask you please to pass the Safe and Welcoming City Act.

Sister Therese Bangert, Kansas City, Kansas, said this evening I am proud and grateful as a Sister of Charity of Leavenworth to join my voice with a team of people speaking up for our neighbors who so often are devalued. In this time of pandemic and before they are told time-after-time that they don't belong, unless it comes to a job deemed essential. Since the late 1990s, I have

been involved with the Kansas legislators and immigration policies. **Ms. Sparks** said you have 30 seconds remaining. **Sister Bangert** said during these 20 years, despite bill-after-bill for restrictive immigration policies, a bipartisan group of legislatures never supported these bills, and they have became law, because the business coalition knows that they keep the economy going. I would add tonight, they keep Wyandotte County's economy going. I joined the coalition in proposing that we now embrace our neighbors in this community, but only because of matter of birthplace are not citizens—**Ms. Sparks** said your time has expired.

Greg Valdovino, Vice President for Diversity, Equity and Inclusion at the Greater KC Chamber of Commerce, said tonight I'm here to support the passage of Safe and Welcoming Wyandotte. The Greater Kansas City Chamber of Commerce recognizes the value of being truly welcoming and intentionally works toward the inclusion of newcomers. They create a culture and policy environment where all residents feel empowered to work with each other in strengthening the social, civil, and economic fabric of our community. As a business organization, the KC Chamber of Kansas City and it's welcoming KC—**Ms. Sparks** said you have 30 seconds remaining. **Mr. Valdovino** said initiatives understand the contribution immigrants make to our community. We know that being welcomed is the right thing to do, but equally important it's makes good business sense. Immigrants are resourceful, resilient, hard workers, entrepreneurs, create jobs, they are great students, and good families. Let's not forget who was there during the COVID pandemic to cover all essential positions. If immigrants have done all of this without the aid of a universal ID—**Ms. Sparks** said your time has expired.

Karla Juarez, Executive Director of AIRR, said we work with our community to advocate for our rights, or immigrant rights. We deserve to feel safe and we deserve to feel welcome. We have knocked on doors and made many calls, and we know the community supports this. This ordinance, if anything, gives clear instruction as to how the police should interact with our immigrant community when they are just going about their day and contributing to society. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Juarez** said it has been five years since we first started these efforts. It is time that you pass this ordinance tonight.

Atenas Mena, former resident, said I was born and raised in Kansas City, Kansas, currently living in Kansas City, Missouri. I'm Executive Director for Cleaner Now Environmental Justice Organization, stationed in Argentine and Armourdale, and expanding throughout Kansas City. I'm also a certified pediatric nurse. Many immigrant families, often times, forego needing healthcare and social services because they fear interaction with public agencies. Families are then left vulnerable of inadequate healthcare due to socio-economic status and undocumented status or limited English proficiency. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Mena** said overall, immigrants have lower rates of health insurance, use less healthcare, and receive lower quality of care compared to the U.S.-born populations. In addition, toxic stress, associated with fear of deportation, has been shown to have harmful effects on an individual's long-term physical and mental health. Children are especially vulnerable to this type of trauma which is a barrier to normal, physical, and mental development. Furthermore, fear of deportation has a significant impact—**Ms. Sparks** said your time has expired.

Louise Lynch, Kansas City, KS, said thank you, Mayor Garner, for being the first Mayor to put this to a vote. We appreciate you keeping your word. This is not a race issue, an ethnicity issue. This is a human issue. This is an issue to keep people safe and welcomed to our community. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Lynch** said we have 63 different languages being spoken in our public school system today. That's 63 different cultures. We need to not oppress them and their families. In 1844, we had the first school building built to educate Indian children and white children under the same roof, in 1844. We do not need to go back. Stand today to your pledge that you gave to the allegiance for liberty and justice for all. Time is up; stop the oppression. Quit the fearmongering. We're not going to have mass exodus. We need to make—**Ms. Sparks** said your time has expired.

Sarah Lynch, Armourdale, said last month my home was broken into on Martin Luther King Day, while my family slept in our beds. We called the police twice, no one showed. I chased after the intruder with a bat. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Lynch** said between myself, my mother and our dogs, we were able to chase the intruder out. An officer came later that night, but they were not dispatched, they were just in the area. The terror we felt, could probably not be matched by someone who's undocumented or someone that does not have

protection that a citizen would have. We need Safe and Welcoming for the safety of all of our residents, because those populations, those—**Ms. Sparks** said your time has expired.

Willie Apala Flaherty, Kansas City, KS, said I live in Strawberry Hill, just down the street here. I attend a lot of neighborhood meetings for Strawberry Hill, and one of the major things we hear about is crime and complaints about crime. I'm here to say that you guys should support Safe and Welcoming because, in large part, as many of my neighbors have said, we need everyone here to feel safe to call the police. We need everyone to be able to call for help and to report the crimes that are happening. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Apala** said if I don't feel safe calling for help when I'm in my home, I'm not going to report any crimes that are happening around me. When that's the advice that we get as citizens and residents is to call the police, call 311, call 911, if I don't feel safe to do that, I'm never going to do that, and our community is never going to be safer. Please, just vote yes for this. It makes the entire community safer.

Mary Jean Grindel, Kansas City, KS, said I'm a retired educator and I live in the Turner area. I'm strongly opposed to this ordinance. While the immigration system is broken, fixing it the Bernie Sanders way is not the answer. When were all of the citizens throughout all of the Dotte going to be told about this final proposal and given the opportunity to vote on this? Cost for such an election shouldn't be an issue, for something so important that effects everyone in the Dotte. [Inaudible]. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Grindel** said mission to steamroll this ordinance over it citizens without our vote in the matter. You have many, frustrated, angry citizens right now in this county tonight. We know you'll be voting yes because your minds are already made up, and you just want to get this over with. Please know that our eyes are open and we do have access to some very important phone numbers, for when we citizens feel the need to make a call, and I'm not talking about calling the Police or Fire Department.

Kenny Shaw, Wyandotte County, said Mr. Stites brought up several things that I'd seen in the ordinance that the database people, or the city is not responsible for anybody or anything in this information. I believe that the ordinance, everybody should be safe, that's not a question. The question is how do we protect the people that are already here? **Ms. Sparks** said you have 30

seconds remaining. **Mr. Shaw** said when the police do not have the ability to check on somebody, then we put everybody else at risk. One person on this thing that you're giving away could destroy the whole situation, so I ask you to maybe reconsider drawing up the ordinance to a different perspective.

Val Lebato said I ask you to vote no on this ordinance. I believe this ordinance is filled with nothing but loopholes. For example, a third-party entity distributing municipal IDs, if that's not a loophole, I don't know what is. This is a poorly written ordinance, no background checks required to obtain an ID is downright reckless and wrong. At this time, I'd like to offer a suggestion to commissioners—**Ms. Sparks** said you have 30 seconds remaining. **Mr. Lebato** said why not require applicants of the municipal ID to stroll down to the police station and be property screened and thumb printed. My last remark: all data from municipal ID holders will be stored in a centralized database. What's going to happen to the database when a new administration comes in and wants to do away with the ordinance? Will that database be turned over to ICE? I yield my time.

Debbie Shaw, Wyandotte County, said my great grandparents came here in a covered wagon in the 1800's. This ordinance is lunacy, absolute lunacy. All that's going to happen is that human trafficking will explode more than what it already is, and where, by the way, is my safe and welcoming committee? If I commit a crime, it goes on a record. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Shaw** said people with all this focus on ID cards, they don't get a record if they commit a crime. You are discriminating against the legal citizens of Wyandotte County if you pass this. This ordinance is treasonous.

Henry Chamberlain, Bonner Springs, KS, said I'm a Wyandotte County resident, a businessman. I travel internationally. I'm on the Board of the Economic Opportunity Foundation. I'm the Democratic National Committeeman from Kansas. I travel enough of the world to know that Wyandotte County is a diverse community on a global scale. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Chamberlain** said look around, we've got more diversity, more people here from different places than almost anywhere else, and the community functions very well. If

there's something that we can do that's simple and inexpensive that simplifies the life and helps the families that live around us, I think we need to be doing it. Please pass this ordinance.

Alberto Lugo, **Co-Executive Director of Environmental Justice Organization here in KCK**, said just want to echo a lot of the comments of my colleagues here have said today. I just want to share that's it very difficult for community members to access public health and other readily available resources, when local government wants community participation or support on a local issue. Many residents do not feel safe and welcomed, therefore, creating a sense of distrust and disengagement. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Lugo** said as an environmental justice organization, we are trying to create a healthy community that is environmentally safe from all hazards. By adding the stress or the discrimination against our communities, it creates further divide and disproportionally eliminates access to resources. Immigrants built the city and the local industries that support all of us by advancing economic growth. They are our top workforce. They are the ones that—**Ms. Sparks** said your time has expired.

Brian Matlock, Strawberry Hill, said I'm an Economist and I work at a local community-based non-profit. Couple things. If one of us sees a family member jaywalking, smoking weed or stealing office supplies from work, I would venture to say not a single one of us are going to start by calling the cops and demanding maximum sentences, because instinctively we know that is not helpful, putting them in a dangerous, traumatic situation, separating them from their family. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Matlock** said for many of us, this is our family, our loved ones, the people who graciously open their homes to us, and allowing them to participate in work in society is one of the best ways they make up for what's going on. And secondly, even if you're totally pro-law enforcement, they want people to have IDs, it makes their job easier. It's a harm reduction measure—**Ms. Sparks** said your time has expired.

Yazmin Bruno Valdez said I am a junior at Rockhurst University, and I am an intern advocate at Immigrant Rights and Reconciliation. I am a long time WyCo resident and I want to tell you a little story about my mother, who was a domestic violence victim, and could not report it to the police because she did not have an ID. Had she had this ID, she would not be so fearful of the

police, and she could have reported the domestic violence that went on in our home. I ask you commissioners to please do the right thing—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Bruno Valdez** said and vote to pass the Safe and Welcoming ordinance. We have worked for five years to pass this ordinance, and I ask you to do the right thing. You have all the power in your hands tonight, so please pass this ordinance, for God's sake.

William Barajas, Retired Police Officer, said I served 32 years. I was also President of the local chapter of the Latino Peace Officers Association. Everything they said about the immigrants is true. Hard working, you look at Central Avenue, Minnesota Avenue, a lot of thriving businesses up there. We are one of the most diverse counties, not only in Wyandotte County, but in the State, and somebody mentioned that there's like 64 cultures. I don't know what's not safe about it. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Barajas** said I don't know because I don't know where the tax money's coming from, or how much it's going to be, and what the cost is. I've been on Mayor Holland's Diversity Taskforce, that went nowhere. I think there should be an oversight committee to monitor the activity and where's the money going. So, I say again, vote no.

Dr. Brenda Andrieu, Retired Psychologist, said I am asking you not to issue municipal ID cards to illegal immigrants. Legal residents have to present legal documents and submit to background checks to prove who they are. It is unfair for illegal immigrants to be given municipal ID cards based only on what they say their name is and what they say their birthdate is. Illegal immigrants should not have more rights and be trusted more than legal residents. I speak in opposition to the Safe and Welcoming Act. **Ms. Sparks** said you have 30 seconds remaining. **Dr. Andrieu** said you are asking Wyandotte County to harbor criminals, people who have come into this country illegally, have broken the United States of America laws. You further want Wyandotte County to not cooperate with legal officials who want to detain illegal immigrants. Every state and it's territory swore to uphold the United States of America's law. People of think nothing of violating the very first law for entering the country would not have a second—**Ms. Sparks** said your time has expired.

Katie Szewc, Wyandotte County, said commissioners and Mayor of Wyandotte County, as a resident of Wyandotte County and a business owner for the past 14 years, I strongly urge that you

strongly reconsider the plans to implement the Safe and Welcoming Act. The ramifications and the repercussions of this ordinance will be the final death spiral of our county in this future. With all this in place, you're planning to bigger businesses, like the up-and-coming Margaritaville and stores and restaurants at the Legends and asks citizens to come from other communities to put their hard-earned money in our community—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Szewc** asked, with this ordinance hanging in the balance, how are we keeping legal citizens safe? What are your plans to house these individuals? How can a non-for-profit third-party organization be in charge of municipal IDs to help with background checks? The answer, they cannot do it safely and without fraud. Please consider not passing this. How are you providing the healthcare for these people? How are you making allowances for these people? And, housing, how will this happen? The monitoring illnesses, diseases, vaccination status—**Ms. Sparks** said your time has expired.

Carolyn Caiharr, Wyandotte County, said while I believe written with good intentions, this ordinance is fraught with loopholes and long-term negative impacts on our county. I would like to present facts over feelings. The ordinance not only ties the hands of law enforcement officers, but also municipal courts. The ordinance gives a third-party complete authorization to allow alternative methods approving residency and requires that they keep no record of these applicants once issuing them an ID. This is irresponsible and not looking out for the best interest of the citizens of Wyandotte County. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Caiharr** said the Kansas City, Kansas Police Department already issues city ID card. There is no reason to delegate this out to a third-party, when this is a process already in place with government oversight. Furthermore, although the ordinance uses the verbiage Wyandotte County several times, I've been told by those in the UG governing body that this will not include any county departments, but only Kansas City, Kansas. I would ask if this be the case to specifically exclude all county departments within this organization, including the Sheriff's Department and the Election Office. **Ms. Sparks** said your time has expired.

Ana Duin, Co-Owner of La Mega Spanish Radio Station, Former Wyandotte County Resident, said what will the Safe and Welcoming Act do for the hardworking Latino community? It would allow parents to visit their kids' school with confidence. It will allow parents to their kid

to the hospital and not send someone else to take them because they don't have an ID. It would allow police officers to be able to identify who their talking to. We're not asking for citizenship, we're not asking you for a hand down, we're asking you simply for an ID. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Duin** said Commissioners of Wyandotte County, I ask you to vote yes to Safe and Welcoming. Wyandotte County, please make a difference and be the example to other counties by voting yes to Safe and Welcoming.

Chuck Adams, Edwardsville, KS, said I have two requests of you this evening. The first one is that you set aside the Safe and Welcoming community legislation, the committee legislation and put it to the vote of the community. If you're asking the community to be safe and welcoming, let the community decide that. Number 2, is on the band of—**Ms. Sparks** said you have 30 seconds remaining. **Mr. Adams** said just lost the name of it. I would ask that you withdraw that from the Consent Agenda, set it aside and vote no separately. Please pull that out of the Consent Agenda, and vote no.

Duane Beth, Kansas City, KS, said I was a law enforcement officer in Wyandotte County in Kansas City, Kansas Police Department since 1975. This ordinance, although we totally embrace Safe and Welcoming, is not a good ordinance. This is not a good ordinance. It's not going to be enforceable; it's going to cause more problems than it's going to fix. This is band-aid effect when you need a tourniquet. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Beth** said we need IDs, but we have a process with the Police Department already. It would be more cost-effective to educate the people to go through that process, help them to get ID cards than it would be to start a whole new process with a third-party administrator, that has no accountability to anybody with a hidden provision that they can waive all criteria for ID cards. **Ms. Sparks** said your time has expired.

Diosseslyn Tot, Kansas City, KS, said I am here today to state my robust support for the Safe and Welcoming City Act because I believe it's past beyond time to have passed and truly to embrace the full diversity which makes our county our home. As a little girl I remember how Kansas City used to look like and it was all grayed out, it was abandoned towns, there was no streets, and there were no lights even at some point. But throughout the years, I started seeing change and things

that were recognizable to me. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Tot** said I saw vibrant colors being painted on the buildings that were once grayed out, I saw signs going up in my native language and foods that I excitedly recognize. It was around the corner, the thing is I understood that my neighbors were contributing to our economic system. They built avenues that we didn't have before and created resources that we didn't have either and brought them here. Now the streets are filled with celebrations, Dotversity, Dia de Las Muertos. We have festivals that celebrate our culture and our food, and it all thanks to our neighbors that have participated in all of this. **Ms. Sparks** said your time has expired.

Cheryl Mendez, Wyandotte County, said I am married to an immigrant for 52 years. I speak from knowing both sides of this being in that family. This ordinance, I just have two questions. First of all, why can we not take this to a vote of all citizens in Wyandotte County having a vote instead of just a selected view. Isn't it an American right to vote? To make our voices heard at a ballot box? **Ms. Sparks** said you have 30 seconds remaining. **Ms. Mendez** said I have another question. If I understood right, these records of information will be gathered by the third party, will not be accessible in the Kansas Open Act. They'll be covered. Do we have that same right as citizens, that they would have to get a warrant to get our personal information or is this just exclusive to this group under this act?

[Inaudible], said I didn't know I was going to speak tonight, but since I'm here, I'm asking you to take it to a city-wide vote. I don't think 10, 11 people get to decide for all of us what is good for our county. I've lived here 68 years. Just take it to a city-wide vote.

Reverend Adrianne Showalter Matlock, KCK, said I'm a 12-year resident of KCK and a 5th generation Midwesterner. I'm sharing tonight on behalf of Groundwork Northeast Revitalization Group, where I am on staff as Operations Director. Though I'm a fifth generation Midwesterner, I grew up in Houston, Texas. When it came time for me to migrant to this area, the land of my family, I did so with ease. **Ms. Sparks** said you have 30 seconds remaining. **Reverend Showalter Matlock** said this connected me with the ability to be on my grandmother's side, when she passed away. If you persist in blocking the Safe and Welcoming ordinance, you carry on the tradition settler's outpost. You aid and abet our Colonial Federal Government, and it's efforts for forcibly

relocate displaced and control human beings that our Colonial Federal Government deems unacceptable. The peoples of northeast KCK are—**Ms. Sparks** said your time has expired.

Mayor Garner asked, Ms. Cobbins, did that conclude the comments from those in the lobby?

Bridgette Cobbins, Assistant County Administrator, said we have one more, Mr. Mayor; and after Elizabeth, this will be the last person that signed up in the lobby this evening.

Elizabeth Freeman said I'm a pediatrician in Kansas City. I ask all of you to support this movement to ensure that the children who live here, most of them who are citizens, if that is really the concern of people who are opposed to it, are safe. That their parents can go to their schools. That their parents can sign leases. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Freeman** said that their parents have access to all of the resources that we need to survive and live comfortably so that we can continue to contribute to our communities equally.

Mayor Garner said I'll ask if there's anyone joining us virtually who would like to speak on this item? If so, please raise your hand and be recognized. Once you've been acknowledged, we ask that you provide your name and city of residency for the record. You'll be given one minute to state your comments. Staff will now state you have 30 seconds remaining to give you time to wrap up your comments. Thirty minutes will be allocated, at a minimum, to those joining us virtually to speak. I'll turn this item over to the Clerk's Office.

Donata Pappert, Kansas City, KS, said, Mr. Mayor, in the spirit of transparency and honesty, two of the very things you said we could expect from you in your inauguration speech. I pose the following questions. Can you unequivocally state that to the best of your knowledge, all citizens of Wyandotte County were presented with the complete details of the Safe and Welcoming Act? Would you also state to the best of your knowledge, that if said information was indeed presented, that it was done so in a manner of time that would allow—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Pappert** said the citizens the following: the opportunity to education themselves about the act, to voice any questions and concerns that they may have and to receive answers to those questions. If your answer is yes, then I, and a majority of this county, are here to tell you,

Mr. Mayor, that you have been ill-informed, sir, or you are just plain wrong. If you stand by your word and there are no unanswered questions to Safe and Welcoming, then put this on the fall ballot. This is the most important question of the evening. What would be the downside to putting this—**Ms. Sparks** said your time has expired.

Connie Brown Collins, Founder of Voter Rights Network, Bethel-Welborn, KCK, said I'm asking you to support the Safe and Welcoming ordinance. As an added plus, it offers the means of legal identification for seniors, disabled and homebound individuals. My husband was born in Georgia and did not have a birth certificate. Many older individuals in the segregated south were born in homes. Even with separate but equal hospitals—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Brown Collins** said records were often sketchy. It took months of filling out forms and sending them back and forth for him to get a cursory record of his birth. My neighbor who is a senior and disabled gave up trying to find her North Carolina birth certificate. If my neighbor is not able to renew her driver's license, having a community ID card through the Safe and Welcoming ordinance will help her navigate legal identification necessities. Please vote to approve this ordinance. A card may have eliminated trials—**Ms. Sparks** said your time has expired.

Lauren Bonds, Attorney, Overland Park, KS, said I'm an attorney that has been working with the Safe and Welcoming Coalition for the past year. I want to thank you for the opportunity to speak tonight and I just like to address a couple of what seems to be, misconceptions about the ordinance. We've been working with the UG Legal Counsel to figure out a way to make sure that this ordinance wouldn't undermine the ability of any law enforcement officers to do their job. Nothing in this bill would prohibit police officers from investigating an individual who committed a crime. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Bonds** said nothing related to the identification would prohibit police officers from investigating that individual if they did, indeed, commit a crime. Just to briefly address the concerns around the third-party administrator. All of their conduct is going to be governed by a Memorandum of Understanding, and the Unified Government does have ways to address any kind of failure to abide by the terms of that Memorandum of Understanding. I hope that you'll pass this ordinance.

Evelyn Hill said we the Justice and Equity Coalition support any ordinance that protects and serves all residents of Wyandotte County. Given our place in history, beginning with Quindaro, Strawberry Hill, and Argentine communities, among others, we believe Wyandotte County has been and should remain a place where people and families from all nations seek a productive, law abiding—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Hill** said [inaudible] of Wyandotte County should be permitted to apply for and get approved issued a community ID card offered to all Wyandotte County residents that will unlock many of the services our county or city has to offer. Please vote yes.

Monsignor Stuart Swetland, President of Donnolly College, and Pastor of Our Lady in St. Rose Catholic Church, said I ask you to vote yes. This is the right thing to do. It will help our neighbors. But I have a unique experience of being part of a third-party who ran a similar program when I was stationed in Illinois at the University of Illinois. We issued the IDs and none of the problems that people have raised were any concern, in fact, in that county there was an economic boom to the section that accepted using these IDs. **Ms. Sparks** said you have 30 seconds remaining. **Monsignor Swetland** said and the part that did not quickly reversed themselves because they recognized how it helped citizens economically and socially. Please vote yes on this, it will help this community grow. It will keep people safe; it will make them feel welcome.

Faith Rivera said I am a 2nd generation Rosedalean, 14th generation Mexican American and I have been in support of this ordinance from day one. I would like to say that it is important that we have the community members that are able to have IDs because then they can go and see their kids and their children. I want to say too, we voted, we knew what was important to get our leaders out that were against this. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Rivera** said we knew how it worked. It's not a vote, we can't take it to a vote. You're the leaders and this is what we did. We united to do this. Vote yes.

Jeff Harrington, Bonner Springs, KS, said I appreciate this opportunity. Although this does not pertain to the City of Bonner Springs, Bonner Spring certainly supports the goals of Safe and Welcoming neighborhoods. But we have not been included in any of these discussions over the last two years, concerning this and recognizing that to be successful, programs such as this depends

on the specific needs of the community it serves. I want you to know that I have received only concerns with this act and do not support it with the flaws that it has in the manner which it's going to be presented.

Alejandra Frias Fraire, Kansas City, KS, said I am a student at UKC. I believe the Safe and Welcoming is the most righteous thing we can do. There is a lot of misconceptions on immigrants and what they can do. But for those who think that they are bad people or whatever they might think of them, I want to ask if they have ever had a deep connection with one or if they are simply speaking on stereotypes they have heard? I think lots of us are religious and I think that you should remember that God told us to love our neighbor. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Fraire** you should love immigrants, houseless, and the elderly population who benefit from the Safe and Welcoming.

Nehemiah Rosell said I am a resident from Kansas City, Missouri, but have worked in Wyandotte County with folks experiencing homelessness for over the past six years. I know from working with these individuals, who often do not have ID, how crucial it is to have one. I've been involved with the current City ID Program through the Police Department. That's been a truly amazing resource but only for a certain select population of houseless individuals. It cannot be utilized by all residents in Wyandotte County. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Rosell** said but I know from working, from having this program, how important it's been, that we need to expand the access to an ID to all residents of Wyandotte County which will be beneficial for the community as a whole and include them in our community.

Keith Pappert, Kansas City, KS, said I want to commend you guys, and I would tell you that a lot of this is coming as—we think people aren't wanting to welcome people. We do want to welcome, and I think this ID just doesn't get it done. My concern is, if you really want everybody to assimilate and have, as you guys said it, improve the quality of life; then they've got to be able to assimilate into the community and have jobs. This ID is not going to do that for them. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Pappert** said I would like to know what it's going to do to the resources in the community that are already attached? What is it going to do to the hospitals? What's it going to do to the community college? What is it going to do to the

welfare programs? None of that has been discussed or talked about. We've got enough dividing us, and I think this thing is just going to create more of a divide in the thing. I run a business that requires identification, and I can't accept this identification. So, we're going to have to have something that works better than this. I commend you for trying to do something that helps—**Ms. Sparks** said your time has expired.

Laura Mersman said I am not a resident of Wyandotte County, but I have worked in Kansas City, Kansas Public Schools for nine years. I believe that you should vote yes for the Safe and Welcoming ordinance because the children and families in our community deserve it. The immigrant families as well as homeless families, the elderly, several populations are going to be very positively impacted by this ordinance. It just validates them as residents and our neighbors in this community. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Mersman** said it will create huge impacts as well as allow them to move around the community feeling more safe, knowing that they can call on the police to protect, as well as utilize many other resources in our community, hospitals, and schools, etc. They'll feel more comfortable.

Phill, Kansas City, KS, said I've been a resident and work in KCK for 16 years, and I completely understand why anybody would want to move to this country or this county. I do feel for all the immigrants out there struggling, but giving out IDs, just based on what people give as information, is the easy way out. I think it's much more difficult to help people get their citizenship the proper way. And, although I feel bad for those people having issues, feelings aren't more important that laws. **Ms. Sparks** said you have 30 seconds remaining. **Phill** said if we don't follow our laws, that's not good for anybody here, and I definitely think it should be a public vote.

L. Huggins, Leavenworth, KS, said I just wanted to say that Safe and Welcoming has been open for anybody in any of the surrounding counties to participate, to attend meetings; to learn about the program. It's been successful in a lot of areas across the United States, and it's legal and there haven't been problems with it. So, I just urge you to support that program.

Ty Gorman, Northwest KCK, said I just want to urge you to vote yes for Safe and Welcoming. Keep people in the community safe. IDs are necessary for all of our neighbors to live and thrive and be safe in our community. Thank you for supporting it. I vote yes.

Alejandra Perez, Parks and Rec Commissioner for the City of KCMO, said I also serve as an educator, working for families on both sides of the state line. I ask that you please vote yes and approve the Safe and Welcoming ordinance. From an educator's standpoint, it is not an immigration issue. It's about accessibility to our students and their families to basic services that as American citizens we take for granted. We're expecting basic rights essential for our community's well-being. **Ms. Sparks** said you have 30 seconds remaining. **Ms. Perez** said it is imperative that our residents including the houseless community and the most marginalized and vulnerable have the dignity of being able to identify themselves properly.

Maro Pinera said I work for the Archdioceses of Chicago, and I'm here to listen to see what decisions are going to be made here, and to support the immigrant community. As you know in Illinois, we have driver's licenses for people who are undocumented and there has been a great benefit to the community. The immigrant community is vital to your economy and I don't think anybody can deny that. **Ms. Sparks** said you have 30 seconds remaining. **Mr. Pinera** said I don't live in your city, but I want to support the immigrant community, because I know their issues.

Raymond Rico, Kansas City, KS, said I'm an immigration attorney here in Kansas City, Kansas, I grew up in Argentine. Every day I have the chance to work with immigrant families, help immigrants legalize their immigration status to continue living in, and contributing to our county. Absent immigration to our county, Central Avenue, Minnesota Avenue, and many of our communities would have remained as they did in the 80s and 90s when I grew up, after many Wyandotte residents moved to Johnson County. The least we can do is welcome our immigrant brothers and sisters and allow them to feel safe.

Beth Seberger, Wyandotte County, said I live in Wyandotte County with zip code 66102. I have sponsored a refugee from Nicaragua. He applied and came over legally, asking for asylum, was put into detention for four months. When he got out, he had only the ID from ICE, which they

didn't even hardly think looked like him when I took him for his first ICE check-in. There is no other ID that they are permitted to have until they get their work permit which—**Ms. Sparks** said you have 30 seconds remaining. **Ms. Seberger** said sometimes takes 6 to 9 months to apply for a work permit. Matt was a fortunate person who was able legally to get a work permit because one person reached out and was welcoming to him. He's an outstanding citizen, he's not a citizen yet. His court case is still three years away, but he will contribute and is contributing to the communities where he's living in this country. **Ms. Sparks** said your time has expired.

Ms. Sparks said there are no other hands raised online.

Mayor Garner said I just want to take this moment to thank all those individuals that made comments tonight on this proposal. Your comments are both valued and appreciated. They go a long way towards helping this Commission make an informed decision on an issue that obviously is of the utmost of concern and for our commissioners, thank you.

At this time the public comment portion of this meeting is closed. I'll ask if any commissioners have questions for staff or any comments?

Commissioner Ramirez said thank you to everyone who came out tonight. I will try my best to keep my questions and comments brief. Before going to my comment, I have some clarifying questions to our Chief Counsel and the other counsels who helped us craft this ordinance. My first question, if this passes, will we be in violation of any state, federal law, statute, rule or regulation? **Misty Brown, Chief Counsel**, said no, Commissioner Ramirez, we will not. We worked to ensure that the ordinance presented would not violate any laws, which is why we are able to approve it as to form.

Commissioner Ramirez asked, does this hinder, limit, deter, or bar any police officer from their duty to serve and protect the community? **Ms. Brown** said the answer again, is no, Commissioner.

Commissioner Ramirez asked, will we provide anyone "welfare" to anyone who is protected under this act? **Ms. Brown** said no, Commissioner, we will not.

Commissioner Ramirez asked, will anyone receive special benefits? **Ms. Brown** said I guess it would depend on how you would define benefits. Some might say getting the ID is a

benefit that's unique to this ordinance. If the documentation could be provided, but I think what you were asking is if there's any sort of financial benefits or services that would be provided unique to this ordinance, and the answer is no, that's not included in the ordinance.

Commissioner Ramirez said yes, that's what I was trying to—my question is, will anyone receive any special benefits that a regular citizen couldn't get? So, thank you. Can people vote with this ID? **Ms. Brown** said no, Commissioner. This is just a community ID that is required to be accepted by Unified Government departments, but it would not be sufficient for the Election Office.

Commissioner Ramirez said okay. Can anyone get a driver's license or drive a vehicle with this ID? **Ms. Brown** said, again, no, Commissioner.

Commissioner Ramirez said those were just some clarifying questions that I heard from people who had concerns about. When I ran for office in 2019, this was something I stated to my community of door knocking, that I would fully support. As fourth generation American, my great, great grandfather came from Mexico. My grandfather contributed to this community by opening a grocery store in my district in Rosedale. To hear the rhetoric that all we immigrants bring is violence, disappoints me, very much so. We don't bring violence. We don't bring disease. We are here already. We provide to this community. Central Avenue is a thriving community than what it was before. Argentine is a thriving community. I abhor the term sanctuary city because it makes it seem that we need to be saved. That's not it. All we want to be is welcomed. This ordinance is something that will make our community better and greater. It's not going to make droves of people move to the city. The reason why droves of people that are going to want to come to live here is because they feel that everybody will be welcomed and cherished for who they are as a human being.

I ask my fellow commissioners to think about it. I fully support this. I know there are people in my district who don't support this and who have asked me to vote against it. I will say, I will stand by my vote and if this vote is the reason why I get voted out of office, so be it. I cannot thank the coalition enough. I cannot thank Misty, our Legal Department, Susan Alig, Casey, Lauren Bonds, everyone who helped in this. This is an ordinance that breaks no law, no regulation, does not hinder our police. It is something that our Police Department is already doing. We're just putting it in policy. We're just putting it on paper. Nothing more, nothing less.

So, I'm just going to end. To Allie, Misty, Susan, Casey, and everyone on staff who worked on this, thank you. I sent an email tonight to the coalition; however, tonight ends, this ordinance shows that the UG and the community can work together. We can put our differences aside and put good policy on paper. And I thank Mayor Garner for taking the courage to put it on the agenda because we have asked for two years to put it on the agenda and we were refused. I'll end my comments, but I ask my fellow commissioners to think, this is only going to make our community greater. Thank you to everyone who was part of this. I look forward to proudly voting yes.

Commissioner Johnson said, again, I echo the comments from Commissioner Ramirez for your courage to put this before the community today. I want to thank the community at large. Whether you were proponents or opponents of what has been proposed tonight, for coming out and voicing your opinions. I think it's been a fair process. In 2019, I stood after much contemplation in front of a packed house of community individuals, most of whom were from Wyandotte County, and became the first commissioner of the UG to publicly support Safe and Welcoming. That night, I pledged to our community that I would present Safe and Welcoming to the UG Commission for discussion. I want to thank my colleagues, Commissioners Bynum and Ramirez, for joining me, and also most recently Commissioner Davis. Our Legal staff who have dedicated themselves to create a proposed policy that speaks to the rich diversity of our beloved community. We had two public Special Sessions where the Commission listened and discussed what we are considering tonight. This was not done in secret. The same notifications were given as were given for this session tonight. Unfortunately, the public in those sessions were not allowed to speak. Finally, at the last Public Works and Safety Standing Committee, the public had an opportunity to express their views and opinions just like they had tonight. It was a lengthy meeting, but it was necessary.

There's been a groundswell of appreciation for the diversity of our beloved community. We proudly tout the fact that we are one of the most diverse communities across this nation. The demographics speak to that, but to date, we have not dignified all of our citizens with the opportunity to properly identify themselves and let me be clear, this is not an effort to become a sanctuary city. This is a means of identifying and protecting the safety and welfare of all of our citizens regardless of whether they are undocumented or not. They are already here. The undocumented, not only them, but persons who are recently released from the correctional

institutions, the elderly; they all support this community. They paid property taxes right now, sales taxes. Some of them own small businesses. Some pay rent, the list goes on and on. They support the economics of this community right now. And I don't need to remind this Commission of the countless persons that come into Wyandotte County, Kansas City, Kansas, work in our community, but spend very little of those wages in our community, and those dollars often go to support other communities. The community has been both patient and persistent with this Commission over the past five years on this matter. I don't want them to have to wait another year, another month, another week or another day. Mr. Mayor, I move right now that this Commission approve this historic ordinance as submitted.

Action: Commissioner Johnson made a motion to approve the historic ordinance as submitted.

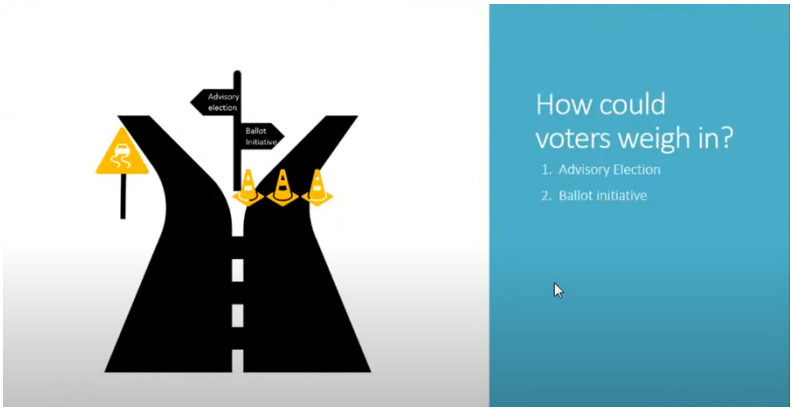
Commissioner Bynum said a couple of brief comments. I've been working with the members of the Safe and Welcoming Coalition since May of 2020. I do stand in support of the ordinance, both components of it, but I want to reiterate some things that I said a year ago, in a public session, when we held a Special Session on this topic, and that is that I am a strong supporter of our law enforcement, Police and Sheriff. I think about all of the years that I have spent working in this community, which is more than 25 in a grassroots way.

In 1995, Kansas City, Kansas Police brought forward community-oriented policing and problem solving. We began in earnest to work with our neighborhoods. The problem-solving portion of that was critical, and it worked. We've seen major gains, major strides within our neighborhoods. I see this work as an extension of that problem-solving that we do hand-in-hand with our neighbors. It is not a surprise to anyone that lives or works in this community that our immigrants have been moving into Wyandotte County for more than 20 years. We are not talking about some unknown population of folks that are waiting in some other town to flood into our community and commit wrongdoing. That is not what we are talking about. We are talking about people who live and work and worship among us right now.

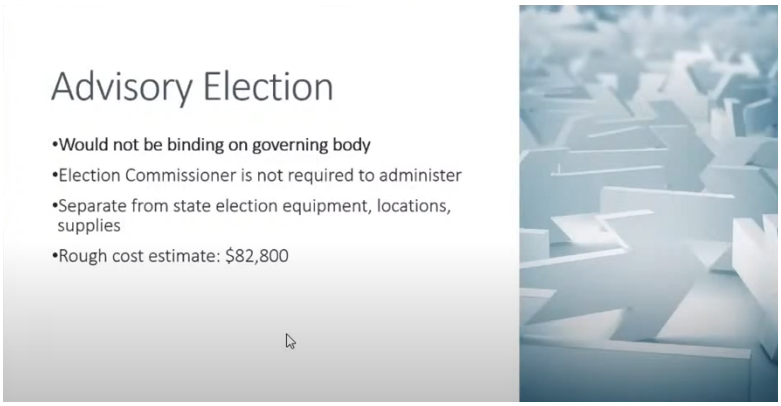
I think this is about taking steps toward building trust in all corners of this community. I've been proud to work with this coalition. Commissioner Johnson is correct, none of the sessions that have been held so far were unknown in any way different than this one. I do wish more people

had more information. But I think that's a shared responsibility among all of us. I do also know that our Unified Government communications staff is working diligently to do more and more every day to open those lines of communication. I commend them. Especially, and including, the fact sheet and Q&A that was placed on our website about this very topic that answers a lot of these questions. A lot of what I've heard in the last few weeks, and heard again tonight, was a request from some of our residents to place this on a ballot. So, my one question for our Chief Counsel, I did ask her this question in an email a week or so ago. I would like her to share the answer, as to the two mechanisms existing for placing this item on a ballot for a public vote. I think it will be very enlightening.

Ms. Brown said I think Susan and I are going to cover that. Susan has some slides associated with that question.



Ms. Alig said thank you for your question, Commissioner. There are two options as you mentioned. One is an Advisory Election. That would go from the Commission to the election stage. And the second is a Ballot Initiative that would come from the community in the form of a petition to the Commission and then the Commission could choose whether to adopt the item that the community petitioned for or put in on the ballot.

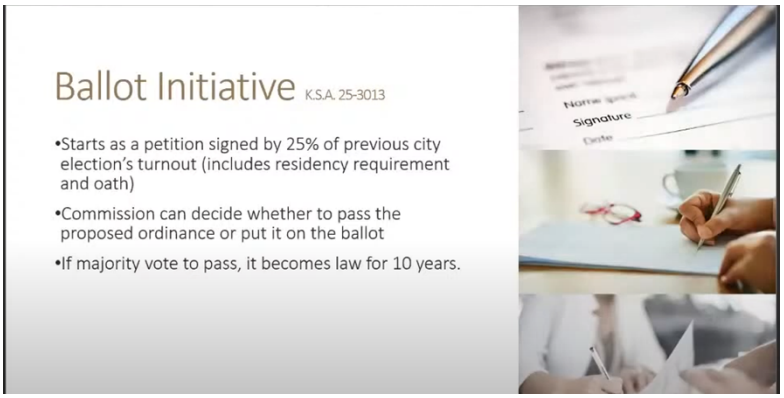


I'll start with an Advisory Election since we don't have a petition in front of us. The graphic that I used here is this kind of jumble of arrows. That pretty much represents the issues that we've encountered as we've done some preliminary research into how this would go.

There are a number of logistical challenges. Before we go into those logistical challenges, a key thing to remember here is that an Advisory Election would not be binding on a governing body. It is almost like a very formal, complicated survey, because regardless of the results, the Commission could choose to adopt or modify, or not adopt this ordinance, even after the election procedure.

A key wrinkle in the Advisory Election procedure is that the Election Commissioner is not required to administer an Advisory Election. In our preliminary communications with our Election Commissioner, our understanding is that it's not something that his office would be willing to take on. That's based on direction from the state, as I understand it. So, we would need to find a way to administer this election separate from the Election Commissioner. We would need to identify our own polling places, potentially get our own election equipment. That's why I used that jumble of arrows. I'm not really sure how that would work, but we haven't identified another jurisdiction that has gone through this process before.

Based on what previous elections have cost and what the different components of an election cost, our rough cost estimate is that it would be about $82K, but that's very rough at this point. If we wanted to go down this path, there would be a lot more work for staff to do to figure out exactly whether its possible and how to do it. I'll let Casey talk about the Ballot Initiative.



Ms. Meyer said so the ballot initiative is pursuant to state statute and would require a petition signed by electors in number to at least 25% of the electors who voted at the last preceding, regular city election. I think the numbers from the last preceding election was 16,992, so it would have to be 25% of that. Then the petition would be filed along with the proposed ordinance with the City Clerk. Then the Commission could either pass it as it was written, without alteration, within 20 days, or if it wasn't passed within 20 days, a special election could be called, unless a regular city election was to be held anyway within 90 days. If a majority of the electorate voted to pass the ordinance, the vote would be binding and would not be able to be repealed or amended, unless there was another vote by the electors, or passed by the governing body the ordinance has been in effect for 10 years. That is the way it could get on the ballot.

Commissioner Bynum said I just want to clarify a couple of the items that you shared. In an Advisory Election, were our County Election Commissioner willing to conduct it, it would still not be a binding election because it would be advisory. Is that similar to the vote, we took perhaps 25 years ago when we put a vote on the ballot to simply state as a community that we were in support of gaming. Is that a similar advisory election?

Ms. Meyer said, Commissioner, in response to your first question, yes. Even if the Election Commissioner administered this election, the results would still simply be advisory. I will defer to Chief Counsel on the question of the historical information because I'm not aware of that answer.

Ms. Brown said that is an excellent question Commissioner Bynum, you are definitely putting me through my paces tonight. The answer is, I am not certain on that one. It sounds advisory, but if there was statutory authority in order to address that issue, then it's easier to put that on the ballot. On this particular issue, there is no statutory authority for it. When speaking to

our Election Officer today, he advised that he's not certain he legally could assist with this election. I guess in sum, it's not an easy matter as some would hope that this item could make it to the ballot.

Commissioner Bynum said in the second petition initiative, the Ballot Initiative, I am under the impression that what I'm hearing with regards to this is that this would be citizen driven and, therefore, outside the hands of the Commission. We could not say tonight, for example, as the governing body that this would go to a Ballot Initiative. That would be citizen driven initiative, is that correct? **Ms. Brown** said that's correct, Commissioner.

Commissioner Townsend said I want to thank everyone who participated tonight whatever their viewpoint was. This is a great example of the electoral and governmental process at work. I am going to have some questions that relate directly to what I am reading. You've heard several speakers say tonight that this has been something going on over the last four or five years, and it's had several iterations. So, I'm looking at what is before us right now in terms of language, just so people understand.

You've heard the discussions that this ordinance really addresses two parts, one with an enforcing or not enforcing federal immigration law, and what the police can or can't do under this ordinance. One of the things that I've heard tonight and over the years is that the impetus for this ordinance, one of the impetuses is that people feel safe and they will not hesitate to go to our police if they are in need of service, help, assistance, whatever that might be, for fear that they will be turned over to ICE. I see our Chief of Police is with us tonight or if there is any other person who might address this first question that I have with the first part of the ordinance. That is, do we have any documentation to show how many times our Police Department has actually turned over people to ICE who have come to them for other help or for other reasons? I think that would be something worth knowing.

I'll share with you that I was concerned about, and this would be my concern with any ordinance, that there be an actual need that's being addressed by the ordinance, something that is happening. I, for one, I don't know if this is happening, or if so, in what capacity, what numbers, how often? That would be the first question I have with that part of the ordinance.

Karl Oakman, Chief of Police, said I will try to answer your question. When the Safe and Welcoming initiative was started, once I became Chief, I looked and tried to see—there were two

things I was trying to determine. One: if we've actually participated with ICE in any raids in the last couple of years, and I could not find anything that supports that, as well as I couldn't find anything where victims refused to report crimes. However, that's something that as a Police Department, we actually wouldn't know. But I can tell you this, we don't have any issues with undocumented people coming forward to go through the U-Visa process where they have been victims of crimes and in every one of those cases, they had made a police report and went through the process. Like I said, that's kind of the unknown, but I can say, as far as participating in any ICE raids, we couldn't find any information where we've participating in them, and like I said, all of our U-Visa applications or individuals who are undocumented who had reported a crime. So, hopefully that can answer your question.

Commissioner Townsend said thank you, Chief. That gives me some response. As to what to me sounds like one of the big concerns and the impetus for at least this section of the ordinance. You made mention of a U-Visa, could you explain what that is? That might be something I want to talk about or have questions more when I actually talk about the section of the ordinance that talks about the documentation and issuing the ID. But, since you brought it up, what is that?

Chief Oakman said that is a federal program where victims of who are not U.S. citizens, who are undocumented, if they are victims of crime, they can petition for a Visa to stay in the country legally.

Ms. Meyer said, Commissioner, I want to add that our city prosecutors also issue U-Visas as well, and so we don't have a problem with the city prosecutors with undocumented immigrants applying for U-Visas in municipal court either.

Commissioner Townsend said okay, thank you. I don't want to get to far off the beaten track, but since Chief brought it up, I wanted to make sure for anybody listening including me, it was explained what it was.

The other question I have with regard to the law enforcement segment of the ordinance as it's written—Counsel, please jump in as appropriate. We're talking about KCK Police, what is the Sheriff's role? Why wasn't something more specific to the Sheriff's Department mentioned in this? Would they not be under the same concern by some of our citizens that members of our Sheriff's Department would go to ICE?

Ms. Alig said this is something that we did a lot of research and discussion on. I mentioned earlier that one of our legal concerns was with an earlier version, we wanted to make sure that this ordinance doesn't exceed the authority of the Commission. Our research showed that the Sheriff is the elected official who could make a policy for the Sheriff's Office. The Board of Commissioners is limited in the policy decisions that they could make that control the Sheriff's Office. So, that is one reason why the Sheriff's Office is excluded from this ordinance. Additionally, we focused on city services, services that are under the control of the Board of County Commissioners. The ordinance doesn't control what happens, for example, in the Register of Deed's Office or the Courthouse, because we're only dealing with departments that are under the direct control of the Board of Commissioners.

Commissioner Townsend said okay, I appreciate that distinction. I do see Sheriff Soptic is with us, so I wanted to give him the same opportunity, if he wanted to take it, to answer the question similarly that I asked of Chief Oakman, if there is any documentation that he could share with us about the Sheriff's Department involvement with rounding up residents and taking them to ICE; if you choose to share or have any stats on that.

Sheriff Daniel Soptic said to the best of my knowledge, at least that's 2009 when previous Sheriff Ash was in office, there's been no time when we've went to work with ICE in any type of raid or round up, as you called it. And back to your other question, like Susan answered, the Sheriff's Office is governed by state statute. Since this is a municipal ordinance, it doesn't directly apply to the Sheriff or my operation. That is the big distinction when it comes to this.

Commissioner Townsend said okay, appreciate that. Let me move on to some questions that I had about the ID portion of the ordinance. I think this was raised before, but just so I'm clear, we're calling it—in the document that I'm looking at, municipal ID. But it also says in the ordinance that a third-party contractor would actually do the work so-to-speak. What is the Unified Government's role, are we backing; is this a city ID or not? Is it a municipal ID, or what is it really?

Ms. Meyer said, Commissioner, it's considered a municipal ID. It's just that we are going to go through the RFP process to hire a third party to contract with that business or entity which is going to be a 501(c)(3) to run the program. It's still going to be considered a municipal ID.

Commissioner Townsend said we'll have a contractor. What, if any, oversight or regulation would this Commissioner have or the Unified Government to tell that third party what to do, how to do, how to proceed with issuing the ID? **Ms. Meyer** said usually the Commission has no authority when we issue contracts under RFPs. The County Administrator would be the one to approve a contract.

Commissioner Townsend said so, there would be a contract issued between this third party and the Unified Government? **Ms. Meyer** said that's correct. It would have to comply with the terms that are included in the ordinance already. There would be additional terms in the contract, but it would also have to be consistent with the terms that are included in the ordinance.

Commissioner Townsend said I don't recall that I've heard anybody talk about money. Do we have any cost estimates or figures at all of what going through a third party to issue an ID would cost the Unified Government? **Ms. Meyer** said we conducted some research on how much it would cost to run internally. However, because we're trying to use 501(c)(3), the cost is supposed to be very little. They would be in charge of getting their own equipment and hiring their own personnel. The goal in going out to a third-party administrator who is a 501(c)(3) was to minimize the cost. I can't tell you exactly how much it would be, but the goal was to make it very minimal.

Commissioner Townsend said not trying to put you on the spot, but are we talking minimal like $1.0K or $50K? Do we have any way to know; and related to that, do we have any way to estimate how many people in the city may even take advantage of that, because that might be a factor that would impact cost, possibly. Do we have any idea of how many people in our community might avail themselves of that? With this is there a minimum age? Would this be for the 99-year-old and the 9-year-old? **Ms. Meyer** said originally this was going to be for a broad population; juveniles, elderly, people who have recently gotten out of correctional facilities, the unsheltered population. Although the unsheltered population has access to the Kansas City, Kansas Police Department ID program. Then, of course, the undocumented population. I really don't know, I don't have an accurate estimate to provide you. I don't want to provide any misleading information. I don't have a great answer for you on how many people would avail themselves.

Commissioner Townsend said this might be a good time also—thank you, Sheriff, for not leaving us yet. Between you and counsel, can you talk about what the difference would be in the program for IDs that are issued under Chief Oakman's department versus what we're considering tonight? What's the difference and who could use it, and what's being issued?

Chief Oakman said well, I can talk about our program. We've so far issued approximately 200 IDs. Our program was a minimal cost. We had to purchase a industrial printer, and then the ID cards. We had minimal cost with our program. The difference is that our program is geared towards individuals who at one point had some form of ID and through sometimes circumstances in life put them in difference situations, they no longer had access to those documents or able to obtain those documents. Through the Police Department and our vast network of databases, we were able to get them verified municipal IDs. What our program does is put them on track to get a state ID. Within a year, they then qualified to get a state ID. And plus, our IDs are verified through verifiable different information. Even with our IDs, there are some banks that are looking at using our IDs as valid identification. We're in the process of getting in that direction. Really, that's the difference. We have verification and it takes them on course to get a Kansas State ID, whereas the other program would not be part of that.

Commissioner Townsend said when you say your program verifies, we're not verifying who people are who they say they are in this? I'm thinking why don't we just go to the Police Department? I know you don't want to hear that, but I'm really trying to understand the difference here.

Chief Oakman said I think some of the arguments that we heard is that basically if they're undocumented and they go to the Police Department, we're going to call ICE and ICE is going to get them, which we wouldn't do. Just like with some of the unsheltered population, some of them do have minor warrants and we don't take them to jail, we work with them and get them their ID. Community Policing does an excellent job. It's our program, we've actually had people who've had Kansas driver's license that just wanted a municipal ID because they thought it was a cool thing to have. We told them no, you're not who we're trying to get ID'd, give them IDs. Like I said, our program is verified because we do have access to databases that do verify the information. I can't really comment on what a third-party administrator would be able to do because they are CJIS laws in each state where some personal information is not available to private entities.

Commissioner Townsend okay, thank you, Chief. Let me move on to kind of like the last questions I had about this. In reading the language of the proposed ordinance, it seems to me, correct me if I'm wrong counsel, there's two banks of types of documents that a resident could present to get a municipal ID. In bank one, it's to establish proof of identity, it says to establish identity, an applicant should be required to produce one of the following documents. Then there are about 20 documents listed that the resident could come forward with. I mean, it includes right off the top a U.S. or foreign passport, a U.S. State driver's license, state identification card, U.S. permanent resident card, counselor identification; there are about 20 items here. So, my first thought was if someone has this, which they're going to need, why would they even bother to seek a municipal ID in the first place? That didn't make sense to me. If they are trying to alleviate or gain comfort, one of the examples used quite frequently tonight, a parent loved one, grandparent, aunt, whoever that wanted to see their child in school. If you've got one of these documents, which you would need to get the ID, why would you even worry about getting the ID? I'm kind of perplexed by that. Similarly, if you didn't have one of those 20, then you could present something that showed a current photograph that had your name, the applicant's date of birth—there were about 18 items or pieces of documentation, including a birth certificate, a Tribal Bureau of Affairs, affidavit of birth, I mean there are about 18 things here, some military base. Why would someone not use that and be comfortable with going forward in doing what they wanted to do in the community? I just didn't understand that.

Ms. Meyer said I think some of that was addressed by the coalition. The proponents of the ID, I think would say, and I don't know if they're available right now, would say that having a city ID, even if they needed to use one of these other forms of ID to obtain to a city ID would make them feel more inclusive. If there were any services that required a city ID within our Unified Government, they could use that rather than use one of these other documents that are listed in these two different categories.

Commissioner Townsend said I guess I'm still perplexed that if someone has this information, and they're going to have to have some of it to even get the ID according to this ordinance, if you don't feel safe with that, I'm not sure how a municipal ID is going to help you. It requires trust on both sides for sure. This is something I'm going to have to ponder, there are still quite a few unknowns here.

I applaud what the goal is to make everyone in the community safe, but in terms of why and some of the things that are the driving force behind this, like with what Chief Oakman said, I'm not sure there's a real basis for that. But I want everyone to feel welcomed. This has been the case in Kansas City, Kansas, Wyandotte County for the last several years. Certainly, since I've been in office. The growing diversity in our community, which is a good thing. Thank you for those in the community and the coalition who are working to build a better Wyandotte County, and thanks to our Legal team.

Commissioner Davis said may I have permission, Mayor, to promote attorney, Raymond Rico. He's an immigration attorney and could offer just some insight on the U-Visas and I think he would offer some expertise given his professional experience. **Mayor Garner** asked, is he available? **Commissioner Davis** said that's what I am told. Can somebody in the Clerk's Office let me know if he's available? **Mayor Garner** asked, can you repeat that name, Commissioner Davis? **Commissioner Davis** said Raymond Rico.

Commissioner Davis asked, Mr. Rico, first can you just obviously state your name and your profession? What do you do for a living? I think that will speak to some of the professional experience you can offer this Commission.

Raymond Rico said I am the owner of the law office of Raymond Rico on 14th and Central Avenue. I've been an immigration attorney practicing for the last 12 years here in Wyandotte County area representing many different clients that have requested U-Visas or police assistance. I keep the victim from services unit of KCKPD very busy. I do focus quite a bit on the U-Visa.

Commissioner Davis asked, can you just tell me about the experience, well first, can you define the U-Visa? I'm learning a lot here. What is that and then what is the process by which someone would go about obtaining it? **Mr. Rico** said the U-Visa was established in the early 2000's to assist those that have been victims of crimes, serious crimes, that have assisted the police or the prosecutors, or the court system to bring the suspects, the perpetrators of crime, to justice. Many people who have legalized under the U-Visa will be able to become residents of the country and remain in Wyandotte County. And, yes, we have had great working relationships with the Kansas City, Kansas Police Department. There have been some instances where those who have

been victims of serious crimes either did not get response previously, but I think with our new Chief, we've seen a bit of a turnaround on that.

Commissioner Davis said so, to get clarity, in order to access the U-Visas, you have to be a victim of a serious crime? Do I have that correct? **Mr. Rico** said that's correct.

Commissioner Davis said I just want everybody to know this. The access to this visa, you have to be a victim of the crime? So, Mr. Rico, in your experience, if someone wanted to obtain an ID through this visa and they were not a victim of the crime, would they still be able to get access? **Mr. Rico** said no, there's no way. If you're not a victim of a crime, ultimately your case would be denied by the United States Citizenship and Immigration Services, and there would be no way to get an ID.

Commissioner Davis said okay, thank you so much, Mr. Rico. Chief Oakman, are you still there? **Chief Oakman** said yes, I'm here.

Commissioner Davis asked, can you concur the information that Mr. Rico is saying, that in order for you to get access to that visa, you have to be a victim of a crime? **Chief Oakman** said yes. I heard you mention like the ID. Most of the time they're not pursuing IDs, they're pursuing that citizenship. That resident status through that offer that the U-Visa offers them. But correct, you have to be one, you have to report the crime, you have to be a victim of a serious crime, and then you have to cooperate with the investigation.

Commissioner Davis said how long, Mr. Rico or Chief Oakman, you all can answer this. How long would it take to get that U-Visa? **Mr. Rico** said it would take around six years currently, and you cannot get a state ID, or any ID unless you get granted the U-Visa. Because when you get granted a U-Visa, you are given a work permit, which is a work authorization which allows you to request with the DMV and the State of Kansas, an ID.

Commissioner Davis said so you have to be a victim first, and then go through that process, and then we're looking at roughly six years to obtain that. I don't have anymore questions for you, Mr. Rico, but I appreciate you.

Chief Oakman, forgive me if I'm being redundant, you all, it's been a long night. Does the Police Department through their ID program offer IDs to non-citizens? Can you speak to that particular program?

Chief Oakman said no, that is for members who have had IDs at some point and through life's situations have lost their documents, haven't been able to get their documents and are not eligible to get a Kansas State ID, but we're able to verify the information. So, it's usually geared towards our unhoused population. Are you there, did I lose you?

Mayor Garner said, Commissioner Davis? It looks like he may be having technical difficulties. We can't hear you, Commissioner Davis.

Commissioner Davis said I wanted to ask a question for our law enforcement personnel, so either Chief Oakman or Sheriff Soptic. There are questions about the raids, but I want to ask about information, and I want to—kind of provide some context everyone, so I have sent some emails out and this is data from ICE, and it has Wyandotte County jail on it. The State of Kansas is on it. It says that 1, 889 folks have come from the Wyandotte County jail. So, maybe this is just specifically a question for Sheriff Soptic. Has any information been shared with ICE regarding immigration status?

Sheriff Soptic said so, I don't know what report you ran or what you asked for. What I can tell you is our process. Which is, if somebody comes into the facility, we obviously run records checks. If somebody does have a judicial warrant through ICE, we will detain on that warrant, signed by a judge. If there is a hold and detain or notify by ICE; we will let them know the person is there, but we don't hold on those. Once the local charges, either state or municipal charges have been satisfied, and that person's been released, then we release them through our normal bonding and release procedure.

Commissioner Davis said okay, so just to get some clarity there. There's a question on the raids and the answer was no, but when it comes to sharing information, the answer is yes. Do I have that correct? **Sheriff Soptic** said we notify them, if they're in custody, if there's a request, yes.

Commissioner Davis said so, if they're in custody and if there is a request. Now, I bring that up because there's this question of why the non-ICE compliance? And, there's this question of whether or not deportations are happening? Thank you so much, Sheriff Soptic, I don't think I have any other questions for you.

I just wanted to make sure that the Commission and Mayor, everyone knew about these facts. Because when we are saying folks are scared to go to the police, these are some of the facts and these are some of the things that we are seeing. Let's put it in the perspective of folks that may not be familiar and may not be able to differentiate between oh, you're the City Police, or you are the County Police. Sheriff or KCKPD. The overall arching idea of having to interact with law enforcement, given that ability has created some discomfort. That's not to say that there hasn't been any collaboration. I just wanted to provide some evidence and some information that could help on this.

I ran on Safe and Welcoming. If you are in the 8th District, this is no stranger. I did not hide about this. I was very, very frank; very, very open; very, very honest from the beginning. This is one of the top campaign issues that I ran on. My social media posts and my mailers and my door hangers, I was very explicit on my intention. I had every intention to pass Safe and Welcoming. My district has multiple, large, and growing immigrant communities. They are not bringing crime. There's no evidence that I have seen that our cities are more dangerous, or that our county is more dangerous because of their mere presence. I do not believe that this particular ordinance would add to that.

I will also add Quindaro, Central Avenue, Strawberry Hill and Argentine, among many others, are being revitalized by these very folks. I also want to add that there are cities, like Lawrence and Roeland Park, who have adopted similar measures and no data, no nothing that I can draw from those experience—we actually got, so the public will know, we got an email from a City Council person on Roeland Park, who passed a similar measure saying this was great for their city. Not that this is deteriorating, this is actually better for their city. That is a peer city within our state that is saying the opposite of what some folks are saying.

I want us to pass this. I will also say this, if you are not Native American and you're not a descendant of enslaved Africans, your family migrated here. That is the absolute truth. Your family migrated here. So, to say to some, we're going to put some process, and then to others, no you cannot, is simply not fair. It is not fair.

The last thing I will say, there was a comment that some woman made, very uncomfortable, Mayor, she had said that was going to make calls and wasn't going to be the public safety. In light of events like January 6th, to me, that is absolutely unacceptable. I don't know what you meant by that threat, but let me tell you what this commissioner will not do. We will not allow the guise or

the masquerading of public comment to be an open invitation to threat racism or white supremacy. I will stand against that. We'll be following up with that, but she made those comments and no one said anything. I do not feel comfortable, nor do I feel safe about nobody checking her on that because that is absolutely unacceptable, absolutely unacceptable. As I said before, we need to pass Safe and Welcoming. I hope that these questions have brought clarity on what we need to do. We cannot allow fear, racism, white supremacy, nativism or ethnocentrism guide our principles for governing one of the most diverse counties per capita in this country.

Commissioner Bynum said I wanted to circle back around to some of the comments, questions that Commissioner Townsend had put forward. One of the questions was do we have a notion of how many people might avail themselves of such a municipal ID? Of course, we don't know an exact number, but there's a tracking mechanism migrationpolicy.org estimates that in Wyandotte County right now, there are approximately 14,000 undocumented adults. That's not factoring in the youth. So we have to factor in our young people, we have to factor in older adults that might need to secure a municipal ID in order to conduct some business. Those that are aging out of the foster system, those that are experiencing reentry; we did spend time with officials at the Salvation Army, I think over the summer. They were pretty enthusiastic about the municipal ID program. Simply because of the many anecdotal stories they were telling about trying the efforts and links and number of trips that they made with their constituents trying to get them IDs. So, I think that number could factor upward of 30,000, you know potentially for seeking a municipal ID, whether all that could avail themselves of it, would. We do not know that, but to me that number could be between 14,000 upward when you factor in the other populations.

Another question that had come up was, if it's already in police general orders, what problem are we trying to solve? I would say, not speaking for the coalition members, but speaking for those of us that tried diligently to work with them all this time, the ordinance codifies that and makes it into a law. It takes it far beyond the general orders of the Police Department, in our opinion, and that's why we found it important to try to bring the ordinance forward.

Then another question was, if I have access to all of these other forms of ID, why do I need a community ID? My answer to that would just be, this brings a verifiable form of identification. This brings a uniform form of identification. This is an identification card that then is used, our law enforcement knows what it is, our Unified Government Health Department knows what it is,

our schools know what it is, we know that USD 500 has endorsed this measure. Businesses, certainly we don't dictate to them, but non-profits, I do know that our mental health center has said that they would have no problem utilizing the community ID as a form of verified ID for services. There are many other non-profit and cultural organizations that could then recognize and accept a uniform, verifiable form of identification so that this ID card could be presented without question. Whereas any number of other forms of ID might—I might receive that at some job that I'm working on and have no idea whether it's real, not real. What is it supposed to be telling me about that individual? Some of the documents on the list cannot be used as ID. They can be used to help verify who a person is, but they are not photo ID, things like a utility bill.

I wanted to circle back around to that because those are fair questions and they're questions that I don't think we took the time to address here tonight. I would also like to say that there's a motion on the table made by Commissioner Johnson quite a while back, and I'd like to make a second.

Action: Commissioner Bynum seconded Commissioner Johnson's previously motion to approve the ordinance as submitted.

Commissioner Kane asked, can Legal show the deal where it requires 25%? Does Legal know what I'm talking about? **Ms. Alig** said yes, Commissioner, I'll get that right up.

Commissioner Kane said if this is such a good idea, I don't know why we wouldn't require them to go out and get the 25%, which isn't that much, but while they're out there, they should be educating the community. What the people asked today, or a lot of them asked, and asked for the last several days is, why can't we bring it to a ballot? So, I don't know why we cannot require them to go get the 25% and while they're out there, educate the community. And, as you saw, and as you read in some of these emails, and on both sides they're passionate. We're going to pass something that this group has been very aggressive, they gave staff a hard time, and then we're going to say, alright, well, three or four commissioners think this is the greatest thing since sliced bread, but we're not going to require them to go out and get 25% of the signatures that it would take to put it on the ballot. I guess I'm a little frustrated on that.

I don't support this. I wouldn't of run on this, I didn't run on it. Talking to some of their members the other day, they made reference to multiple things that were untrue. So, I questioned,

not all, but some of the people that are pushing this, what are they really trying to do? This is what they're showing now, what are they going to try to show later? And I oppose this issue.

Commissioner Stites said could you put the view of the lobby back up on the screen, please? So, as I look out, in this audience; first off, I want to say thank you to everybody that's out there. Everybody, every one of them. Guess what? I can't tell you, which one of you have an ID or which one of you don't have an ID, or which one is undocumented, I have no idea. This is an issue that we have in Wyandotte County. It bothers me to think that some folks are saying that it's an immigrant problem. We need everybody, we need everybody working together and I'm glad for each and every one of you guys. My problem that I have is with the ordinance, is what I have a problem with. I will tell you, I'm a newly elected commissioner and I've been in office less than 60 days. I unfortunately have not been brought up to speed regarding the Safe and Welcoming ordinance. I haven't been contacted by Safe and Welcoming. I wish I had so that I could get more educated about this ordinance. I'm not here to point fingers, but I wish somebody would have reached out, they hadn't.

I went through a three-day orientation, and this was never brought up. An ordinance that affects all of us in this magnitude, I would have thought that this would have been something that I would have been brought up to speed on. So, as others have mentioned, Commissioner Kane was one, that over the last several days, emails, calls, texts, you name have come in that have said that they were, quite frankly, unaware that this was even an ordinance that was going to be put on the agenda, didn't know anything about it.

One thing that I wish would have happened is that we would have required, if we can require, I don't know if that's the right word, but that Safe and Welcoming did presentations out in all of Wyandotte County, even though that it doesn't affect Bonner Springs and Edwardsville, I represent a portion of Kansas City, Kansas also. I see that there are folks that are saying how many times they've been out. I was not involved. I was not a commissioner at the time, so I understand. I wish that we would have just been more informed about what was going on regarding Safe and Welcoming.

I'll go back to what I had said before about when you go to the website and it says that a municipal ID, and this is on Safe and Welcoming's website, and I quote "A municipal ID is a form of identification issued by a city or county government." Not a third party 501(c)(3) with no

oversight that we're not able to go check, we're not able to validate. Quite frankly, they could just do these things, and we not ever. One of the things I'd like to ask Legal is, on Section #9 of the ordinance, I won't read it, but if you could pull it up. Could you explain to me what does that mean? I'm not an attorney, and I just would like to know what that language means.

Ms. Alig said, which section was it? I'm sorry.

Commissioner Stites said Section 9, yes. **Ms. Meyer** said is it the "In the event of litigation," or is it—**Commissioner Stites** said Section 9 is what I have.

Ms. Brown said "In the event of litigation, the Unified Government shall require the Program Administrator to defend against the disclosure of such information to the maximum extent possible under the law. This protection shall extend to the municipal ID card application forms, information contained on those forms or obtained through the card application process, to the lists of individuals who hold or have applied for a municipal ID card, and to the fact of any individual's participation in the ID card program."

So, Commissioner, this section is specifically limited to the third-party administrators and who would be issuing the card. And in the event that anyone had issued litigation in order to require that the records that were provided to get the ID be turned over, the ordinance would require the program administrator to basically raise a defense to not turn over those records.

Commissioner Stites said okay, so where it says that in the event of litigation, the Unified Government shall require the program administrator. Is that a legal function that we would be involved with, or would we just say the administrator of the ID, this is your responsibility. I guess, are we off of the hook if there's an issue with it, is what I'm asking.

Ms. Brown said that is the reason for putting it in this ordinance, Commissioner, and it's an excellent question. Typically, when you do an RFP, we have standard terms and conditions that we include in our RFP, one of which is to indemnify the Unified Government, and this is putting it in there that it would be a provision included in our contract with the third-party administrator. So, if one did try to do a KORA request to the Unified Government, those records would not be kept by the Unified Government, they would be kept by the third-party administrator. If a suit was issued, we would be asking the third-party administrator to defend and indemnify the Unified Government, that would be a clause within the contract. Further we would ask them, per this ordinance, to defend against the disclosure of the records. In essence, yes, this is the clause to take the Unified Government out of that situation.

Commissioner Stites asked, does the third-party administrator, are they required to hold documentation when an applicant comes in to seek a municipal ID? How long do they hold it and where is it kept and for how long?

Ms. Brown said no, the ordinance does not speak to that, Commissioner. That is something when we were formulating how this would work, that would be up to the third-party administrator. What they would be required to do is to comply with the contract that would ultimately be issued by the Unified Government and to comply with the terms of this ordinance. But it is silent on how long they would keep the records and what they would do with them.

Commissioner Stites said my problem with this is that it is, again, it is a municipal ID that's not issued by a municipality. If we are saying that folks can come to the Police Department to get this ID, and we've already had the Chief of Police say that they will not be subject to ICE being contacted, what would be the reason, and maybe the coalition could answer this, but would be the reason that they wouldn't want to go that route, and then it is an actual, in my mind, when I say municipal ID, it came from a municipality. It's us that issued that ID.

Mayor Garner asked, is there anyone in the audience that is available that represents the coalition that worked on proposing this ordinance, in collaboration with the Unified Government's Legal Department, that could answer, briefly, Commissioner Stites' question? Specifically in the lobby?

Judy Ansel, Resident of Argentine, said, so if I understand your question, why is it called a municipal ID when it is not given out by the city, is that correct?

Commissioner Stites said well a municipality, yes. What would be the opposition to having it issued by a municipality, the Police Department, other than a third-party 501(c)(3).

Ms. Ansel said the reason is, and we've had extensive discussions with a non-profit organization called Faith Action which issues IDs. They call them community IDs, not municipal IDs. They've done this in a number of communities across the country. These are very well accepted, and they are recognized by municipalities. This is actually what the intention was in this ordinance that it be a community ID. The reason why the coalition preferred this was because we felt that people who are in fear of the police would not go to the police to get an ID and turn over all their information. They may also have a fear of going to the city government, so having a third-party, which was under contract and had definitely stipulated conditions for how this was going to

be issued, some of which is in the ordinance, and some of which would be in the contract with them, would be preferable in order to build trust. We feel very strongly that our undocumented community will not make use of a municipal or a community ID if we also don't pass the ICE non-compliance sections of the ordinance, because they would have fear that showing such an ID to a police officer could get them deported. And, I have to say that we have instances of this which have happened in this city within the last 10 years.

Commissioner Stites said and if you would stay up there, I would appreciate it. Can you stay there? I didn't catch your name. **Ms. Ansel** said my name Judy Ansel and I live in Argentine.

Commissioner Stites said so with that being said, and I appreciate that answer, but if we are truly trying to build this safe and welcoming, wouldn't that be a great step forward that we build that trust with our Police Department by getting that ID through the Police Department. The ordinance says that ICE will not be contacted regarding your immigration status.

Ms. Ansel said well, probably in the best of all possible worlds that might be great. We have a community with 14,000 undocumented people living among us, who have a deep fear of the police and of reporting crimes. Even DA Mark Dupree has endorsed Safe and Welcoming because he knows that its going to be build trust in the police. So, let's start this. If we get to a point where we have a community that looks at a policeman as their best friend, then maybe that might be a good thing to do, but we're not there yet by any means. We have so many people who fail to report crimes because of fear of the police.

Commissioner Sites said, Legal, I'd like to ask, can the administrator of the ID, can they waive all criteria if they don't have any of the items listed that Commissioner Townsend referenced? Is there a mechanism for the administrating agency or 501(c)(3) that they can waive the needed documents and receive an ID?

Ms. Meyer said well the ordinance says one of the ways is to produce any other documentation that the administrating officer/agency deems acceptable. In the second section, Proof of Residency, and that is also included in the first section for Proof of Identity. **Commissioner Stites** said so the answer would be yes, then?

Ms. Meyer said we would construct a contract to protect the Unified Government, but also, we have to comply with the terms that are already in the ordinance. Those two sections are fairly

broad, as you've noted, and so as written, they could use any other documentation that they deem acceptable.

Commissioner Stites said does anyone else not see a problem with that? I mean, it's going to be up to a third-party 501(c)(3) with no government oversight at all and we don't do spot checks, we don't do quality checks. That they can just issue an ID that is not required on this list or any form of a documentation and issue an ID. I think that this ordinance needs to be looked at again and changes made to it, and narrow that scope up. Another thing I would like to point out is, I know we have heard tonight that there's not going to be this huge influx of people coming to Wyandotte County, good people, or bad people, but immigrants. Does this ordinance prevent or prohibit that from happening, at all? If people did just show up to get IDs, they could, is that correct?

Ms. Brown said so, I believe your question is could people come just to get an ID. Yes, folks could come into the community to get one of these IDs and they would have to show one of the documents. Something you spoke about; we have two lists of documents. I think the first list which Commissioner Townsend pointed out are things that if you had that you're in pretty good shape, and that's why you only had to get one of those. The second list of documents that one could provide, you could take two or more documents when taken together, they would have show a current photo of the applicant and their name and display a date of birth, and they can't be expired more than 10 years. So, yes, there is a provision under that section that says any other document that the administrating agency deems acceptable; that was there to add some flexibility if they presented something that wasn't thought up by the group while we were drafting this. But still they would have to have two documents taken together that would show a photo, date of birth and their name establishing the proof of residency. It is a bit easier to do that and it's somewhat easy to get a paystub that shows something, or a bill to establish residency, and so in that regard, yes, there is this other provision that allows them to come up with something else that may not have been anticipated in the ordinance to establish their residency. So, knowing that they would have to provide something to establish residency and something to show their identification at least with picture and their date of birth and name, folks could potentially move into our community to get the ID. Does that answer the question?

Commissioner Stites asked so, are you saying proof of residency is a requirement to get this municipal ID? **Ms. Brown** said that is correct, sir. **Commissioner Stites** asked, proof of residency in Wyandotte County? **Ms. Brown** said yes.

Commissioner Stites said alright, well that answers that question. Roeland Park was mentioned earlier that they have enacted an ordinance similar to this or mirrors this. Would you be able to tell me who is the issuing ID party for Roeland Park? **Ms. Meyer** said they don't have a municipal ID component to their ordinance.

Commissioner Stites said alright. I will get to this by wrapping up by saying we have eight law enforcement agencies within Wyandotte County, and we've identified, we've talked about two, the Sheriff's Department and the Kansas City Kansas Police Department. There's USD 500, there's Kansas City, Kansas Community College, there's Edwardsville, there's Bonner, there's Kansas Highway Patrol, there's KU Police, and I mentioned the Sheriff's Department. And nowhere in this ordinance at all does it address those agencies that work within Wyandotte County and Kansas City, Kansas. How are they to address this? And are they accepting this ID? I know we're saying that the Unified Government and Kansas City, Kansas Police Department are going to accept it, but have we reached out to these other agencies that will also be doing work within Kansas City, Kansas and Wyandotte County and see how they're handling this and if they will be accepting this ID?

Ms. Brown said, again, they are not required to accept the ID. I do not know that anyone reached out to them to ask if they would be interested in accepting the ID component to it. Since this ordinance was restricted to Unified Government departments under the exclusive control of the Commission, there is no requirements for these other entities to accept it.

Commissioner Stites said okay. I think that's all I have for right now. I wish that this ID was issued by a municipality and not a 501(c)(3).

Commissioner McKiernan said I was going to let some of my colleagues make some comments, but I will make some.

I share Commissioner Stites' frustration at this. In early December of last year, I went on record and stated my position that I didn't believe we had done a sufficient job of community outreach regarding the specifics of the new stormwater fee structure that was about to be voted on.

Now those who were in the know, at that time, protested we've done lots of public meetings. I disagreed then and I disagree now. I think we could have, and we should have, done more. Having said that, I'm generally in favor of this ordinance, as frankly, it is pretty benign and it simply codifies current practice, which has not resulted in our local agencies calling federal immigration authorities in the last few years, at least by their report. But Commissioner Stites brought up one other thing that I've been concerned about from the very beginning. If you take the metropolitan statistical area, the MSA as defined by the Mid-America Regional Council, there's nine counties and 119 cities in that MSA. I hope we're not selling a false promise that this non-compliance in Kansas City, Kansas, and this ID in Kansas City, Kansas, is going to carry any weight in any of the other eight counties, or any of the other 118 cities in the MSA.

At this point in time, thank you so much, I appreciate it. I yield my time.

Commissioner Burroughs said thank you, Mayor. But I do believe Commissioner Johnson or Commission Townsend had their hands up, or at least Commissioner Johnson had his hand up for a while. I'll wait my turn, Mayor.

Commissioner Johnson said well, Commissioner Burroughs, I was going to respectfully ask for the vote. We have a motion and a second, and I was going to respectfully ask from the Mayor for a vote.

Commissioner Burroughs said well, if that's the case, I believe we had an opportunity, Mayor. I really find this process a little cumbersome this evening, in the fact that we had a motion and a second time for discussion. Then we went back to the audience. Two of the members that were asked to speak were pro the ordinance. That is something that I have very rarely seen, if I've ever seen it. We don't do that under Robert's Rules that I've been associated to. But, that aside, if we're going to allow discussion, then I think we should have at least two members that are opposed to the ordinance have an opportunity to speak in reference to what they find offensive in reference to the ordinance. We've been very kind about the rhetoric, but one of the commissioners found some language was pretty offensive. A number of the emails that I've received from both sides have been pretty offensive. I've refused to respond to almost every one of them. They've gotten very inflamed, name calling, racists, race-baiting, and that's the sad part of this discussion.

So, those that appeared here tonight, I want to thank you for the comments you made and the conduct in which you've handled this discussion this evening. Not until it was made by a commissioner, the comments that were made about white supremacy, did racism become an issue. That is not what this discussion should be about. This is about a lawful ordinance. Requested by multiple groups of people, of all colors and ethnicities in our community. That comment was out of line. I want to go on record saying it was out of line. I'm embarrassed that someone would raise that issue to that extent when we've had quality discussion and professional discussion throughout the evening. And if somebody finds something offensive, then they should deal with the individual and talk about.

Mayor, I would just like to say that we're asking for an ordinance when it's been stated all night long that our law enforcement hasn't been doing this. But, yet, there's a group of people who say that they don't trust them not to do it. The law enforcement has come out publicly to this community with an olive branch, saying we have not continued to this. But, yet, that's not good enough. That's not good enough yet to build the trust. We have a 501(c)(3) which will—we will take their word that everything is above board, no malfeasance, no opportunity in which to print false documents, or retain information that might be sold to a second market for marketing experiences. We don't know, we don't know what that RFP is once it gets into a person's hand. I'm not going to go back through this ordinance. I've got about 15 things within this ordinance, that I'd like to talk to Legal about. For all practical purposes, I would just state that we are going to have expenses with this ordinance, when presently, we don't have expenses. We have ID possibilities. We know they're out there. Our community is one that many of us live here by choice. When I hear people coming from other communities, coming in here and putting comments on social media, that belittles our community, belittles our community leaders, and yet they hold their hand out, they come to the very Commission requesting funding for those organizations that they run. I find that a little hypocritical.

But, let's get to the real issue here. The real issue is we've had an opportunity to educate the entire community of Kansas City, Kansas, in reference to Safe and Welcoming. I represent, as a Commissioner At-Large, the entire community. And I have heard overwhelmingly through a larger portion of this community out in the west, that they have very little knowledge, if any knowledge, about this information. This goes back to Commissioner McKiernan's comments about the stormwater and wastewater issues. That is an issue that's been out there a while. But,

many of us are not privy to all the information, or any information at times. It is right and just to have meetings like this that are tough to have and we are a better community for it. But name calling, race-baiting, hate is what has started this. I felt tonight there was a few moments that we contributed to that. That disappoints me greatly. I love this community. I love the fact that people are passionate about their positions. If you would have asked me three years ago where I was on this issue with a municipal ID, you would have had my support. But after the comments I've heard, and after the actions I've seen by outside entities coming into our community, the comments that have been made by both sides, Mayor, I'm going to make a motion, I'm going to make a substitute motion that we table this issue for 90 days. If those that want a municipal ID and this ordinance passed, want it passed, get out in the community and hold meetings in every commissioner's district and have that public discussion. Mayor, I'm moving a substitute motion to table the issue this evening.

Action: Commissioner Burroughs made a substitute motion, seconded by Commissioner Kane to table this item for 90 days.

Mayor Garner said thank you, Commissioner. Your motion is noted.

Commissioner Kane said, I second that motion, Mayor. **Mayor Garner** said duly noted, thank you, Commissioner Kane. **Commissioner Kane** asked, what does duly noted mean, Mayor? **Mayor Garner** said I'm going to circle back to you.

Commissioner Burroughs, you had a question in regards to the equity or fairness in getting the response from the proponent in the audience, in the lobby. That proponent was only allowed to come forward at the request of Commissioner Stites in regards to a specific question he had, otherwise that would not have been allowed. If you have a question with a opponent of someone in the crowd that you would like to pose a question to, you're more that welcome to make that question in all fairness at this time.

Commissioner Burroughs said thank you, Mayor, for recognizing that fairness. I do believe Commissioner Davis also requested a proponent of the program with Mr. Rico, whatever his name—I'm sorry, I don't want to get the name wrong—I wrote his name down. The gentleman,

Raymond Rico. There were two individuals that were asked questions that were supportive of the issue. Mayor, in most instances when there's been a motion made and it goes to discussion, public discussion is finished. They had their opportunities. What we have done is kind of tainted this discussion this evening in one direction and that's why I'm asking, Mayor, that we table it and have an opportunity to have the community weigh-in by having a community-wide effort to get those that support Safe and Welcoming out into the community and educate some of those that may be opposed, and some of those that are opposed, may be able to help guide some of the Commission in finding a way to make this ordinance work, that they find some comfort level with. That's my motion, Mayor, and that's why I stated it. I do appreciate your olive branch for fairness, Mayor.

Mayor Garner said thank you. In the interest of time, I'm going to wrap this up with the remaining questions of—I believe we have three commissioners. Then I will get back to entertaining motions. I believe that Commissioner Ramirez had a question.

Commissioner Ramirez said it's more so for the municipal ID. I know several commissioners have had questions. Other community members have had questions about the enforcement mechanism or our ability to oversee or provide any oversight on this. In Section 1, the Unified Government of Wyandotte County, Kansas City, Kansas, shall promulgate all rules necessary to effectuate the purposes of the municipal ID card program. Second section: that organization, which is the program administrator shall follow all rules promulgated by the Unified Government for the operations of the program. Misty, when it mentions the Unified Government of Wyandotte County, Kansas City, Kansas, does that include the County Administrator's office? **Ms. Brown** said yes it does, Commissioner.

Commissioner Ramirez said okay. And within our charter, the County Administrator, or in our instance the Interim County Administrator, by our charter as full authority on contracts and RFPs. If we, as a Commission, want to provide some form of oversight, let's provide those opinions to the Administrator, as if this passes, that during the negotiation of the contract, she can provide and negotiate some form of oversight with what it shall be. It's up to the Administrator, but we can provide her some direction in that manner, if that is what the Commission chooses because we don't have that ability, that is the Administrator's prerogative. Built in, there are

mechanisms for us to provide that oversight. So, I just ask that we keep that in mind, that is a possibility. Us, as a Commission, provide direction to the Administrator, as that is our job. She follows what we direct, our policy's direction to her, and that could definitely be one.

Commissioner Townsend said I'll keep it brief. This is for counsel. Maybe I overlooked it. Is there a stipulation with regard to renewal of the IDs that have been issued. And, by that, I mean, will someone everyone five years or upon the—let's say they move—so that the information shown on the ID is kept current at any particular time? The other question is, and this may be for the state because the state controls driver's licenses, is there any restriction on using these as proof of residency or who you are? It kind of goes back to issues that Commissioner Stites raised. So those are the two. And last thing, I will need clarification on the two motions, because we got two motions on the floor. Thank you very much to all.

Ms. Brown said, Commissioner, that is a good question about the renewal. No, the ordinance is silent on anything regarding the renewal of the municipal ID. This is something that you would expect the program administrator to take care. But I think it is a fair question, I'm glad you asked it.

Regarding using this ID for proof of residency, no one other than Unified Government departments would be required to accept it to show residency. If the state choose to accept it to prove residency, they could, but there's nothing that's going to require that. If I've answered your questions, I could move forward on clarification on the two motions that we have on the floor. **Commissioner Townsend** said, please do.

Ms. Brown said we started with a motion to approve by Commissioner Johnson and was seconded by Commissioner Bynum. Then Commissioner Burroughs has come in and made a substitute motion, seconded by Commissioner Kane, in order to defer this matter for 90 days, and to have additional meetings and discussions in the community about this matter. Commissioner Burroughs, if I'm misstating it, please correct me on that.

Regarding the provisions for the substitute motion, a substitute motion is allowed, as long as it's not being done to confuse the issue, which on this one, I do not believe it is, and if it's not directly contrary to the original motion.

Looking at this, we have a motion to approve on the floor, and then we have a motion to defer it. I do not believe a deferral is directly contrary to the motion to approve.

Unless there's further discussion on it, the next steps would be if it came to a vote, is there would be a vote on the substitute motion to defer it. I would note that Civil Rules of Procedure, Section 7-18 talks about disposition of matters without action, which would mean we are going to dispose of a matter that's on the agenda without actually voting it up or down. It does limit that motion to defer, which is debatable is not to exceed a four-week time period. A motion to defer this this would not be for 90 days without suspending the Rules of Procedure. It can be for a maximum of four weeks.

Commissioner Townsend said thank you, that helped.

Mayor Garner asked Commissioner Stites, did you have one last, brief comment?

Commissioner Stites said I don't know if it's my last one or brief. What I would say is I'm not in favor of voting or approving an ordinance and then writing the rules later. If we're going to change what happens regarding this ordinance, I think that it needs to be done before we vote on it. Not approve it and then come back with the rules. For example, just what we were talking about on the oversight. Does the Interim County Administrator—we can give her suggestions of what we would like to see. Why can we not just go ahead and put that into the ordinance and then it's done, and it's clear for everyone out there, not to be at the discretion of a County Administrator. I think that anything that we vote on needs to be in the four corners of this contract and not later on.

Mayor Garner said question on procedure from Commissioner Ramirez.

Commissioner Ramirez said Commissioner Burroughs' motion can only go for four weeks, not 90 days. **Ms. Brown** said that's correct, Commissioner.

Commissioner Ramirez said okay. So, then he would need to amend his substitute motion, correct, to reflect that? Because his original substitute motion was to defer for 90 days, but by our rules, we cannot, so he would have to amend his substitute motion to stay within the four-week

timeframe. That is in our rules. **Ms. Brown** said that's correct, Commissioner. He could amend his motion, or I would almost call it, he could correct his motion to do four weeks and also we would have to get Commissioner Kane's approval as well, since he seconded the original motion. I need to note, that this is a rule of procedure that we have not typically utilized and that we've had items deferred before, they just haven't always specified the time period. But the Rules of Procedure do state that it's a four-week period. Based on what you're saying, before we proceeded on the vote for the substitute motion, it would be appropriate to ask Commissioner Burroughs to speak on it and Commissioner Kane to agree that his second would be for four-week deferral.

Commissioner Kane said I would agree with four weeks.

Commissioner Ramirez said that gives a whole month to do education as what some commissioners are wanting. I just ask those commissioners, is a month enough for us to go out into the entire community? **Mayor Garner** asked, does that conclude your comment, Commissioner? **Commissioner Ramirez** said yes.

Mayor Garner said Commissioner Burroughs, in light of that information, you made a motion that extended beyond the legal ability based on the Rules of Procedure. Would you like to amend that motion?

Commissioner Burroughs said usually, there's three processes involved. You can table—a motion to table, which just lays the bill on the table. Then there's a motion to table to date certain, which then we would agree on what date we would want to bring it off of the table. When you do make a motion to just straight table, it can be brought up at anytime by another commissioner. The Commission would then vote to take it off the table, or again leave on the table.

If my second supports the four weeks, Mayor, it is my intent this evening—there's been a tremendous amount of passion pleas this evening in reference to his issue. Overwhelmingly, I have received communications that areas of the community knew very little or anything about this issue. Education is key. We can take this issue up in 30 days if the Commission, that it chooses to go 30 days, that's fine. I would like to see a commitment from those that support Safe and Welcoming to go out to each commissioner's district and hold an educational event. Not just show up with one or two people, but go out and post it and communicate to the community, come, listen to what Safe and Welcoming is. And, I would like to see it done in the evenings, or on a weekend when most people can show up. If we're going to spend resources of time and energy on this issue,

it is a public issue of great magnitude on both sides. I respect the passion of both. If my second is willing to go 30 days, I'll also support and change my motion, Mayor, to the 30-day time limit within the rules. **Commissioner Kane** said I can adjust my amendment to 30 days.

Action: Commissioner Burroughs made a motion to amend his substitute motion to be for 30 days. Commissioner Kane seconded the motion.

Mayor Garner said I'm going to move this proceeding forward in the interest of time. I just want to say that this issue has been in the public arena for five years. I can list, and I'm going to name several organizations, including Central Avenue Betterment Association, Avenue of Life that has already spoken, ACLU of Kansas, Advocates for Immigration Rights and Reconciliation, American Immigration Lawyers' Association, Amnesty International, the Kansas City Chapter of Local 115, Committee Health Council of Wyandotte County, Cross Border Network, El Centro, Inc., Grandview Park, Presbyterian Church, Immigration Justice Advocacy Movement (IJAM), Invincible KC, Kansas Apple Seed Center for Law and Justice, Inc., Kansas State Conference of the NAACP, Mainstream Coalition, Metro Organizations for Racial and Economic Equity (MORE2), Sister Therese Bangert, and Vibrant Health Wyandotte. This issue has been in the public arena for five years. I found out about this. The information has been out there. Unified Government staff has worked diligently and tirelessly with these groups, not only to get the information out, which they've done an awesome job doing. But, also to come to—and everybody didn't get what they wanted—but to come to something that everybody could agree on.

I've allowed an unprecedented amount of time to have a robust discussion and debate about this. We cannot continue, in my option, to keep kicking this can down the road when the information has been out there for five years. I respect every commissioner, and I respect the motions presented by Commissioner Burroughs and Commissioner Kane. I'm going to move that forward. But before this Commission votes, remember this has been out here for five years. I campaigned to bring this issue forward, I stand by that. Here we are today. So, it should be no secret to anybody in Wyandotte County, when other people outside of Wyandotte County knew this was an item of interest and great concern for the people of Wyandotte County. I say that respectfully. There's a motion, Clerk, and a second by Commissioner Burroughs and Commissioner Kane, roll call.

Commissioner Stites said Commissioner Johnson has his hand up.

Mayor Garner said at this point, I'm going to go ahead and entertain these motions.

Mr. Deichler asked just to Chief Counsel to make sure we're voting on the second that was updated. **Ms. Brown** said the motion that is on the floor now is a substitute motion to defer this item for four weeks.

Roll Call was taken and there were five "Ayes," Bynum, Burroughs, Townsend, Kane, Stites; and five "Nos," Davis, McKiernan, Ramirez, Johnson, Markley.

Mr. Deichler said 5-5, Counsel, correct me if I'm wrong, Mayor Garner needs to vote. **Ms. Brown** said that is correct. **Mr. Deichler** said Mayor Garner. **Mayor Garner** said to break this tie, no. **Mr. Deichler** said 6-5.

Ms. Brown said now that the substitute motion has not passed, you have the original motion to approve that was seconded that is on the floor.

Mayor Garner said before we get to that, I'd like to make statements in regards to the original motion presented by Commissioner Johnson and seconded by Commissioner Bynum.

I made a commitment to this community that I would not sit on this and I would bring it forward. We owe it to the people of Wyandotte County that we make these hard decisions. I appreciate everybody that was involved in this debate. When I looked at this, this initiative, I'd seen it as something that would foster unity, opportunity and hope in Wyandotte County, especially being the most diverse community, or one of the most diverse communities, in the United States. I'm going to ask the Clerk to read the tenements of or the basis spirit of the Safe and Welcoming Act.

Mr. Deichler said an ordinance relating to creating the "Safe and Welcoming City Act" Chapter 18 adding Sections 18-162 through 18-168 to the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

Whereas, Wyandotte County and Kansas City, Kansas are an inclusive community that values immigrants and the diversity they bring to our cultural fabric, economic growth, and global competitiveness; and

Whereas, the Unified Government is committed to building a welcoming and neighborly atmosphere in our community, where all people, including immigrants, are accepted and able to access all Unified Government services regardless of their immigration status; and

Whereas, the Unified Government recognizes and upholds the Fourth Amendment of the United States Constitution, guaranteeing the right of all persons to due process and protection against unreasonable searches and seizures, and is committed to upholding those rights for all even when presented with illegal or improper orders from federal agencies; and

Whereas, the Unified Government recognizes that under the Tenth Amendment of the United States Constitution states and local governments have the right to be free from mandates or financial obligation to perform the duties of the federal government, or to be threatened or coerced to do so by withholding federal funding; and

Whereas, residents need to feel safe and protected by law enforcement when they seek services and that they will not be exposed to immigration enforcement, and

Whereas, the Unified Government recognizes that this Safe and Welcoming ordinance is necessary to build a community for all residents, without regard to age, race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status, and

Whereas, many residents of Wyandotte County, including the elderly and indigent, the homeless and the immigrant, as well as youth, especially those leaving foster care and ex-offenders lack photo IDs, making it very difficult for them to conduct normal daily activities.

Mayor Garner said I just want to say we're a united Wyandotte County. We're a united community. I care about people. I believe that this Commission cares about people. I believe that most people in Wyandotte County care about anyone that wants to call Wyandotte County home. That's a message of love. Love that we need to have for one another in Wyandotte County because we are a unified community. No one should be left behind when we talk about people and people's lives. No one should be disenfranchised or feel that they're being disenfranchised in Wyandotte County, especially those that want to call Wyandotte County home. There was a statement written at the founding of this great country that we call the United States of America. It said, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

My opinion is passing this ordinance is the right thing to do, not just for Wyandotte County but it's the right thing to do for people's lives. I strongly support and stand behind this Safe and

Welcoming proposal and I ask that my commissioners follow me and join me and reflect that in their vote tonight.

Clerk, if you would give me a roll call on the motion presented by Commissioner Johnson and seconded by Commissioner Bynum.

Action: **ORDINANCE NO. O-19-22:** "An ordinance relating to creating the "Safe and Welcoming Act" Chapter 18 adding Sections 18-162 through 18-168 to the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas." Roll call was taken there were six "Ayes," Davis, Bynum, McKiernan, Ramirez, Johnson, Markley; and four "Nos," Burroughs, Townsend, Kane (Commissioner Kane said I will not follow you on this. Answer is a definite no), Stites.

CONSENT AGENDA

Mayor Garner said 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 believe there was an item.

Brett Deichler, Unified Government Clerk, said there was. Item No. 4 – The approval of the Honorary Street Sign for Dr. Vernard Johnson was requested to be set-aside.

Mayor Garner said outside of that set aside item, I'll entertain motion for the approval of the Regular Consent Agenda.

Commissioner Kane said I raised my hand, Mayor. **Mayor Garner** said I'm sorry.

Commissioner Kane said I want to take off Consent Agenda Item 7. **Mayor Garner** said thank you and I apologize for that. Clerk, which items have been removed? **Mr. Deichler** said Item No. 4 is tracking number 211237, The approval of the Honorary Street Sign. Item No. 7 is an ordinance for Conversion Therapy, which is tracking number 211240.

Mayor Garner said outside of those two items, I'll entertain a motion for approval of the regular remaining items on the Consent Agenda.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve the remaining items as submitted.**

Mayor Garner said there's a motion and a second. Is there any discussion? Seeing none, roll call.

Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 1 – 211273…REPORT: 2021 COMMISSION TRAVEL

Synopsis: A report on 2021 Commission travel, submitted by Reed Partridge, Senior Audit Manager.

Action: **For information only.**

Item No. 2 – 211292…APPROVAL: REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN

Synopsis: Request approval of proposed revisions to the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director. (Documents may be viewed at https://xfer.wycokck.org/public/folder/LOSLOzTawEKuWUqPbj6POQ/2021%20County%20Emergency%20Operations%20Plan). On January 24, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve, and forward to full commission.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 3 – 211236…APPLICATION: TRAVEL, TOURISM, & OUTDOOR RECREATION GRANT

Synopsis: Approval of an application for the Economic Development Administration - Travel, Tourism, & Outdoor Recreation Grant for the KC Levees & Riverfront Project, submitted by Jeff Fisher, Director of Public Works. On January 24, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve, and forward to full commission.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 4 – 211237…APPROVAL: HONORARY STREET SIGN

Synopsis: A request to approve a street sign honoring Dr. Vernard Johnson, submitted by Jeff Fisher, Director of Public Works. On January 24, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve, and forward to full Commission.

Mayor Garner said I'll recognize who set-aside the item. I believe that was on my behalf. **Mr. Deichler** said it was, sir.

Mayor Garner said I have a comment that reflects the support of that street sign, and I'm going to move to see if there are any comments or questions in that regard.

Mr. Deichler said we do have Commissioner Johnson. I also believe we have Dr. Vernard Johnson still in the lobby.

Mayor Garner said okay. We will start with Dr. Vernard Johnson.

Dr. Vernard Johnson said [inaudible] so much to our beloved Mayor and to all of the commissioners. I want to just say that it's quite an honor to be there. I've had a lot things happen to me in my life, but I consider this probably the greatest honor I've every received. Most people are dead and gone when this happens. But I want to just thank our Mayor and all of you commissioners for even considering this for little ole me. I appreciate it very, very, very much. My mother taught me that if you can just say thank you. I may not have all the flowery words like a beautiful woman, but when I just say thank you, it comes from my heart.

I realize I'm standing on the shoulders of the people here in Wyandotte County. I take pride in that. I was born here in Wyandotte County. I know in Kansas City, Missouri, they have the jazz legend, Charlie Parker, who was born in Kansas City, Missouri, and they alert that many times. But I was born here in Kansas City, Kansas. Many places around the world. If I've done anything, I've been standing on your shoulders. Yes, I want to—after being born here, I went to Dunbar Elementary School and Northeast Junior High School and Sumner. I left here and went to Texas to become the first black to get my Doctorate Degree from the largest seminary in the world, but I'm still standing on your shoulders. A lot of things have happened to me.

I just came to say thank you. They told me I could of done it virtually, but I wanted to be present to say to you I appreciate it. Much obliged. I know that's from the country, but I might be a country boy, but I appreciate very, very much. I can say, every time we give the address of our church and say 2955 Cissna, people want to know where is Cissna. They've never heard of Cissna. I don't even know the background of it too well, but I tell you one thing, if I do bring anything to the table, I try. I think a street name change, I would welcome it, very, very much. I think it would probably give some notoriety to where Cissna is in the next 1, 2, 3, 4, 5 years or whatever. I just came to show you that I'm supporting this. Thank Mr. Jeff Fisher, who suggested this, along with Reverend Melvin E. Brown. Thank you, Mayor. You came out to our church, looked us over and I appreciate that very, very much. All you commissioners, got to mention Commissioner Johnson because that's my namesake. I appreciate all you. Thank you, thank you, thank you so much.

Commissioner Johnson said for the reason that Dr. Johnson has already laid out, I ask if I may be recused from voting. **Mayor Garner** said yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were nine "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites. Commissioner Johnson recused himself from voting.

Item No. 5 – 211286…RESOLUTION AND ORDINANCE: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED

Synopsis: A resolution and ordinance declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Avenue from Mission Road to Rainbow Boulevard, submitted by James Bain, Assistant Counsel. On January 24, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve, and forward to full commission.

Action: **RESOLUTION NO. R-9-22**, "A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Avenue from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01)." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Action: **ORDINANCE NO. O-21-22,** "An ordinance condemning land for the reconstruction of 47th Avenue from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01)." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve the ordinance as**

submitted. Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 6 – 211256…ORDINANCE AND RESOLUTION: ARPA SUBCOMMITTEE ALLOCATION RECOMMENDATION

Synopsis: An ordinance and resolution approving ARPA Subcommittee allocation recommendation for UGPHD additional needs for 2022 and beyond, submitted on behalf of the ARPA Subcommittee by Kathleen VonAchen, Chief Financial Officer, and Alan Howze, Assistant County Administrator. On January 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full commission.

Action: **ORDINANCE NO. O-20-22/RESOLUTION NO. R-8-22**, "An ordinance and resolution for the approval of Federal Local Fiscal Recovery funds to be used for additional needs by the Unified Government Public Health Department to continue the fight against the spread of COVID-19 and other eligible uses as part of the American Rescue Plan Act." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve the ordinance and adopt the resolution as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 7 – 211240…ORDINANCE: CONVERSION THERAPY PROHIBITION

Synopsis: An ordinance adding Section 22-44 to the Code of the Unified Government of Wyandotte County/Kansas City, KS establishing a prohibition on conversion therapy of minors, submitted by Christian Ramirez, District 3 Commissioner, and James Bain, Assistant Legal Counsel. On January 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full commission.

Mayor Garner said I'll recognize at this time individual, I believe that's Commissioner Kane who set aside the item for comments.

Commissioner Kane said I've never done this before, but I want to send it back to the Standing Committee so I can better educate myself on this issue and get some input from some others that are concerned about this. So, I would like to send this back to the Standing Committee.

Commissioner McKiernan said second.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to send this item back to the Standing Committee for further discussion.

Mayor Garner asked, any comments or questions? There's a motion and a second to send it back to the Standing Committee. I'll entertain roll call.

Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Davis.

Commissioner Ramirez said I just wanted to quickly explain my vote. And to the community members who are listening, I know I brought this forward. I fought two years, or since I've been elected, to get this on the agenda. I will agree that I had not done my part in educating. Now we're talking about education tonight, so this isn't a topic that we had not had much discussion other than being brought to committee and going forward. So, that is why I want the community members to not think that I don't support this, I completely do. I wouldn't have fought two years for it. But, as we have heard tonight, we need to do some education. I pledged to those community members. I pledge tonight that this ordinance will be back before the Commission, but I agree with Commissioner Kane that we need to do some education.

Item No. 8 – 211235…APPLICATION: UG VISTA PROGRAM AND PUBLIC HEALTH AMERICORPS APPLICATION

Synopsis: A presentation about the UG VISTA Program and request for approval for new AmeriCorps program, Public Health AmeriCorps, submitted by Tory Anderson, Health Department. On January 24, 2022, the Administration and Human Services Standing Committee,

chaired by Commissioner Markley, voted unanimously to approve, and forward to full commission.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 9 – 211325…NOMINATIONS: BOARDS AND COMMISSION

Synopsis: Nomination for Boards and Commissioners:

- Barbara Ikerd for the Alcohol and Drug Fund Advisory Board, 1/27/2022 to 12/15/2026, submitted by Mayor Garner.
- Susan Martin to the Wyandotte County Library Board, 2/10/22 to 12/11/23, submitted by Commissioner Ramirez.
- David Meditz to the Landmarks Commission, 2/10/22 to 12/15/25, submitted by Commissioner Kane.
- David Patton to the Law Enforcement Advisory Board, 2/10/22 to 12/15/25, submitted by Commissioner Townsend.
- Raul Saenz Escarcega to the Housing Authority, 2/10/22 to 12/15/25, submitted by Commissioner Davis.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 10 – 211336…PLAT: ESTATES OF CONNOR CREEK SOUTH

Synopsis: Plat of Estates of Connor Creek South located at 10401 Hutton Road, being developed by Maderos Property LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat.** Roll call was taken and

there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 11 - 211337…ORDINANCE

Synopsis: An ordinance rezoning property at 13310 Leavenworth Road, (COZ2021-028) from AG Agriculture (WYCO) District to R-1 Single-Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. (RECOMMENDED FOR APPROVAL.)

Action: **ORDINANCE NO. O-22-22**, "An ordinance rezoning property hereinafter described located at approximately 13310 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of AG Agriculture (WYCO) District to R-1 Single Family District." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve the ordinance as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 12 - MINUTES

Synopsis: Minutes from Special Session of January 6, 2022.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 13 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly Business Material dated January 13 and 20, 2022.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to receive and file as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

PUBLIC HEARING AGENDA

Item No. 1 – 211333…PUBLIC HEARING: LEGENDS 267

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds to finance the costs of acquiring, constructing, improving, and equipping a 267-unit commercial multi-family facility, located generally adjacent to the Legends Shopping Center on the south side of Parallel Parkway, east of 110th Street, submitted by Katherine Carttar, Director of Economic Development.

Katherine Carttar, Director of Economic Development, said this is an item that came before the Commission back on March 11, 2021. Nothing has changed about this project. The fee schedule, the amenities, the number of units. This is just for those that were not part of the Commission at that time. This is an apartment complex that is at the corner of Village West Parkway and Parallel Parkway. It is providing a number of amenities for the public, including 350 public parking spaces that will be connected to the current parking garage that is out at the Legends currently, as well as an apartment complex on top of the parking garage that will have 267 units and additional parking spaces for that garage.

There was a process by which we did a, what's called a certainty industrial revenue bond. What that means is we estimated what the projected value of each unit would be. In this case, $65,000 per unit. And what that property tax would be per unit to come up with that fee that they would pay annually. That has not changed. The UG will collect approximately $3.7M in payments in lieu of taxes over 10 years.

You may ask, why are we here then? The answer is because the actual project cost has changed. It's gone up approximately $10M. The only reason, again, I mentioned that the actual unit value has not changed, so this has not changed anything about, speaking with our appraiser, what they will appraise the property for. The increase in, and again, no difference in the actual materials or anything like that. No material difference. The only thing that has changed is purely the cost of materials due to the labor shortages, also the kind of delay in some labor. So, supply chain shortages, labor shortages, and increase material costs have increased that price from that $54M, we had it bond. This is the resolution of intent to issue bonds, previously not to exceed $54M, now we're moving that, requesting a move to $65M. Again, this is not as in industrial revenue bonds. The Unified Government is not fronting any of this money. This is 100% the financing mechanism by which the developer will buy those bonds. We are just truly the pass-

through which is what this resolution is requesting tonight. Happy to answer any questions. I know the developer also is here if there are any additional questions that he could answer.

Mayor Garner said I will now open public hearing and ask the Clerk if he's received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said no comments were received by the Clerk.

Mayor Garner asked, is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand and be recognized. Once you've been acknowledged, we ask that you provide your name and city of residence for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said we do have one comment in the attendees section.

Mayor Garner asked, is there someone? You can speak,

Aaron March, Attorney, Rouse Frets White Goss Gentile Rhodes, P.C., said I'm here today on behalf of the applicant. Once again, we're proud of this project and have enjoyed working with city staff. We're happy to answer any questions which you might have about this resolution.

Mayor Garner asked, is there anyone joining us in the lobby who would like to speak in favor? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and city of residence for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none.

Mayor Garner said I'll ask the Clerk if he received any notification from the public who wish to express there is opposition. **Mr. Deichler** said no comments were received, Mayor.

Mayor Garner asked, is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand and be recognized. Once you've been acknowledged, we will ask to provide your name and city of residence for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none, Mayor.

Mayor Garner asked, is there anyone joining us in the lobby who would like to speak in opposition? If so, please raise your hand and be recognized. Once you've been acknowledged, we will ask to provide your name and city of residence for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none as well, Mayor.

Mayor Garner said I will close the public hearing. Do any members of the Commission have any questions or comments? **Mr. Deichler** said Commissioner Davis.

Commissioner Davis said if you all would just indulge me for a bit. Katherine, can you explain what IRBs are, just so the public has some basic knowledge.

Ms. Carttar said happy too. Industrial Revenue Bonds is a tool by which the project actually kind of uses the Unified Government tax exemption status. The way that this basically works is that the developer or project owner purchases—we bring forward the staff, a resolution of intent for the Commission to issue bonds. In this case the $65M, that's the total project cost. Then, the project is actually built and then the developer then purchases the bonds through—again, we're kind of a pass-through, through the Unified Government. In that way we provide them with the tax exempt status. So, they are technically, and stick with me here, technically paying zero property taxes. However, functionally, they are paying full property taxes. So, what we do is, as I mentioned, we determine what we believe each unit would be at value, work with the appraiser on that, and then figure out what that cost would be. We put together a schedule. I can bring that up on the screen if that's desired and with that schedule, that provides certainty. That's really the primary benefit, is the certainty for both the developer, because they can look at their proforma and know exactly to the penny what they're paying in taxes every year for the next 10 years. Again, it's a payment in lieu of taxes, but functionally a property tax. Then also a benefit to the Unified Government as we can look in our revenue models and know exactly again what is coming to us for that next 10 years without getting BOTA involved and that kind of thing.

Commissioner Davis said I appreciate that. I just want us to kind of know what's going on here. And even with those payments in lieu of taxes again, we're not referencing BPU, we're talking about this? Those payments aren't necessarily subject to kind of the market rate, or kind of the full property taxes that they would pay, if that certain deal was not there, because there is a fee schedule. It's different than what, you know, myself as a homeowner or what others would

pay for property taxes, correct? **Ms. Carttar** said, correct. They will be paying, starting their first year over $350,000. This is a piece of property that we are currently receiving next to nothing in terms of property taxes. So, this will be a significant benefit to the Unified Government.

Commissioner Davis said this development, will they be paying full BPU payments for utilities as well? **Ms. Carttar** said yes.

Commissioner Davis said so they will be paying BPU. There are local, women and minority requirements attached to the payments in lieu of tax payments, correct? **Ms. Carttar** said there are indeed. So far, we had, just so you know, this project is already underway. The garage is almost complete. If anyone drives by, you'll see they're almost done and anticipating to start the apartments here in about a month or two. I have had meetings with Sharon Reed of our Procurement Department pretty much every month since they started. It's been almost a year and we've been tracking those LMW goals and they've been doing very well in that regard.

Commissioner Davis asked, are they any other community benefits beyond the payment in lieu of taxes? **Ms. Carttar** said a big one is that over half of the parking garage actually will be public parking. So, free in public parking for the Legends. The way that they're doing it is, they will actually be connected to the current parking garage, as well as you can enter the normal way you would enter a parking garage. They will have the first few floors, or a portion will be free and open to the public. Then there will be a gate and the remainder will be the reserve spots for the residents. That's a pretty significant one. I would certainly say all the taxes that they will be paying as well as this is 267 units, so a minimum of 267 people, I'm sure more that that, who will be living literally steps from the Legends. That is restaurants, stores. That is the type of thing that when we're looking for very consistent sales in that area, having residents out there is invaluable because that really draws kind of that every single day sales tax that we look for.

Commissioner Davis said you brought up the units. Now, and I guess the developer or whoever will be the landlord could also answer this, will you all you be accepting housing vouchers? The reason why I say that is because we are in the middle of a housing crisis, affordable housing crisis, and as that someone that's going to kind of kick off this committee and we've been having questions about using ARPA dollars, I'm a little uncomfortable with kind of giving over these tax incentives and these tools without getting some help on solving this housing crisis that we have here in Wyandotte County. Will you all be accepting any affordable housing vouchers

within 267 units? And Katherine or whomever is on, can answer my question. **Ms. Carttar** said if their attorney wants to answer, Mr. March?

Mr. March said in all candor this is an issue that is coming up for the first time to us tonight. I don't know that we have thought one way or the other. Now that it has come up, we can look at it and get smarter on the issue. That's about as honest and direct as I can be rather than make something up and be wrong.

Commissioner Davis said I appreciate you. My assumption is that this was passed prior to me being inaugurated. So, nice to meet you virtually Mr. March. These are some of what I would consider upstream issues that this Commission needs to consider. When we're going to give over these large tax incentives and they're going to be the large housing developments, but we're not going to have conversations on whether or not they're going to accept housing vouchers, that is a grave concern. If you all have not had time to at least process that or really think through how that would go into your development, and then we're about to give you $65M in IRBs; Mayor, Commission, I think sending this back, giving the recently, newly elected folks that are on there, myself and Commissioner Stites, letting us get our eyes on it. Our community's focus on housing issues and kind of looking at the available options and giving the developer the chance to work with us to really renegotiate this contract and codify some of these efforts. Now, it that's not doable, that's not doable. But at the very least, I would like to have that conversation before we go ahead and grant this $65M in IRBs.

Mr. Marsh said so, Commissioner, if I could respond. We have all of our financing, all of our private financing is in place. We are spending the $65M. The $54M in IRBs has already been approved. So, our proforma is based upon receiving rents at whatever level. If there is capacity to integrate a voucher program, this developer has worked tremendously well with the city and with staff and we would ask that you approve this resolution and we will in good faith explore the opportunities. But, changing something significant since we've already signed our loans and having all of our equity in for 65 minutes—if we'd had this discussion before we went on the hook for the debt, before we put the equity in, and we're building the $65M facility, that would be a different issue. But we didn't. But that doesn't mean that we won't entertain the conversations and get smart and see what we can do just because we are good corporate citizens. But we ask

that you not hold this up because it's integral to moving the project forward and we're at risk for the $65M. Nobody else is right now.

Commissioner Davis said I appreciate that. I think it would be helpful for you to get my perspective. I ran on fair development and making sure that our tax-paying citizens who do not have the benefit of predictable payment in lieu of tax schedules, that there are property taxes, we don't have that benefit, so we have to pay it by the market. And, therefore, we're not necessarily getting that benefit that you all are getting. I think from a negotiation perspective, we need to make sure that it is a good deal for everybody. I see where you all benefit. I'm trying to figure out how I can go to my district and defend it to folks that are complaining about the property taxes. Because if you were to pay market rate, it would be, I would assume in the millions of dollars that would contribute to our property taxes and would help pay for public safety, public works and some of the other services and maintenance to your development. The fact that conversation is not necessarily happening is what kind of concerns me.

What I'll do is, this kind of puts us in a tricky situation. I may need Misty's help. I will make a motion to approve with mandate that there be a conversation in an agreement on whether or not some percentage of these units are made available to receive housing vouchers. I don't know if that's doable or not, somebody from Legal help me out here, but I do think we need to have this conversation before we continue to pass contracts like this. I see Patrick, so I'll yield the floor.

Patrick Waters, Deputy Chief Counsel, said I would just note, so in this case we already do have a development agreement with the developer. I understand your concerns. I think that would require reopening the agreement that we've already signed with the developer. I think this is an important conversation to have on a future development, but I don't think we can really tie it to the vote tonight.

Commissioner Davis said so in the event that we send this back to committee, could we include some provision if the developer were to agree it's included; could we include it and bring it back at a later date?

Mr. Waters said the problem is we have a development agreement that we entered into with them, I guess a year ago now, and none of these provisions were in that agreement. We're not here opening up the development agreement tonight. I think that's an important conversation

to have on future developments, but with this developer, it's not a stipulation that we can add it at this point.

Commissioner Davis said I see what we're dealing with here. I do have reservations concerning that and I know timing, everything. I do want to be fair to you, Mr. March, but this is an ongoing issue that we have these large projects where the citizens here, the residents that do not get these payments in lieu of taxes, they do not get those benefits. I'm not picking on this developer. I've had similar conversations and I try to be as consistent as I can, but we need to solve upstream issues. I would hope that the Commission would really consider how we go about approving these contracts moving forward.

Commissioner McKiernan said I was going to say that given the number of years that this agreement has been discussed and planned and given the fact that we do have a signed development agreement, I move to approve this item as submitted.

Action: **RESOLUTION NO. R-10-22**, "A resolution amending Resolution 21-21 previously adopted by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, determining it's intent to issue industrial revenue bonds to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Legends 267, LLC and it's successors and assign." **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution as submitted.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Davis. Commissioner Townsend did not respond.

STANDING COMMITTEES' AGENDA

No items.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211338…RESOLUTION: DESIGNATION OF ACTING COUNTY ADMINISTRATOR

Synopsis: A resolution providing written notice of designation of an Acting County Administrator during any temporary absences of the Interim County Administrator, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said I'll ask Cheryl Harrison-Lee, our Interim County Administrator, to make some remarks.

Cheryl Harrison-Lee, Interim County Administrator, said Section 2-102 of Code of the Unified Government states that a written report shall be filed with the Commission subject to approval for an Acting Administrator anytime that the Administrator is absent temporarily or for disability. This resolution serves as notice of filing that report. What would take place would be we have Acting County Administrators on a rotation basis. One of them would serve as Acting if there were any temporary absences. And may I answer any questions?

Action: **RESOLUTION NO. R-11-22,** "A resolution providing written notice of designation of an Acting County Administrator during any temporary absences of the Interim County Administrator." **Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to adopt the resolution as submitted.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 2 – 211332…UPDATE: $15/HOUR BASELINE SALARY

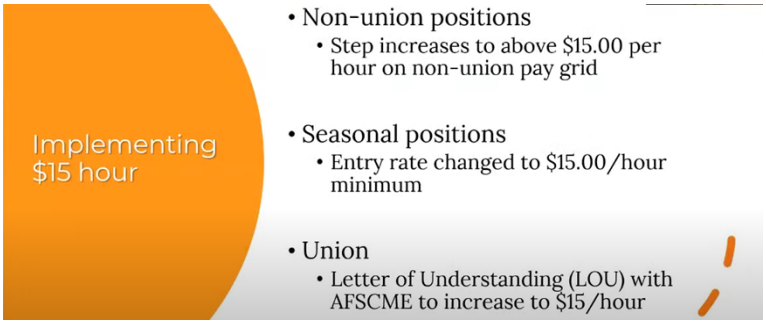
Synopsis: An update on the $15/hour baseline salary initiative, submitted by Cheryl Harrison-Lee, Interim County Administrator.



Cheryl Harrison-Lee, Interim County Administrator, said tonight we're providing an update on progress towards achieving a $15.00 minimum wage across the Unified Government workforce. The $15.00 an hour minimum wage is a priority for Mayor Garner and this administration, as we try to provide a livable wage and competitive workforce. The existing minimum wage at the federal level and the State of Kansas is $7.25 an hour. Last month, the federal government announced that the federal civilian employees will be paid $15.00 an hour minimum wage. It is increasingly challenging to hire people in the public and the private sector and if we are going to continue to attract and retain talent, we need to move to $15.00 an hour. I move to looking at how the employee compensation is being increased.



We have a total of 14 full-time employees. In asking staff to assess looking at our workforce of the 2,300 employees, 14 of them earn less than $15.00 per hour. It is evenly distributed between the non-union and union. Sixty-eight part-time and seasonal employees would make less than $15.00 per hour and so moving to the $15.00 per hour minimum wage reflects a commitment and appreciation of the workforce. It makes the UG more competitive of other markets and the anticipated fiscal impact to move to $15.00 an hour is less than $150,000 per year.



And finally, as we take action to move all positions to $15.00 per hour, the non-union positions can be moved via administration and the Administrator's prerogative to set compensation.

The seasonal and temporary employees are vacant, so when these positions are filled, they will be filled at $15.00 per hour. With the union positions, our Human Resources Department has reached out to AFSCME to establish a Letter of Understanding that will move those AFSCME employees to $15.00 per hour. We anticipate having all positions moved to $15.00 per hour in March. That concludes my presentation.

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

Commissioner Kane said McDonald's is paying $19.00 an hour. I would think that we would increase it to at least $18.00 an hour. The $15.00 an hour sounds good, but our employees, in order to retain them and keep them and bring more people here, I would think it would be a better investment in our employees to pay at least $18.00 an hour.

Commissioner Ramirez said I would 100% completely agree with Commissioner Kane, if that is something the Interim County Administrator can look into and come back with to the Commission on what that price tag would look like. You know, we always talk about how wonderful our employees are, well, let's show that. They work hard every day to provide the services to our community, to provide services to this governing body, so that we can do our job, and they should be paid what they should be paid for. They do a lot of good work and so I completely agree with Commissioner Kane and ask that the Interim County Administrator come back to us with that fiscal impact at a later date.

Commissioner Davis said I'm going to go one up. I think it would be good for us to look at the overall budget impact of $15.00, $18.00 and $20.00. The reason why I'm saying that is because inflation is through the roof, the cost of living is through the roof and to be quite honest, we're late on $15.00. I'm thinking about some of the folks that, you know, I was at KU last month in class talking to them and if we're wanting to get high quality employees, educated employees that are going to bring their lives and their expertise, we really have to and obviously I want to be responsible. We can also talk about a ladder in which we kind of set it up maybe in a three-year

increment in which we increase. But we have to deliver on this, we have to. Our people are our most important asset. That would be my request, I don't mean to one up, but 15, 18, 20 looking at just the financial implications. If we can get some data on cost of living, inflation, what other cities are doing, things of that sort, it would really, really set us up nicely to make a great decision here.

Commissioner Johnson said and maybe to bring just a little bit of balance, I guess, to the conversation, as we are looking at those potential options, I'd like to know what, if any, impact that would have to our overall fund balance and our goals as it relates to that as well.

Mayor Garner said any other commissioners? I'd just like to comment, thank you Ms. Harrison-Lee and thank you, commissioners. Having been a one-time employee of the Unified Government, we do know that our employees are our most valuable assets and if we can continue to do things to champion them, reward them for their service and encourage those that want to work here at the Unified Government, and be good public servants. We want people to know this is the place to come and work and give back to this community. So, thank you, Administrator. I know she's going to do a good job of making sure that whatever decisions are made, it's reasonable, it's responsible, and it's actionable.

Commissioner Bynum said I was just curious; do we have a motion? **Mayor Garner** said this isn't a motion, this is an Administrator's action and it was for information only.

Commissioner Kane said I think that we should look at $18.00 and $20.00 an hour. If I can make a motion or whatever, because our employees deserve to make more.

Mayor Garner said thank you, Commissioner. This item was just information presented to the Commission from our Interim County Administrator. It would be an action taken on her part as she walks through making sure that this is done in a responsible manner. I can assure you at a later date, we'll circle back with an update on the questions in regards to the $15.00, $18.00 and $20.00 an hour, and the decision that she's made as far as the fiscal impact that will have on the Unified Government. Are there any other comments or questions in this regard?

Action: **For information only.**

COMMISSIONERS' AGENDA

No items.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items.

PUBLIC ANNOUNCEMENT

No items.

MAYOR GARNER

ADJOURNED THE MEETING AT 11:10 P.M.

February 10, 2022

_____

Brett A. Deichler
Unified Government Clerk

am

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

SPECIAL SESSION, THURSDAY, APRIL 28, 2022
4:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 28, 2022, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District (arriving late); McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Burroughs, Commissioner At-Large Second District; and Johnson, Commissioner Fourth District; were absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Bridgette Cobbins, Alan Howze, and Emerick Cross, Assistant County Administrators; Monica L. Sparks, Acting Unified Government Clerk; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Chief Karl Oakman, Police Department; Chief Mike Callahan, Fire Department; Angel Obert, Director of Parks & Recreation; Jeff Fisher, Executive Director of Public Works; and Alley Porter, Commission Liaison.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as 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 the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, April 28, 2022. An Executive

Session to discuss security measures and litigation will begin at 4:00 p.m. immediately followed by a Special Session at 5:00 p.m. in the Commission Chambers for a presentation by Unified Government departments of potential projects to be funded by the potential half-cent sales tax measure.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said at this time the Commission will go into Executive Session to discuss security measures and for consultation with Legal Counsel regarding litigation. We have a motion for Executive Session.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, for the Commission to go into Executive Session until 4:30 p.m. to discuss confidential matters related to physical and information systems where an open meeting would jeopardize security, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 4:30 p.m. here in the first floor Commission Chambers. Roll call was taken on the motion and there were seven "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Alan Howze and Bridgette Cobbins, Assistant County Administrator's; Brett Deichler, Interim Assistant County Administrator; Captain Grosko, Police Department (leaving at 4:15 p.m.); Monica L. Sparks, Acting Unified Government Clerk (leaving at 4:15 p.m.). At 4:35 p.m. the following were

present for the purpose of pending claims and litigation: Bynum, Commissioner At-Large First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Ryan Denk, Outside Counsel; and Spencer Lowe, Outside Counsel.

Mayor Garner adjourned the Executive Session at 5:03 p.m.

5:30 p.m.

Mayor Garner said we are back in normal session and I'm going to call this meeting to order. Clerk, can you give a quick roll call. Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum, Garner.

Mayor Garner said I want to announce that we have individuals attending remotely as well as 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 the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Mayor Garner said we are now in Special Session and as a subject of order, I'm going to do another roll call. Clerk, I'm calling this Special Session to order and please do a roll call. Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum, Garner.

Mayor Garner said I will turn this over to the Finance team for a presentation.



Debbie Jonscher, Deputy Chief Financial Officer, said I will start this presentation out tonight. We're here to provide some additional information on the Infrastructure Sales Tax Initiative. We have provided information in past meetings; however, this session is going to focus on potential projects that could be funded with this initiative. We also understand that future engagement with residents and elected officials will still be conducted.



Just to recap, this is a half-cent sales tax. It is over 10 years and the current projection is that it would generate about $200M, with about $17.5M in the first year. We have four departments here tonight that will present some potential projects that the funding could be used for.



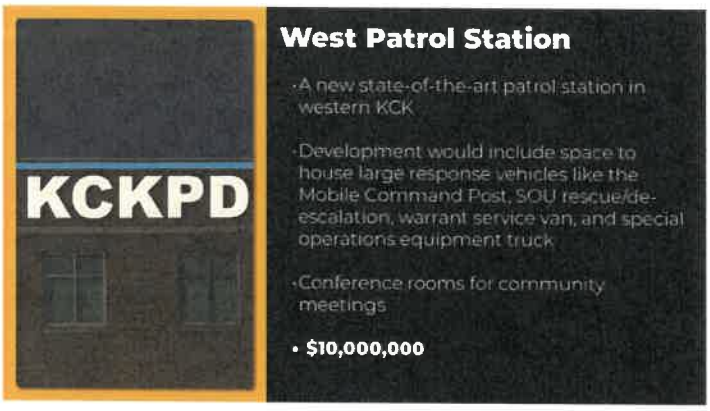
We have representatives from Police, Fire, Parks & Rec, and Public Works here tonight. I will go ahead and turn the presentation over to the Police Department to start this off.





Chief Karl Oakman, Police Department, said on the projects for the Police Department, our two main projects would be a new Northeast Patrol Station. This would be a state-of-the-art patrol station and a development also to include community space and possible gym for public interaction. This is really important to build those bridges in the community to where the

community is part of the police and some of the extracurricular activities that we would be able to do with the public to engage on a different level as well as quiet spaces for focus and improved work. One thing that we look at in policing, we need to make sure that not only are they sound with wellness and other issues, but part of wellness is having a positive work environment that is safe and up to standards and state-of-the-art. So, that's something that we really want to focus on with these projects. Then, a conference room for community meetings.



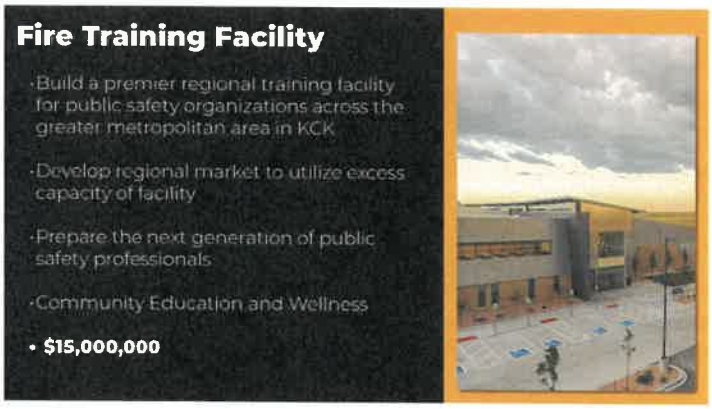
Next, is the West Patrol Station. I don't know how many people have actually been to the West Patrol Station, but that would be our number one priority. As I mentioned, we have to make sure our employees are in work environments that are conducive to getting the best performance out of them and I think our current West Patrol is not situated for the changing demands of policing as well as community engagement. The current square footage of that station does not allow for community members to actually go to the station to interact in any shape or form.

This new station would also include a large garage space for some of our larger vehicles such as mobile command posts, our SOU rescue and de-escalation vehicle as well as other special vehicles that we have. This building would also have conference rooms for the community meetings, so if you can see the theme here, it's making sure that our police stations are part of the community and not just saying we're a part of the community, but actually having events right there in the police facilities where the community can participate. There's other projects, but those are the two main ones from the Police Department.





Chief Mike Callahan, Fire Department, said our portion of this, the top priority for us is the reconstruction of fire stations. This sales tax would enable us to completely rebuild six fire stations, but it would end up touching ten fire stations with combining and consolidating different buildings into one.



Training Facility; this is a $15M facility. It's a regional training facility. The KCK Fire Department is the biggest fire department by number in the state. There's no reason why we can't

brand our fire department and our community so that people want to come here to train. We want people in the region as well as the entire state of Kansas to come here to train and we want that to happen because we have the people who can train others. We want to brand KCK fire with this training facility and this is just one component of what we're looking to do. As I said, it would give us the ability to teach large classes, not just from KCK, but from other departments and we could charge a fee for doing that. It gives us that developmental regional market and we could use the excess capacity as I just mentioned to charge people to come here and learn.

It prepares us for the next generation of safety professionals. Training is a big, big important component in the fire service. There's also a community component in that there's going to be space for the community to come and interact with the fire department to see what the fire department does and there's, as Chief Oakman alluded to, there's a community component in terms of meeting rooms and access to the structure.



I started a little bit on this before, we'd like to reconstruct six fire stations and our fire stations are sorely in need of update and renovation and rebuild. These six stations would enable us to touch ten of the stations we currently have. Some of the improvements are obviously better sleeping facilities, bathrooms, and living spaces. Those are amenities that everybody can recognize, but in addition to that, what we require in our stations is a cancer cutting initiative and that involves what is up here; decontamination showers, extracting washers and dryers for the bunker gear, positive pressure room so that any carcinogens that are brought back from a fire aren't spread throughout the fire station when the individuals aren't—when they're in their resting areas.





Angel Obert, Director of Parks & Recreation, said we did have a menu of potential projects that we did take to the Park Board and worked with them prior to this meeting as well. One of the top projects that they were also in favor of was potentially looking at a new recreation center and what that would look like was a large new rec center, centralized location, in the county and that center could include amenities like an indoor walking track, a pool, fitness equipment, state-of-the-art multi-purpose rooms, showers, and also gym equipment as well. We do know that our newest rec center is 50 years old and the pandemic did also just outline how important it is to our community for us to have good parks and recreation services. So, a new rec center, potentially $35M.



Along with that project, a second project that was highly favored was the spray park initiative throughout the county. What that would look like, taking a look at our current spray parks and where those are located currently in our county, would be an addition of five new splash parks. What that would look like is similar to the concept that we have at Eisenhower, which we know is a very popular concept. It's that spray park and playground combo that's very popular for families to come out in the summer and we know it's extremely hard right now to staff pools. It's a national shortage that everyone's dealing with so we do like that spray parks don't have to be manned. It's a lot easier for us to provide that service without having to staff it with personnel.

What that would mean for this initiative is that ideally every district would have a spray park. That means the neighborhoods of that district would have access to that amenity. Some possible locations that we listed here was Edgerton, Bill Clem, Waterway, Emerson, Clopper, Wyandotte County Lake, and Wyandotte County Park. Those locations were also determined by data from the 2017 Master Plan. That potential project would be roughly $2.7M.





Jeff Fisher, Executive Director of Public Works, said this is an idea that has been kicked around in several discussions in the recent past. It's centralizing some government services and putting it in roughly the middle of the county. This might be a high value project. It might accomplish a few different objectives for those of you on the Infrastructure Subcommittees talking about reducing facilities or repurposing space, maximizing space, maybe selling or repurposing.



We know there are several challenges around this area of 635 & State Avenue over to 47th Street. Some infrastructure improvements in that area, clean up the corners, improved lighting, walkability might be more supportive of whatever development in that area may happen.



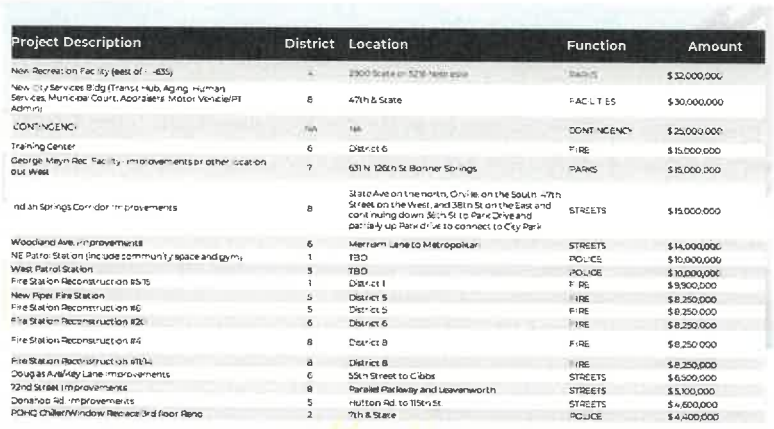
Douglas & Key Lane; this is a good project. Improve the driving experience and, of course, walkability, replace ditches with curb and gutter. A fairly standard project, but if you've ever driven this area, there's some needs there, anywhere from drainage to walkability representative of a lot of different road projects that we have a need for.





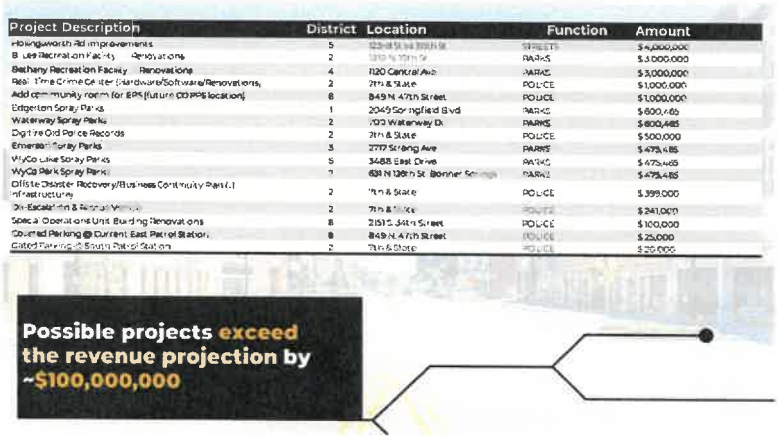
Ms. Jonscher said the next few slides are just some additional information that we provided. This is a map that would show all the potential projects that we have for the different departments and

where they would be located in the county and just showing a different variety of services and how it impacts all of Wyandotte County.



Project Description	District	Location	Function	Amount
New Recreation Facility (east of I-435)	4	2300 State or 5218 Nebraska	PARKS	$ 32,000,000
New City Services Bldg (Transit Hub, Aging, Human Services, Municipal Court, Appraisers, Motor Vehicle/PI Admin)	8	47th & State	FACILITIES	$ 30,000,000
CONTINGENCY	NA	NA	CONTINGENCY	$ 25,000,000
Training Center	6	District 6	FIRE	$ 15,000,000
George Meyer Rec Facility - Improvements or other location out West	7	631 N 126th St Bonner Springs	PARKS	$ 15,000,000
ndian Springs Corridor Improvements	8	State Ave on the north, Orville on the South 47th Street on the West, and 38th St on the East and continuing down 36th St to Park Drive and partially up Park Drive to connect to City Park	STREETS	$ 15,000,000
Woodland Ave. Improvements	6	Merriam Lane to Metropolitan	STREETS	$ 14,000,000
NE Patrol Station (include community space and gym)	1	TBD	POLICE	$ 10,000,000
West Patrol Station	8	TBD	POLICE	$ 10,000,000
Fire Station Reconstruction #5/6	1	District 1	FIRE	$ 8,900,000
New Piper Fire Station	5	District 5	FIRE	$ 8,250,000
Fire Station Reconstruction #5	5	District 5	FIRE	$ 8,250,000
Fire Station Reconstruction #2	6	District 6	FIRE	$ 8,250,000
Fire Station Reconstruction #4	8	District 8	FIRE	$ 8,250,000
Fire Station Reconstruction #11/14	8	District 8	FIRE	$ 8,250,000
Douglas Ave/Alley Lane Improvements	6	55th Street to Gibbs	STREETS	$ 6,500,000
72nd Street Improvements	8	Parallel Parkway and Leavenworth	STREETS	$ 5,100,000
Donahoo Rd. Improvements	5	Hutton Rd. to 115th St.	STREETS	$ 4,600,000
POHQ Chiller/Window Recaulk 3rd floor Reno	2	7th & State	POLICE	$ 4,400,000

These next two slides are a more detailed listing of all the potential projects. In addition to the four departments that you just heard from, we do also have some projects on here for Facilities and for Streets.



Project Description	District	Location	Function	Amount
Hollingsworth Rd Improvements	5	123rd St to 135th St	STREETS	$ 4,000,000
B. Lee Recreation Facility - Renovations	2	13th to 18th St	PARKS	$ 3,000,000
Bethany Recreation Facility - Renovations	4	1120 Central Ave	PARKS	$ 3,000,000
Real-Time Crime Center (Hardware/Software/Renovations)	2	7th & State	POLICE	$ 1,000,000
Add community room for EPS (future CD EPS location)	8	849 N. 47th Street	POLICE	$ 1,000,000
Edgerton Spray Parks	1	2045 Springfield Blvd	PARKS	$ 600,465
Waterway Spray Parks	2	700 Waterway Dr.	PARKS	$ 600,465
Digitize Old Police Records	2	7th & State	POLICE	$ 500,000
Emerald Spray Parks	3	2717 Strong Ave	PARKS	$ 473,485
WyCo Lake Spray Parks	5	3488 East Drive	PARKS	$ 473,465
WyCo Park Spray Parks	7	631 N 126th St Bonner Springs	PARKS	$ 473,485
Offsite Disaster Recovery/Business Continuity Plan (Infrastructure)	2	7th & State	POLICE	$ 399,000
De-Escalation & Tactical Vehicle	2	7th & State	POLICE	$ 241,000
Special Operations Unit Building Renovations	8	2151 S. 34th Street	POLICE	$ 100,000
Covered Parking @ Current East Patrol Station	8	849 N. 47th Street	POLICE	$ 25,000
Gated Parking @ South Patrol Station	2	7th & State	POLICE	$ 25,000

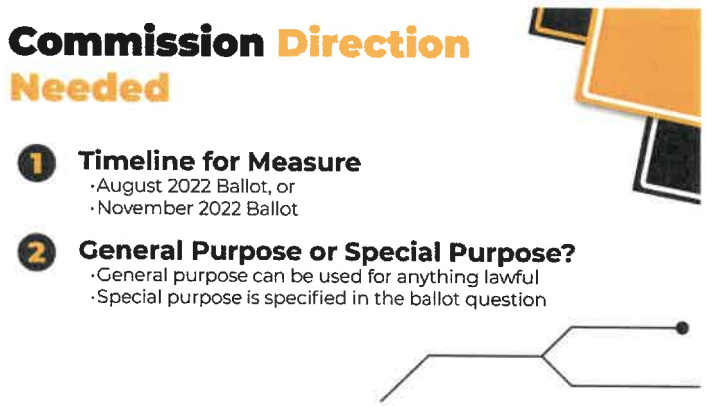
Possible projects exceed the revenue projection by ~$100,000,000

As a note, we do show that if you add up all the projects that are listed on these two slides, they do actually exceed the revenue projection by about $100M.



As next steps, we need to do a project review to obviously ensure that the projects meet the total revenue limit and that would require us to kind of look at the criteria and prioritize the projects that we have to make sure that they did fit into the—meet the revenue requirements. We looked at it as $170M in projects with about $25M in contingency, obviously, because we know that some projects have unexpected costs that come up once they start. Then, validate all the project cost estimates.

For communication strategy, plan for public engagement events and launch dedicated information webpage.



There are a couple extra slides on this. The last three slides are actually, I believe, scheduled to be presented during the 7:00 Commission meeting tonight. So that ends our presentation and we'll open it up for any questions or turn it back over to the Mayor or Administrator.

Mayor Garner asked, are there any comments or questions from the Commission?

Commissioner McKiernan said these projects are really cool. I mean they're cool, but we've been having Infrastructure Subcommittee meetings for the last many months, if not years, and the recurring theme that's come up in those meetings is we can't afford to maintain what we already have. So, am I understanding correctly we're going to build more when we can't maintain what we already have? It is kind of a rhetorical question. Evidently we are going to build more. The overriding question still is, how do we build more and maintain it all? We've been talking about strategic decommissioning of Unified Government physical assets. We do not have a plan that I'm aware of to decommission those.

We've been talking about the fact that if we don't increase the amount of money we spend on infrastructure like our built roads, that we will have gravel roads within a period of about 10 years. We've been talking about the fact that we need to invest more in what we already own and maintain and I can't wrap my head around how these projects are going to add to our maintenance costs. Yeah, the sales tax might pay for them, but how do we maintain them.

Speaking of these projects, how do these projects match or not match the CMIP schedules and the CMIP priorities, Capital Maintenance schedules and Capital Maintenance priorities, that we established last year as a function of our budget? And again, I'll make that rhetorical for now. I won't ask for an answer today, but I do want to know that answer. We spent a lot of time prioritizing projects. Where do these projects fall in those priorities or have they bubbled to the top of the list, and if they have, what happens to all those other projects. Do they fall off the bottom?

We currently have a 3/8 cent sales tax and it's supposed to be for Fire, Police, and Public Works. I would like to know how we're spending that current 3/8th, but what I really want to know is that current 3/8 generates roughly about $9M a year or so I have been told. How does a 4/8 cent sales tax generate $20M a year? If 3/8 generates 9, 4/8 shouldn't generate 20. I know it's been a long time since I did arithmetic, but that doesn't seem to play out.

Then, a follow-up to that, and again, you can follow up with me later, how are we spending that current 3/8 of a cent, on what, what projects? How is it insufficient for what it is we need to do? So, those would be the questions that I would have.

Ms. Jonscher said I will just state that on the—I can probably talk about how we're spending the current 3/8 cent. It is used for Police & Fire services, operations, as well as infrastructure and that

is what it is being spent on. For Police & Fire, it can be anything. It can be Capital, it can be Operating. We do have personnel budgeted in that fund for both Police and Fire. There's a variety—there's Operating in Capital. On the infrastructure side, we are only allowed to expend that money for capital improvements. We do have, I think, several street projects that are budgeted within that fund.

Your other one, do these projects align to the CMIP. I haven't look specifically at all of the projects that has been presented there. I know some of them were probably on—they have been submitted in the past, but for whatever reason they were not funded, maybe due to the priority of other projects. I might have to have the department's answer that, but some of these are in the CMIP. For instance, the fire stations, we have already completed one. We have another one, I think, that is just starting. We had them budgeted every other year. I don't know that we've kept quite to that schedule because I think the first one took a little bit longer, but some of them are budgeted. It may be that some of these projects are budgeted in the outer years, but without looking at the CMIP, I can't answer that for sure.

The last one, I think, was your answer on how we came up with the projection for the current sales tax. I don't have that information with me. I would probably have to go back and check that. I think you are correct—I believe the sales tax, I haven't looked at it this year, but I thought in the past it was generating somewhere between $10-$12M, but you're right, it's not generating $20M. I will probably have to follow up with our CFO and look at the projections a little bit closer because I have not seen those, but we can definitely do that and come back with that answer.

Commissioner Bynum said I have a host of questions. We're going to see this again in the 7:00 hour, is that correct, so I may ask them again. I kind of want to go on record with all of my questions so for staff bringing forward your projects, really none of my questions are about whether you are doing anything appropriate or inappropriate. The projects are great, but I have a list of questions and I'm going to try to get them out in front of everyone on to the record, but Debbie, I'm sorry, I think the beginning for me is if you could give us the briefest summary explanation of what is our Consolidated Parks Fund. That might be a good kicking off point for me because I have questions specifically about the parks items and the swimming pool and things like that.

Could you provide that to us? Just a few sentences, what is the Consolidated Parks Fund and how is the Consolidated Parks Fund funded. Can you tell us that now?

Ms. Jonscher said the Consolidated Parks Fund is funded with the Alcohol Tax, the Liquor Tax, so when we get that money it is split—oh no, I'm sorry, that's the Special Parks Fund. I got confused there. The Consolidated Parks Fund is funded not only—there is a small mill levy. I believe it's about two mills that funds the Consolidated Parks Fund as well as there is an appropriation that comes from the City General Fund and then also any of the fees that are charged for shelter usage, any of the league fees, anything like that and that's what funds the Consolidated Parks. The budget is between $6-$7M, maybe closer to $6M.

Commissioner Bynum said and that's how our Parks & Rec Division is funded, yes? **Ms. Jonscher** said yes. **Commissioner Bynum** said and the two mills, county side or city side? **Ms. Jonscher** said the Consolidated is considered a county fund. **Commissioner Bynum** said it's a county. **Ms. Jonscher** said it is county. It is part of the county mill levy. **Commissioner Bynum** said thank you, that's a good starting off point for me because my original reaction to the presentation simply is that we're going to propose a half cent city of KCK sales tax and then we're going to do county projects with it. So, right away I have an issue, a legal issue in my mind, and I'm not asking you to—you don't have to stand and defend that. I'm putting this out to the universe and to our Legal staff because one of the projects listed was a spray park in Wyandotte County Park, which is situated in Bonner Springs, Kansas and that bothers me.

If we want to have a half cent county tax, then all this goes away and I'm fine, but I'm just saying I think out the gate, that's a problem. Any county park, our parks are county funded, so I'm struggling there. You may or may not have the answer.

Ms. Jonscher said I may be able to provide you some clarification. After we consolidated—you know, before we consolidated we had a separate City General Fund and then there was also a county mill levy. At some point, I think around 2008, they were consolidated into one because the Parks & Rec Department not only takes care of the county parks, but also city parks, so they're all included. I believe that is where the initial appropriation that is done from the city because it was combined into one and it's getting a county mill levy. There is an appropriation from the City General Fund to the county—the Consolidated Parks Fund, I believe, that helps to fund the repairs or maintenance for the city parks also.

Commissioner Bynum said thank you for that. I think it's important that we understand and I think the questions I'm asking are possibly in the weeds, right? We might be too early for delving into that sort of thing, but at the same time we're having a public conversation about asking our community if they want to pay extra for some stuff and I think it's critical that we all have clarity around how that would work. **Ms. Jonscher** said right, and I think I would probably defer to—we might have to have some information from Legal regarding the—because I know we did look at that when we did the 3/8 cent sales tax also as to what could be funded. Because it was a Kansas City, Kansas tax, we had to make sure that everything we were funding was falling under that, but I'm not exactly sure how that would work with a—because it is a Bonner Springs park if it's in Bonner Springs but it is a county park, but I think it's for sharing with the consolidation is the answer.

Commissioner Bynum said it sticks out for me, so I'm going to try to just flip through these. I'm not asking for answers necessarily. I'll probably flip through them again in our 7:00 meeting. Again, kind of a similar question, we're contemplating building us a city services hub and putting county funded agencies into it such as Motor Vehicle. We spend a lot of time delineating what is a city and what is a county function. I can assure you Bonner and Edwardsville have questions about whether they're paying for things that they don't receive. So, again, another, to me, technicality.

Indian Springs road repair, I'm just all over the board here, I would hope that if a development project were to come forward for that, we would be talking with that developer about participating and paying for road improvements there.

The rec center with the pool sounds magical. I'm going to want to know what is our staff's best idea of the ongoing maintenance costs of an indoor swimming pool because I think it's really high. That goes back to Commissioner McKiernan's question about, you know, deferred infrastructure and Public Works projects that we currently have right now.

The $200M total over, I guess, that's over the lifetime of the 10 years. If we were to place it on a ballot, let's say that it might start being collected January 1 of '23, but we've got projects that we want to do right now, we want to have some new spray parks by next summer, would we bond those projects and use the revenues from a sales tax to repay ourselves? That's a question I would like to—we will need to work our way through that, you know, because we

already have a list of projects we would like to see happen and we don't have a dime yet to fund them.

In the slide presentation, and I don't know who to direct this question to, there's a whole list of—two pages of desired projects and I would like to know who added projects to that list like literally, specifically who created that list and were any commissioners involved in putting projects on that list. And if so, why were all the commissioners not involved in putting projects on that list. I'm going to identify that what I didn't see, and Commissioner Kane can tell me if I'm right or wrong, he's been asking for a park in Piper for a decade or more and I didn't see it, so I'm going to guess Commissioner Kane wasn't involved in putting projects on the list. Again, these are all just questions in my head, questions that I'm going to want answers to and I think the public who we're going to ask to decide needs to know the answers to all the questions that I am asking.

I'm going to reiterate one more time—I'm going to back up a step and I'm going to say on the record, Chief Oakman, I 100% want a Northeast Police Substation, so I will say that because I know Commissioner Johnson and I have been advocating for that for a while and I think Commissioner Townsend has joined us. I think it's on the unfunded CMIP, so I'm going to state for the record, I 100% support that. I'll just leave the rest of it there. I guess I'll let somebody else talk.

Commissioner Ramirez said thank you staff. You may have answered this, how much do we collect in the EMS tax? **Ms. Jonscher** said on the EMS one, that's the quarter cent sales, I think it might be—I don't have that number right offhand, I'm thinking it might be $12M. I don't know. He's thinking $9.5M. **Commissioner Ramirez** said that's the one that's split between Police, Fire, and—**Ms. Jonscher** said no. The EMS is just for EMS. The 3/8 cent is the one that's split between Police, Fire and Infrastructure. **Commissioner Ramirez** said okay, that's the one I'm speaking about. Sorry, I'm getting them mixed up. How much do we—**Ms. Jonscher** said I think that might be $10-$12M, probably closer to 12.

Commissioner Ramirez said correct me if I'm wrong, to my good friend, colleague Commissioner Kane, as long as I've been on this board, I believe he's been asking for a breakdown of how much we spend of the specific items, we spend that sales tax on. I'm going to make the request once again that we get a line item itemized list of everything that the Police, Fire, Infrastructure is spent with that tax. That we know what is being spent because if a constituent

came and asked me what's being spent, I couldn't tell you. **Ms. Jonscher** said we can provide that. I think in the budget document we do provide a one page that shows the breakdown for each, but it doesn't—it may breakout the line items, but it may not show like if it has Capital—it's not going to show what the individual projects are, so we can provide that. **Commissioner Ramirez** said if you could, that would be great because it does not show the itemized individual projects or expenses. I would like to see that. I'm sure not just I, but the entire Commission as well, would like to see that.

Just a couple questions pertaining to some of the departments. The first one, and I know, Chief Oakman, this was before your time when you were Chief, when the South Patrol station was built, how much was that in total?

Chief Oakman said we talked about that and I think it was somewhere between $4-$5M. **Commissioner Ramirez** asked, so how did we build a—it's a beautiful facility in Argentine that's $4-$5M and now the two that is being requested is $10M, so the two patrol stations $20M in total for two when for one we built one for $4-$5M.

Chief Oakman said that's an estimate and I will tell you although South Patrol is a nice station, it still doesn't—it's still too small for the needs of the Police Department as well as the community. So, $4-$5M is pretty unheard of for a patrol station. Like I said, the size, it's pretty small. There is a community room in there, but it's really not big enough. So, this is looking at the future to make sure we can adequately staff what we have and so we're not coming later in 15 years talking about building a station to replace it. So, you want to spend that money appropriately to make sure that you have room to grow and then it's expensive to add community spaces to those buildings. I think it's very important that a police station is open to the community and not so small that the community cannot really—you know, each of you should go out to West Patrol and try to go in that station. I mean it's the size of a garage and we have a large amount of officers that have to work under those conditions daily. We tried to do some things to clean up the station, but it's been ignored for years and it's gotten to the point where oftentimes we have issues whether mechanical or just physical issues that oftentimes we have to shut the station down. No one should have to work under those type of conditions. Hopefully, that answered your question. **Commissioner Ramirez** said it did. That was the only question I had pertaining to the Police Department.

The other one I had was for Public Works. I think Commissioner McKiernan hit the nail on the head when I and the other majority of the commissioners have been serving on the Infrastructure Subcommittee to come up with a data-driven plan of outcomes and strategies to figure out how to fix our infrastructure. One of the things that came out that staff helped us realize, we build all of these projects, but we don't budget for O&M, for Operating & Maintenance. That doesn't just go for our infrastructure, that goes for our facilities as well. That's all facilities across the board. That's why some are in disrepair, some of our recreation centers are in disrepair because we don't put the—we put the investment to build it, but we rarely put the investment for the O&M.

As Commissioner McKiernan said, we're wanting to build more when we can't even upkeep what we currently have. I don't understand how we can make that happen, so with the Public Works projects that were part of this, Jeff, how were they chosen, if you don't mind me asking?

Mr. Fisher said they are from the unfunded list that have been scored and ranked. Public Works has been consistent; street preservation, bridges, street lights; we have a whole lot of facilities to maintain. But if there's desire to do road projects like Douglas and Key Lane, then that's a good candidate. Hollingsworth is good. They are from the unfunded list. They have been scored and ranked.

Commissioner Ramirez said I will say, later tonight we will be presented our community survey results and, once again, streets is the number one priority for our community. I'm not surprised. As most commissioners on this board have said, the community survey is our guiding star. It's our guiding document for when we do budget. I know we'll probably give direction later, but I'm going to give my direction now. I'll publicly state again that I support a sales tax to deal with some of the issues that we have, but not this year, next year. Let's bring everybody to the table, don't leave anybody out, and let's do the work and actually create a product that's best for our community. That's what I ask because if it's on this year's ballot, it will fail. People are still hurting post-COVID of the financial impact. Prices all around are still going up, inflation is crazy, and to add another tax on them, yes, we may be able to—we will provide tax for property tax relief, but sales tax is a regressive tax on our low income families.

So, that's the direction I give that we postpone, not the discussion, we can continue to have the discussion, but put it on the ballot next year. Let's have a robust open and honest conversation. That's all I ask and that's the direction I give.

Commissioner Townsend said thanks to all of you, the UG hardworking employees. It's just interesting to be here in the Chambers again after two years and one month, so just had to say that. Thank you for all your support of my district, the entire community during a pandemic for which there hasn't been really anything like it, so thank you all, it's good to see you. Having said that, I don't expect answers tonight. When I got the package I'm just going through and I swear some of my former commissioners—commissioners was here, were standing over my shoulder, so I don't expect answers, but I just wanted to kind of get this out and talk about the concerns or questions that I have before we would move forward with this.

I'll start similarly where I think Commissioner Ramirez left off, how does any of this coincide or not with the results that we're just reviewing of the community survey? How does any of this do it? A great wish list, but how does this really rank in terms of what the community has said they want to see?

One of the things I did see and didn't even need a community survey to know it, our constituents are concerned about the amount of taxes that they are paying, that they write the check for when they write their property taxes. So, just as a matter of tax for whatever it is in any other way, if we're talking about cutting taxes, how does it really look to the community at this point to be burdened with another tax, similar to what Commissioner Ramirez was saying.

Let me just go through some of these. I just wrote notes on the particular presentations. My apologies to those who presented, Chief and Chief, and anyone else, but I'll go back and look at this to see. So, I just kind of wrote notes. Commissioner Ramirez again looked over my shoulder with regard to the Northeast Patrol Station, what was the cost of the South Patrol Station? I think that was the last new one, so I've got the answer to that.

Reduction of crime is the real concern. How will building a $10M patrol station in the northeast area help us reduce crime in the city? I understand that the meeting places and our officers need places large enough to accommodate what they have to do, but how would this help reduce crime in the area and how will it be selected? I'm not quite sure that I'm all the way with this idea as Commissioner Bynum and Commissioner Johnson and to that I'm also looking at how the Northeast Patrol Station is described here plays or not with some open economic development projects in the northeast area that mentioned maybe not a station this large, but a community station that I bet would be a heck of a lot less money. So, again, I'm just putting out. These are the things that I'm considering.

With regard to the fire station, I saw details here that mentioned Station 5 and 15, and 15 was the one in Fairfax and 5 is holding things down, but I toured each of those stations back in my first term and 15 was the newest one of the group. So, I would be more interested right now in seeing 5 redone and 18 redone, but more importantly, how does this plan that I'm seeing here jive or not with the plan that was done that mapped out needs or made recommendations about our needs for fire for all of the districts. That would be another thing I would be concerned about.

With the Recreation Department or the Parks & Rec, love Parks & Rec, but I'm not sure I understand why we have spray parks pads with personnel. I wasn't quite sure about that. With regard to a new rec center with an indoor pool; love, love, love Parkwood Pool, but as I've said and continue to say you can't open a pool without lifeguards. So, why are we looking at building an indoor facility with a pool until we get this lifeguard thing straightened out? You know Mahomes needs that football before a touchdown can be scored, so I love the idea of it but I mean they're just some practical things. Where would that new rec center go? Would you use part of Parkwood, where would it go? These are the types of things that I would be interested in hearing more about because that may impact—what I'm seeing here is $35M, again, where did any of these numbers come from?

The Indian Springs corridor, I think my question of concern would be how does this impact what was the Scavuzzo Project or anybody who might come behind them? I mean, how is that going to better that area, how is it going to interfere with someone else who may want to make a bid or come to that property? Those were just some of the things that I had written down. I'm sure there will be more, that just kind of go on the record for some of the concerns I had.

Once again, as a member of one of the standing committees that dealt with infrastructure, I want to see that done before a lot of this other stuff is done. All of us drive up and down the street and thank you to the Public Works staff who last year gave us a tour and every time I'm going up and down the street now I'm thinking okay, that's 25 on the bumper meter. Every day I'm driving by lights that are out, streetlights that are out. These are the things I would like to see addressed first, but I promise that if and when I win the lottery, I'll be looking at this list again, but that's kind of where I am right now with this right now.

Commissioner McKiernan said I'm just going to go back and touch on a point that I did make earlier, and I don't want to pick on you Jack, but I think you were here when this happened. Back

in the days of the housing crash, it's my understanding that we significantly reduced the annual operating budget for the Parks Department. Do I remember that correctly? And we have not yet, and it's a leading question because I know we did, and we have not yet to the best of my knowledge fully restored that funding, so we have not recovered our capacity to maintain the existing parks we have and this is just going to go back and touch on a point that I've already made. I have to be educated as to how we can add more when we are not routinely budgeting for the maintenance operation and ongoing repair of our existing facilities.

Commissioner Stites said in regards to the 3/8 cent sales tax where you said it was Police, Fire and what was the third? Was it Admin? **Ms. Jonscher** said infrastructure. **Commissioner Stites** said infrastructure, so something that you had said and, of course, this is my first go-around as commissioner, but could you explain why is it that—you said there was payroll included. **Ms. Jonscher** said payroll is included for police and fire because we are allowed to fund police and fire operations and capital, so I believe there are 25 police officers and 25 firefighters funded in the Dedicated Sales Tax. On the infrastructure side, it is only capital improvements. There's no personnel, there's no equipment, it's all capital. **Commissioner Stites** said so if we were to take those 25 and 25 out of this 3/8 cent sales tax fund and put them under the regular payroll, what kind of number—would that then adequately fund the needs for the Police and Fire Department for upkeep of the West Patrol or the fire stations, because to me that's what it seems like that is designed for, not to pay payroll, but to maintain our facilities. **Ms. Jonscher** said it would, yes, if we were to move the personnel out of the Dedicated Sales Tax and back to the General Fund, then all of that funding would be eligible for capital improvements. I don't have that number on what that personnel number is. **Commissioner Stites** said to me, and again, this is my first go-around seeing this, and I'm not here to be critical about it, but I'm just saying that cleans that 3/8 cent sales tax fund up. It lets it fund what it was designed to fund and I would be in favor of moving that in that direction.

Mayor Garner said thank you Chief's, thank you staff, Parks and thank you commissioners. I fall in line with our commissioners. This is something that I wanted to bring forward. A lot of you that know me in the community and staff here know that I worked in the Police Department going back to 1987. Some of these questions that were asked today I asked, where's the money

going especially when you look at our crumbling bridges, roads, sidewalks. I worked in an environment on the Police Department where it took years for us to get police stations. Then you look at our neighbors when I was a public servant, our fire stations are in disrepair. You talk to the community, you talk about services, when you talk about rec centers and the programs and the fees that are charged, where is the money going? When you talk about crumbling facilities and upgrades that are needed and then tonight what we find out is, there's taxes there and our commissioners have been asking for years, if I'm correct, where is that money going.

This conversation I wanted to be brought forward to our Finance team and our CFO to hopefully answer some of these questions, but not just answer the questions that I had and I knew the commissioners had, but to also bring forward the needs that this community deserves, that our men and women in uniform deserve and some of these road projects that our community need and why is this so important. Because when you talk about investing in the disinvested and you're talking about trying to bring Wyandotte County back to a state of resilience, what do people look at. They look at schools, well, we know four out of our—three out of our four school districts have invested in redoing their schools. When you look at public safety, developers and people that want to move here, they look at schools, they look at public safety. We need to make sure that we support our men and women in uniforms so they have the resources and the facilities to be able to keep this community safe because a safe community creates a great community, in my opinion.

You look at amenities, what type of recreation facilities do we have for our seniors and our young people and everything in between and the fees and costs associated with those, sustainability is a good question and we need to talk about that.

This conversation and this presentation is just the first step as we move forward. What I would like to see, staff work with our commissioners and our community to define as we go through this budget process, as we look at our survey and really define and narrow down within that $200M what the priorities are. Then define if this is something that is not just something that we want, but something that is really needed in Wyandotte County. I think it is, so this is designed to get that process started, but there are a lot of questions that need to be answered. That's pretty much what you can look forward to moving forward is to have that conversation with our commissioners, with our community, and with our staff leadership to hopefully get something to our commissioners that is more strategic, that outlines all their concerns. I ask that if we can get

there, that if we are asking our commissioners as we move through this budget process, to consider addressing our PILOT and addressing mill levy decreases.

I would like to see this community put some skin in the game and really look at these facilities and these things that really could spur reinvestment in Wyandotte County and make those decisions and I would like for the community to make that. Hopefully, this Commission will feel comfortable with putting a sales tax initiative on the board so the committee can debate it and make that decision moving forward.

Thank you all for the presentation. At this time I'll adjourn the Special Session and invite Commission and staff to attend the Fire Department graduation ceremonies at Memorial Hall. We will convene here at 7:00 p.m. for our full commission meeting.

MAYOR GARNER ADJOURNED
THE MEETING AT 6:00 p.m.

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Brett Deichler
U.G. Clerk/Interim County Administrator

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

SPECIAL SESSION, THURSDAY, MAY 19, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, May 19, 2022, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District (left at 6:10 p.m.); Davis, Commissioner Eighth District (left at 5:39 p.m.); and Garner, Mayor/CEO, presiding. McKiernan, Commissioner Second District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Monica L. Sparks, Acting Unified Government Clerk; Debbie Jonscher, Deputy Chief Financial Officer; Bridgette Cobbins, Assistant County Administrator; Brett Deichler, Interim Assistant County Administrator; Reginald Lindsey, Budget Director; Jeff Fisher, Executive Director of Public Works; Angel Obert, Director of Parks & Recreation; Dave Reno, Public Works Community Engagement Officer; John Kelly, Director of Buildings & Logistics; Greg Wooten, Building & Logistics Manager; Michael Peterson, Assistant Budget Manager; Jeff Miles, Interim Fleet Manager; Alley Porter, Commission Liaison; and Taylor Wash, Organization Effectiveness Coordinator in County Administrator's Office.

MAYOR GARNER called the meeting to order.

ROLL CALL: Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, May 19, 2022, at 5:00 p.m. in the 5th floor conference room for a presentation from the Infrastructure Subcommittee and discussion regarding Capital Maintenance and Improvement projects.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight, we will have a presentation from the Infrastructure Subcommittee and a discussion regarding Capital Maintenance and Improvement projects, which is CMIP. I'll turn it over to the Administrator to introduce the presenters for the Infrastructure Subcommittee presentation.



Cheryl Harrison-Lee, Interim County Administrator, said equally as important in doing the budget and looking at the operational component is looking at the capital component. We all know if you're going to have economic development opportunities, we must have infrastructure that matches those opportunities or allows us to continue to keep the city growing and on the move. Tonight, we're going to be talking about the needs, some of the funding shortfalls, and proposed projects. I'll turn it over to Jeff Fisher, our Public Works Director, to start that presentation and to introduce the team that will be presenting tonight.



Jeff Fisher, Executive Director of Public Works, said as you know summer of 2021, the Mayor commissioned three subcommittees around infrastructure, identified commissioners who serve on each of those committees, and then to work with Public Works, Parks & Rec, Finance, Budget, and now we've met nearly 30 times since then and that work has been outlined in a document that has key outcomes and strategies that the committees felt were important for the short-term and the long-term. The committee Chairs are here tonight to present their findings and highlight that document. I'll turn it over to the Chairs.



Commissioner Johnson said I'll start out tonight. As Jeff has mentioned, they've met almost 30 times since the time that this started last August. I want to appreciate Jeff and, Angel also, for the work that you all have done to bring this information to us. As they mentioned, and I really hope the public sees this presentation because it's so vital for our city and our county to move forward. They broke us up into three subcommittees. First is Streets, Bridges & Streetlights, the next one is Parks, Recreation & Facilities, and the third one is Stormwater & Wastewater.

I will give you this caveat. Tonight we're not going to really deal with stormwater and wastewater because as we all know this is an issue that has taken on its own life and it would really

overshadow some of the things I think we want to present tonight. So, I just wanted to make sure everybody understood that.



We see the Needs by category.



We have five particular areas that we need to figure out how we're going to fund through the General Fund. If you will just look at the first one, Bridges. The need is $14M a year and then the Have lets us know that we're not even at a half a million dollars a year. Now, that number is not going to match what you see in the CMIP report later because that Have is an annual average. It's an annual average of $476K so you can tell we are a little over $13.5M short of the actual need just for bridges.

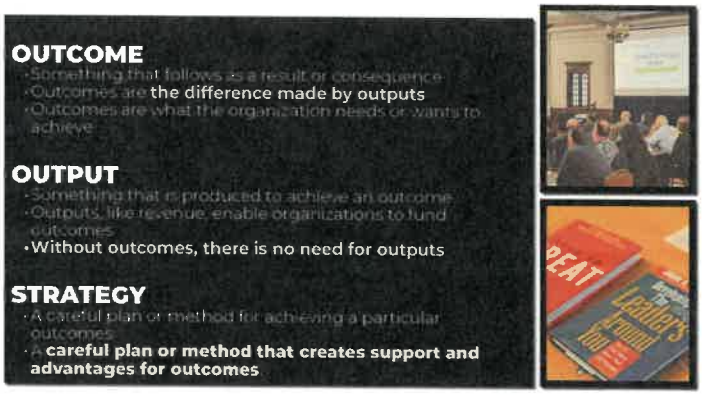
Streets, you can look at and see $20M is the Need and $5.7M right now is what we have. That is indicative of all of the five categories. The things that we need to keep our community growing that are demanded by our budget, we are woefully short in most of those.



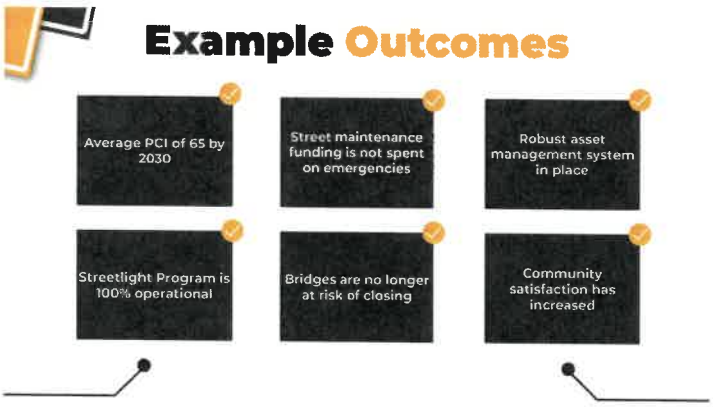
The next slide tells us, and I really like this particular one, the Enterprise Needs. The first slide is what it ought to look like. We have a need of $36M and we have a revenue stream of $36M, so it pays for itself. When you go onto others such as stormwater, we only have half of what we need, so this is an ongoing theme that we're going to see throughout this presentation by my colleagues.



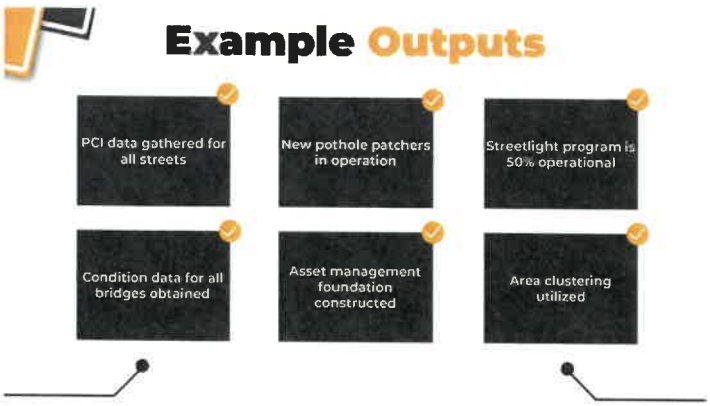
The next slide tells Outcomes, Outputs & Strategies.



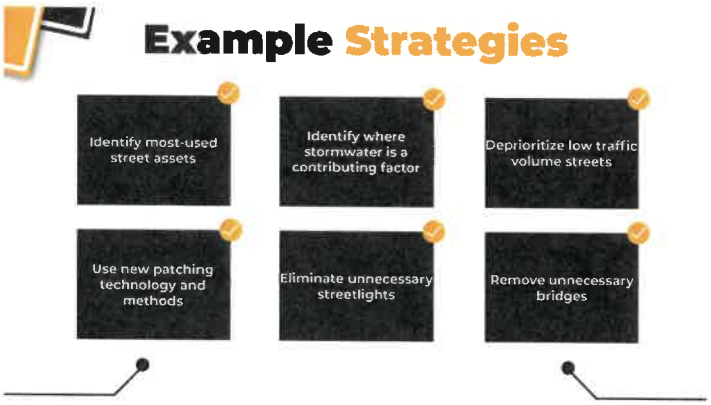
As we look at those three, I will first of all emphasize the middle one. Outputs, if you'll notice the last bullet point, it says without outcomes, there is no need for output, so I'm not going to really focus on that, but we want to focus on the outcomes and those are the difference made by the output, so they're all tied together, something that follows a result or a consequence and so we see these things all throughout our cities as we look at potholes. They are an outcome of the fact that we have not had enough money to be able to take care of those things. Strategies are our plan or methodology that creates support and advantages for outcome. I think that the thing that I want to emphasize with this is that we have to make sure that we are intentional about what we do, about how we do it and how we fund it. We need to be intentional about every single strategy that we put forward as a Commission.



I'm going to have kind of a theme here to look at the average. These are outcome examples and these are not the actual numbers and I want to put that out there upfront. Example of outcomes; if you look at the first one, the average PCI of 65 by 2030, that is an example of an outcome. That's not the actual example, but that is something that we need to be looking forward to putting out there. The thing that strikes me the most is the last outcome and I think that is relevant to right now and where we're going. The community satisfaction has to increase. We want the community to continue to say Wyandotte County is a place that we want to live. Wyandotte County is a place we want to raise our families.



As we go to this next slide, I'll point out pothole patchers in operation. Many of us did the tour with Jeff and Dave. Do you all remember that? I think in retrospect that Jeff and Dave put us on that school bus on purpose because for the first time in my life I felt every single pothole from 7th Street all the way out to 110th Street. That renewed and it sparked an appreciation for the PCI, so that's an example of an output, new pothole patchers in operation and in my church we would say amen to that.



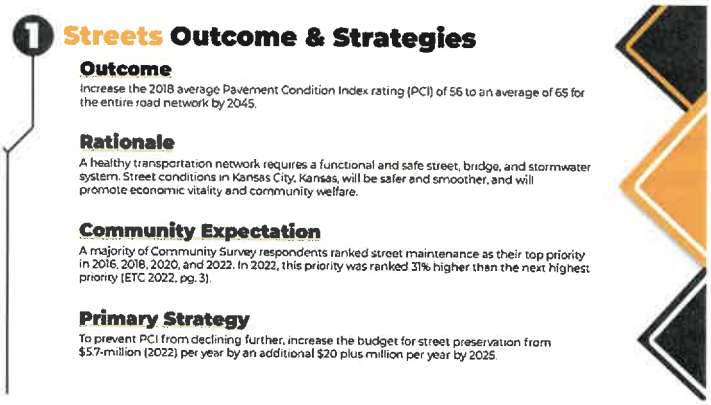
As we look at Strategies, I want to, you know, juxtapose the first item with the third item, we want to identify the most used street assets as juxtaposed as to deprioritize low traffic volume streets. I think I heard Jeff, and you can correct me on this, I think I heard you say that, or someone in your staff said, that in Wyandotte County we have more streets per some measurement than our neighboring counties and that lets us know there are problems—we know that there are probably some streets that don't have to be activated or inactive right now or are active right now. So, we need to make sure that we are removing the things that are not high priority, the things, for instance,

unnecessary streetlights, unnecessary bridges are things that could be strategies as we move forward.

I think that concludes my portion and I'm going to pass it to Commissioner Bynum.



Commissioner Bynum said we're going to take you into the three areas again, two of three, by starting off with this vision statement; "a sustainable community of choice, free from threats and burdens of failing and unnecessary infrastructure." That's it in a nutshell. That is the balance of the rest of what we bring you tonight and it's a guiding statement for what we ask all of us as the elected body together to be thinking about from here on out especially during this budget cycle.

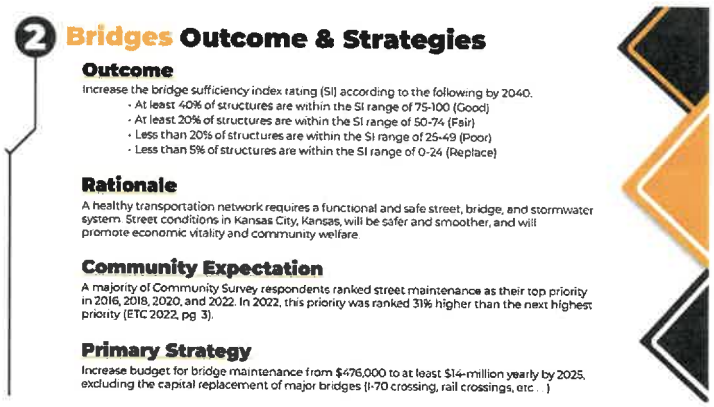


The area that I chaired was streets. Excuse me, streets, bridges, streetlights and sidewalks, so those are the areas that I'll be walking you through on the slides. You have this document which is the long version of what we're bringing you tonight. It's 20 some odd pages of typed material and the reason I hope you'll spend some time with this document is because this is the capture of all the work that was conducted in the almost 30 meetings that we all spent together.

So, before I go on, I just want to say thank you to all the committees, but specifically, for my committee; Commissioner McKiernan, Commissioners Townsend and Stites, and mostly thank you to our Public Works staff, Parks, and our Finance folks. This was an intense and sustained series of conversations. And to the staff, I'm most grateful probably not only for the expertise that you bring to your work, but for agreeing to the open and honest space in which we did that work and the dedication that you showed every time we had a meeting.

With that, we'll start with streets. This is a real indicator; increase the 2018 average Pavement Condition Index of 56 to an average of 65 for the entire road network by 2045, so it's a 20-year goal and we're only trying to move up nine points. It just shows you what a heavy lift it is. It shows you how much work there is to do.

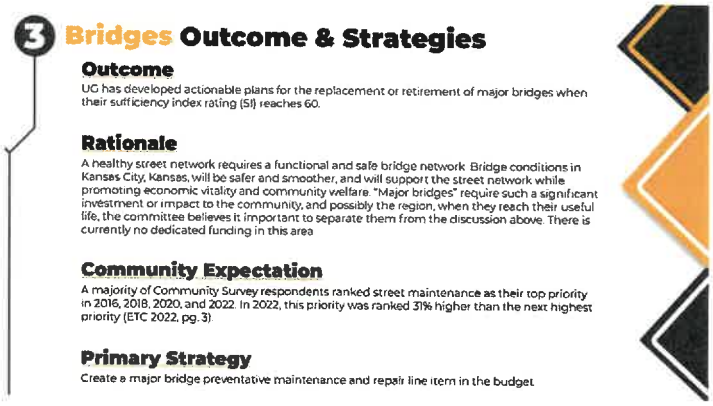
The rationale and the community expectation, you'll begin to see that's quite repetitive, but a healthy transportation network requires a functional and safe street, bridge and stormwater system. You know street conditions in KCK will be safer and smoother and promote economic vitality and community welfare. The expectation of this community as born out over and over again. As you can see here is that they ranked street maintenance as their top priority; one, two three, four; four times over six years. In '22 the most recent one that we just saw a few weeks ago, this priority is 31% higher than the next highest priority. The priority strategy here an infusion of dollars. To prevent our Pavement Condition Index from further decline we must increase the budget from the current average of $5.7M to an additional $20M within just a few short years.



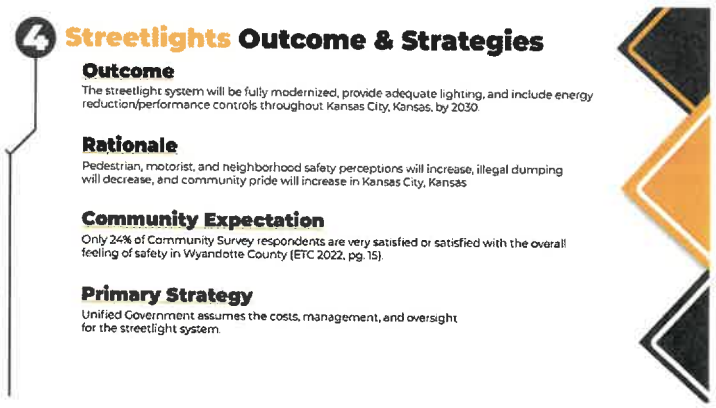
In the bridges category, again, starting with the outcomes, we want a bridge sufficiency index rating according to the following by 2040. We're saying 40% of our structures are within a sufficiency index range of 75 to 100, which we call good. Now, Mr. Fisher, before we came to

the meeting I believe you may have indicated to me that we're at that goal right now. **Jeff Fisher, Executive Director of Public Works,** said that's correct. **Commissioner Bynum** said so maintenance is critical. We want 20% of our structures between the range of 50 to 74 in the fair category, 20% in the poor category and we certainly want less than 5% in the replace category. So, again, a healthy transportation network requires a functional and safe street, bridge, and stormwater system. The community expectation with this item as well is the same.

Street maintenance is the top priority of our community survey respondents, 31% higher than the next highest priority and how do we get there, we get there with budget dollars. At least we believe that is the number one strategy and that is less than 500—less than half a million that we currently budget to this outcome. It obviously needs to be increased dramatically by 2025 and we did want to point out that in the big document we have 270 bridges that we are in charge of and they don't include bridges like I-70, that's not Unified Government work to do. It does include bridges like the Kansas Avenue Bridge so you can see the specifics and the documentation of these bridges that we speak of within the bigger document.



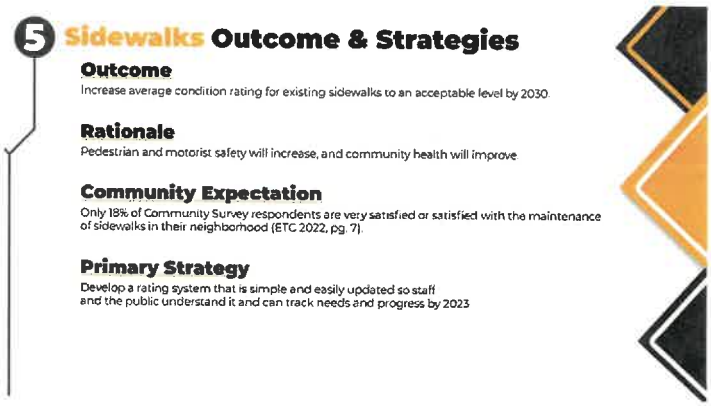
Again, we do have actionable plans for replacement or retirement of major bridges when they have a sufficiency index rating that reaches 60. Same rationale, same community expectation, the strategy here is that we can create among our Public Works experts a bridge preventative maintenance program and repair line item within our budget.



In the streetlights category, our streetlight system is fully modernized, it provides adequate lighting including, and this is no small thing to me and probably not you either, energy reduction and performance controls throughout Kansas City, Kansas by the year 2030. The rationale for streetlights is pretty straightforward, but I would put forward to you that it hits on a couple of main points; pedestrian, motorist, and neighborhood safety perceptions increase. Illegal dumping decreases, community pride increases.

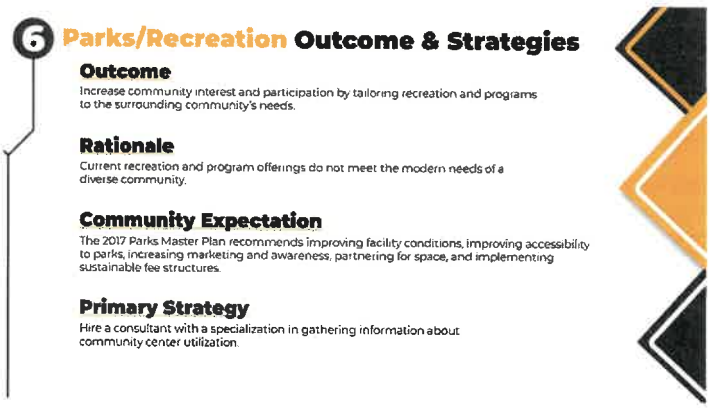
Again, the community expectation, we look to the survey and the survey says 24% of respondents are very satisfied or satisfied, so that tells you that there's easily plenty of work to do around streetlights. Then, our strategy that we're putting forward is that the Unified Government assumes the costs management and oversight.

I'll stop there to say that I believe we've all seen and if not, I apologize. I know our committee and Public Works & Safety Standing Committee have seen several presentations now around the possibility of converting all of our streetlights to LED lighting. The cost of that and the potential ways that we might pay for it, including the fact that our staff is working diligently to try to find some of these infrastructure dollars that could possibly be used for that. I will assure you they're just looking high and low at any possible remedy for helping to find a pay source for this because it's a great, great idea.



Moving on to number five, Sidewalks. Again, we're increasing an average condition rating for sidewalks to an acceptable level by 2030 and we say that because if you look at the strategy, the strategy is we're going to develop a rating system and we know that we know how to do that because we've done it in other arenas. So, again, pedestrian and motorist safety and so, again, you have the two kind of key areas, the safety and the community health. It is not scientific in any way to be able to draw the conclusion that existing sidewalks and new sidewalks contribute to the health outcomes that are so desperately and sorely needed for this community.

Again, 18% of our community survey respondents are very satisfied or satisfied. You know, we can do better than that. Again, the strategy is that we're going to develop a rating system and we're going to track the needs and the progress by 2023. That is a strategy that we can achieve and I'm going to hand it to Commissioner Ramirez for his portion.



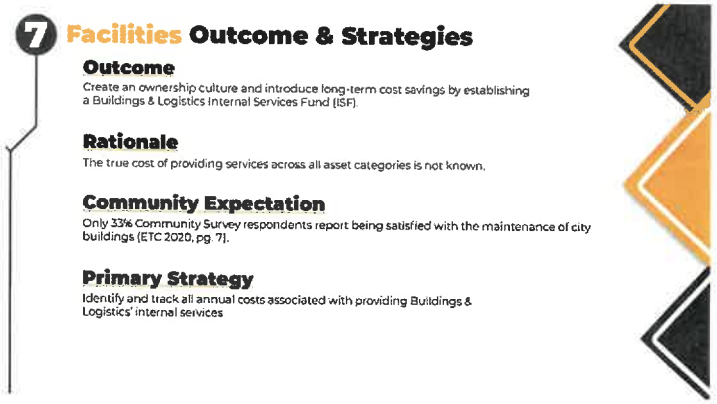
Commissioner Ramirez said as Commissioner Bynum said, thank you to staff for wanting to have this open and honest conversation with us. I also want to thank the commissioners that were part of the conversation, Commissioner Kane, Commissioner Davis, and Commissioner Markley who were on the subcommittee. We did good work, had many good conversations.

For Parks & Recreation, this pertains to recreational services and programming. The main outcome is increased community interest and participation by tailoring recreation and programs to the surrounding community's needs. This is a "right-sizing", recreational programming and services to the community. The recreational needs of Piper aren't the same as the recreational needs of Argentine, so making sure what program we do fits that community, fits that neighborhood.

The community expectation based off of our Parks Master Plan is that continuous improvement and accessibility of recreational services and programming. The primary strategy is hire a consultant with a specialization in gathering information about community center utilization. We can actually start the process of checking that off. Our Parks Department and under our Director, Angel Obert, and staff have already hired a consultant to do a study of our community centers and look at the utilization of those. They reported back to us earlier in the week with preliminary information and data and two things that I want to just briefly mention that came from that report is there's some overlap of services and programming with our community centers. And a possible recommendation that they may bring forward to us is maybe looking at our community centers and doing "specializing", specialization. Maybe have a community center that's more sports oriented, one that's more nature centered, or one that is more arts and crafts oriented, but again, making sure that those orientated are services of what the community in that area want.

The other one, and this is based off the NRPA, which is the National Recreation & Parks Association. Here in Wyandotte County based on their standards, we do not have a recreation center. All that we have are community centers and it's based off the square footage of the building and the particular programming that is in the building. In Wyandotte County, we can't say we have a recreation center based on those standards, we don't. They are all just community centers.

This study is continuous and it's going to be going on. They're going to continue working with staff, having conversations with staff, with leadership, with the governing body, and with the community and come to us with recommendations of how we can move forward from there. I'm happy that Angel and her team have brought this study to us because I think this is going to supplement the Parks Master Plan and give us a clear way forward of what we can do for our community centers and how we can—well, we all know our citizens, our constituents, they want more programming. This is going to help us get there.



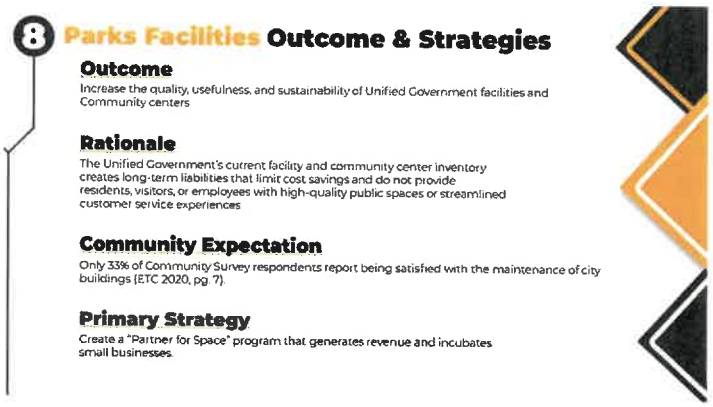
The next one is Facilities. We all know here at the Unified Government we have many, many facilities that house many of our departments throughout the city and throughout the county. The main outcome from this is create an ownership culture and introduce long-term cost savings by establishing a Buildings and Logistics Internal Services Fund. I'm going to ask Jeff Miles over in Fleet Services to describe briefly to the community and to the governing body what an ISF is and how it has helped Fleet Services.

Jeff Miles, Interim Fleet Manager, said yes, we implemented the Internal Services Fund in 2021. We're in our second year now with the assistance of Budget. The outcome that we were after is to hold the departments as well as ourselves, Fleet Services, much more accountable. Look at efficiencies, look at overlaps, consolidate a lot of the equipment so Internal Service Funds, we try to operate more as a business obviously without a profit margin, true cost. So, when we have that true cost of operation for department, that allows us to give budget true costs of what the equipment and vehicles cost that department and the services that we're supplying the community as well as operational benefits as well. I shift into a business model. It shifts that burden back onto the department to where they really focus in on their fleet of equipment and I'm happy to say we've reduced, just in one year, we've reduced our fleet size by over 100 pieces of equipment as well as vehicles. We hope to see the same thing with the facilities outcomes as well.

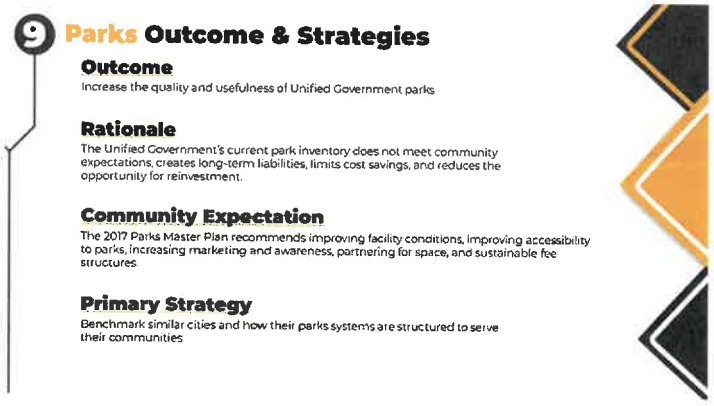
Commissioner Ramirez said the rationale for this is the true cost of providing services across all asset categories is not known. We don't know and I found out through our facilities when we budget or create buildings we really do not budget enough for O&M over the years and so that is why we have such a bad backlog of deferred maintenance.

Community expectations, this is something we're going to see over and over. Only 33% of the respondents to our survey report being satisfied with the maintenance of city buildings. That's a significant amount. That means 33% of our community doesn't like what they see when they come to a city building to get the services and programming that we provide.

A primary strategy to help with this, with the ISF, is to identify and track all annual costs associated with providing Buildings & Logistics internal services.

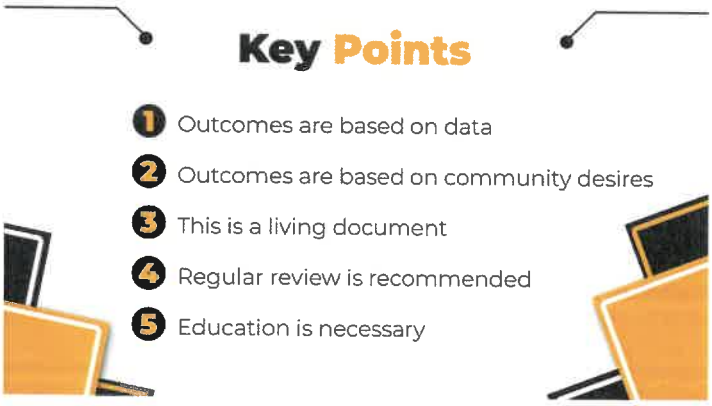


This slide pertains to park facilities. The main outcome is increase the quality, usefulness, and sustainability of Unified Government facilities and community centers. Again, the rationale, as always, is to improve and to continue that improvement in accessibility for park facilities and programming. Again, community expectations only 33% being satisfied with the maintenance of city buildings. The primary strategy of this is create a Partner for Space Program that generates revenue and incubates small businesses. An example of this could be Boys and Girls Club or YMCA who could create a partnership where they could provide after school programming, summer programming for the students, but again, there's a caveat to that. Our community centers need to be brought up to code before we can apply for licensing with the Kansas Department of Health and Environment to be able to create those partnerships. So, it's two-fold. We can create those partnerships, but first we need to get our house in order so that we can create those partnerships.



This last slide is pertaining to just our parks. The outcome is increase the quality and usefulness of Unified Government parks. We have many, many parks around this community and I know Commissioner Kane has continuously advocated for creating one in his district and we will get you one. Again, community expectation, continuous improvement and accessibility. The primary strategy for this came from, I believe, our Parks Director Angel Obert, to benchmark similar cities and how their park systems are structured to serve their communities. We have KCMO, Overland Park, Shawnee, many municipalities around us who have amazing recreational services and recreational facilities and just go around and see what they have, what they provide for their community, but also keeping in mind what we bring over has to fit and fit into what our community wants.

That's number one for Parks and Recreation and for all that we've been working as the subcommittees is making sure what we do fits the community and what the community wants. I will turn this back over to Commissioner Johnson.



Commissioner Johnson said I've found that my audiences tend to perk up when I say these three words, in my closing—in our closing. Here are key points, actually five of them. I'm appreciative

of the fact that this Commission has increasingly become a data-driven Commission. We like to make our decisions based on what the numbers tell us and so I think that is something we're wanting to make sure we're doing. Again, we want to make sure that we are leaning in on the community surveys because those are the things that drive the needs that we emphasize in the budget based on what our community wants.

This is a living documented change as it should over time and so there are very few things that are just locked in stone here and I think we all need to be thinking about this from a general—and be flexible when we're looking at how we move forward. Of course, we need to review it as recommended and then education is necessary.



As we look at the General Fund Needs we wanted to come back around to make sure that we hit on this before we close today. I just did a little bit of calculations, just quickly here, the total need, according to my calculations, for all of these five areas is about $48M per year. Right now we have an average of $16M allocated per year.

It's interesting that Commissioner Ramirez kept talking about this 33%, 33%. The actual amount that we have allocated is basically 33% of what we actually need. So, we have a big ask that we need to consider as we ponder and as we contemplate how we move forward.



So, what's next.



These are recommendations. We need to figure out as a Commission whether we want to go with these or how we want to move forward, but we think that there needs to be another task force, imagine that, including up to three commissioners. The notion of transparency and accountability I think has been emphasized over and over. I think it's important that we make sure that we do that, make sure we're intentional about doing that. We want to continue to work with staff and we need to make sure that this Commission is updated on a regular basis.

Community engagement campaign is absolutely necessary. What's been recommended is that we look at a year-long campaign, kind of what we did with the mask campaign. Continue to build community awareness of outcomes and strategies. Again, I think we have to be creative and we need to go to the places that the community gathers because a lot of times we try to do—we say we're doing community awareness and we don't get the kind of results that we want. We need to make sure that the public understands all of the components that are interrelated to infrastructure, making sure that we get their participation in the budgeting process. What I mean

by that is I think we need to continue to look at ways we can engage them to engage with us to tell us what's on their mind.

Those are the things that are simply recommended to this Commission and I think that is the conclusion. Jeff, Angel, if you all have any summative comments, go right ahead. **Mr. Fisher** said no additional comments.

Commissioner Davis said I will have to go here momentarily, but I wanted to at least be here to really champion the great work that you all have done, all my colleagues on the Commission. It is really an honor to, you know, serve in this capacity. To our staff, Parks & Rec, Buildings & Logistics, Public Works, thank you all for your efforts. My recommendation would be as we continue this conversation with the budget is that we have some sort of forecasting that kind of goes along with this process. That as we are talking about the needs we have predicted expenses and predicted revenue and if this already exists, please excuse my ignorance, but I cannot undermine any of those efforts because we really need them.

Then, lastly, I'll say on the community engagement piece that we absolutely need that and our Communications Department is very capable. We saw that during the ARPA subcommittee process where they got a lot of community members involved and so I'm excited to be on this team because I do think we can push these things forward.

Commissioner Kane asked, Mayor, was this the task force that you wanted me to lead? **Mayor Garner** said that could be a part of it. Just to answer that question, I did in anticipation of infrastructure money coming down from the state, which we haven't really got notification of that yet, but Commissioner Kane and Commissioner Stites have agreed to start up the Infrastructure Task Force. Commissioner Kane would Chair that and Commissioner Stites would Co-Chair that, so that is in place and I believe when they're ready to go to work that work will proceed. **Commissioner Kane** said I have some information. I have already met with Secretary Lorenz. I went to the meeting. I've been around her about four or five times. I took her to lunch and I think the best way to start is Commissioner Stites and I sit down with some staff, some people from Public Works, to see what projects they can help pay.

The weird part about that is $3.9B from the state of Kansas, but there's a side of it that you can get the grants to help cover what we can't cover. This is bigger than what I thought it

was. She has a group that I've watched now twice. They're extremely good and I think we should have them come and tell us and then say here's some of what we have that needs to be fixed, can you tell us what qualifies for that. In fact, we've already had one project that we worked on, the Agriculture Hall of Fame that qualifies for some assistance. This is bigger than what I thought it was and I think there's—I almost said something I shouldn't. There's a lot of money, but I think we're headed in the right direction with this. I appreciate everybody's work. I think it's fantastic that the community is watching us now and believe it or not, they watch every one of these meetings to see what we're doing. I think this is a move in the right direction and I think it's going to work.

Oh, and did I say, I need a park in Piper?

Commissioner Bynum said I really appreciate that Commissioner Kane. I think that's going to be really helpful and especially in the near term. We know that some of the goals we've set forward we're saying by 2045, so obviously, 10 years down, 15 years down, we've got to find funding mechanisms too, but if we can solve some major problems right now, that's fantastic news.

What I think about with regard to us as a body is, you know, particularly right now, right now as we go into budget, can we have a healthy, robust conversation that allows us to negotiate our way to the things in the document that we know that we need that allows us to negotiate our way toward that and balance it against the steps that we all agree we want to see taken toward providing some relief. So, that's why I'm referencing it as a balance, as a broadly engaged healthy conversation and I believe that we can and we must.

Commissioner Ramirez said, again, I just want to thank the commissioners who were on the subcommittee that I chaired. As I said, we had many good conversations. Again, thank you to staff for allowing us to have that open and honest conversation. The very first time we met, my subcommittee, I made the requirement that everyone be open and blunt with each other. It's important that we had those conversations because it was the first time that I believe the commissioners had dove deep into the nitty-gritty of Public Works and having those conversations outside of the budget cycle and outside the CMIP process. So, I think it was very beneficial that we did that. It shows throughout the years that if we give them the resources, they'll do the work, they can do the work.

The one story I keep telling over and over, during COVID when we received the CARES Act funding and when the Parks Department, under Angel, received the $2.1M from the CARES Act, they did a lot of work within the few months that they had and it shows. You give them the money, you give them the resources, they'll do the work and so I can't thank our staff enough for everything and I can't thank enough our Commission for wanting to work together and to finally turn a page in our infrastructure situation that we have.

We want to bring in development, we want to bring more housing, we want to bring more programming and amenities to our community, we need to have an infrastructure that matches it. We need to have streets that are working, bridges that are working, recreational amenities for our new residents who come in to do things in the community. The community survey says it, number one issue, infrastructure. As long as I've been here, and I know some commissioners have been here longer than I have, number one issue is infrastructure. So, I'm happy that I was part of this and I look forward to working with every single one of the governing body, with staff, and the community to finally turn the page and get things done.

Commissioner Stites said first off I want to say I apologize that I'm not there in person. I've got some other things that I have to attend to right now, but at least I've got good wi-fi signal where I can tune in. I stand ready to Co-Chair and Chair this committee with Commissioner Kane. I'm ready to move this forward. Just like Commissioner Ramirez just stated, the number one on our survey was our roads infrastructure and I think it was followed closely by the blight and trash that we still need to make sure that we're addressing. We need to get those jobs funded. I look forward to moving this forward and trying to get some good things accomplished and work with the Commission on this project.

Commissioner Markley said not to voluntold anyone, but I think it would be a good idea if the third person on that committee was one of the original committee chairs. I'll just let you guys fight over which one takes that role, but I think it would be good for continuity if one of you filled that third spot, if that's possible, if any of you are willing.

I think we've set all the right goals. I think the trick comes, as we look at the budget, in figuring out how to fund those goals and move these projects forward. So, I just think it's really important as we go into the budget season and we hear those requests come back to us for funds

that are going to move us forward achieving the goals that we've set here. We have to hear those and react to those appropriately. I'll also say over the years I've often advocated for taking those baby steps and we can't put $48M more dollars in the budget tomorrow, but if we start taking the steps now, it's going to get less and less painful over time.

I think what has happened in the past is when we've looked at the budget, we've gone, well, we just don't have the money, so we've not really taken any steps and I think I would rather see us take steps over in progression over the years and just say, well, we can't afford it so we're not going to move forward. I think this committee structure has helped us see the necessity of that and I hope that we'll follow through with that during the budget.

Commissioner Bynum said I would, as Chair of Public Works & Safety, offer up myself to your committee if Commissioners Kane and Stites would have me.

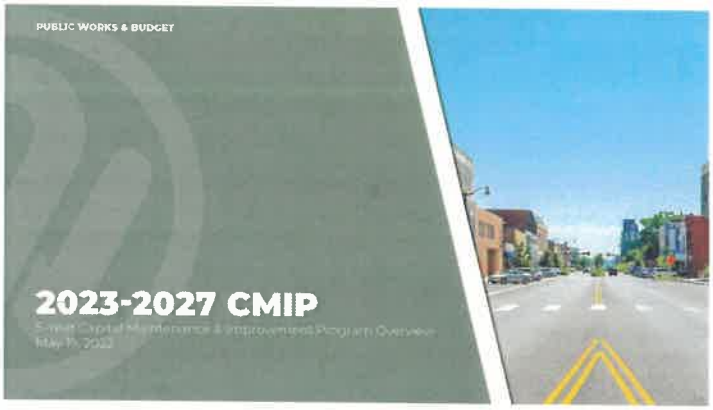
Commissioner Stites said if we need a motion, but I would gladly accept Commissioner Bynum to the committee. **Commissioner Bynum** said part of the reason why I say that is because I think it brings a continuity for me, most specifically, of making sure I understand all of the actions and activities and opportunities, but I'm happy to do it if it's your desire.

Mayor Garner said I just want to say that I'd like to give a quick shoutout, Commissioner Stites and Commissioner Kane without hesitation when I brought that to them, they jumped right on board and I know Commissioner Kane proactively went out and he has been to several meetings on his own to try and get the good information that this community needs in regards to infrastructure. So, thank you Commissioner Kane, Commissioner Stites, and thank you Commissioner Bynum, and if the Chair is so willing, I have no objections to Commissioner Bynum being a part of that, but I'm going to leave that up Commissioner Kane.

CMIP

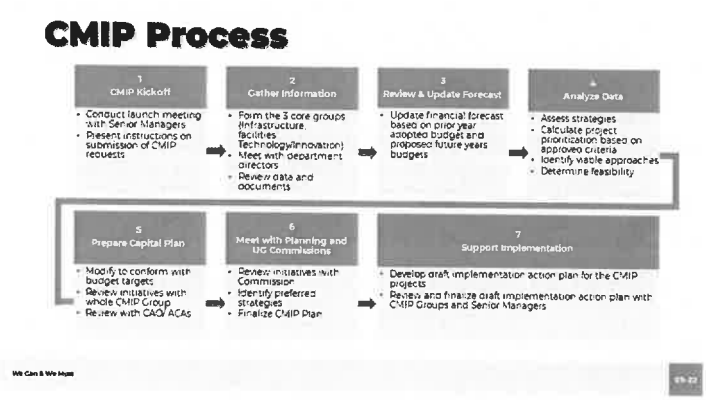
Mayor Garner said I will turn it back over to our Administrator to introduce the presentation for the CMIP presentation portion of this meeting.

Ms. Harrison-Lee said equally as important to getting the goals for the long-term plan is looking at what we can do in the short-term. Commissioner Markley has indicated that this is the kind of effort that you want to start with and look at it long-term, but also short-term, and so tonight we're going to have a presentation for the 2023 through 2027 CMIP. I'll turn it over to our Budget Manager, Mr. Lindsey.



Jeff Fisher, Executive Director of Public Works, said I'll get us started and then hand it over to Reggie. Let's see, Capital Maintenance Improvement Program Five-Year CMIP; this is the organizations financial plan regarding capital investment. We go through this process every year and this is for public consumption. There's a lot of work that goes into a CMIP each year. Reggie's team, Finance, Public Works, Parks, a lot of departments are involved in this. At least in the last few years I've experienced a lot of improvement in that process with Kathleen and Reggie involved and the other departments. They've really made some improvements, so I think we've come a long way.

The previous discussion is a great segue into this presentation, so I think it's very timely and I think you'll see it's a little bit different than in the past. Reggie's got an idea that we worked together on to help us maybe consider a couple of those outcomes that we just talked about. I'll hand it over to Reggie to walk through the process of things.



Reginald Lindsey, Budget Manager, said when we start the CMIP process, we work through a multiple step process that includes seven different pillars which are up on the screen right now. The first one that we have is a CMIP Kickoff. What we do is we meet with all the managers around the organization, give them instructions on the CMIP process. We're in the fourth budget cycle where we're using this process and we go through like a six-year plan for the items at over $50K that are related to CMIP. What the CMIP does, it funds infrastructure construction and rehabilitation and maintenance across the organization.

Within that second pillar we go through where we gather information and that includes us meeting with over 30 different departments that are vying for Capital funds across the organization. The funding is limited as we've kind of talked about already tonight and kind of what happened, as happens, there's going to be some funding that someone doesn't get. One of the key things is that the departments and what we have called core groups have trust in one another and those core groups are three different groups that we have across the organization that specialize in infrastructure whether it's horizontal and by that I mean street and bridges. Then, also facilities which are like vertical structures and then also like our technology and innovation projects and those kind of things help us enhance the operations within the organization whether it's through software, whether it's through just other types of computer needs.

What we do in there is basically gather information, review data and documents across the organization and then we move into the next step which is we review and update our forecasts. Commissioner Davis talked about this so we will definitely be reviewing forecasts with the elected body and then we move into where we analyze data. There with data we deal with the worst—with having this data, we're able to deal with our worst infrastructure first, so whether it's like our

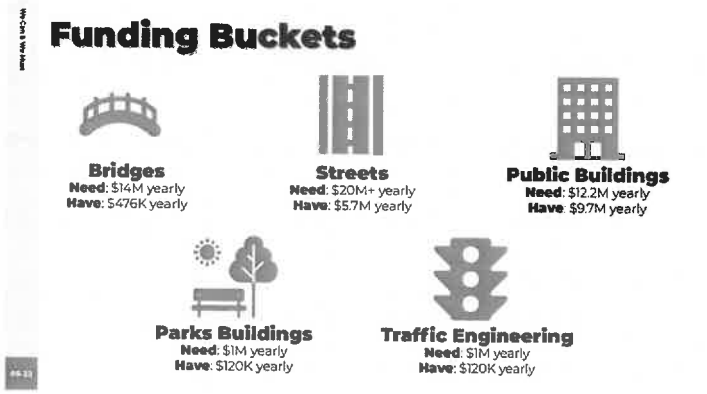
vertical infrastructure, which is our streets and bridges or our—I meant horizontal, but with our vertical infrastructure which is our facilities, so that helps us deal with that.

Then we move into Step 5 which we have recurring meetings just across the organization where we have a prepared Capital Plan. We work with the County Administrator's Office, we work with our core groups, and we work with Finance and we work with Public Works and Parks, just all the departments across the organization.

Then, we move into our sixth step—sixth pillar, which is we meet with Planning and the UG Board of Commissioners and so as we sit here tonight we've already been to the Planning Commission and CMIP runs through multiple advisory groups which include internal groups; the department's, Finance, County Administrator's Office, and as I said Planning. Now we're here in front of this group, the elected Board of Commission, and then we move into where we implement everything after we approve it in the budget, so now I'll turn it over to Jeff.



Mr. Fisher said just a quick list of highlights for this year. We've got a number of great things going out there; the fire station at Pierson Park, 7th & Central as most of you probably experienced, Annual Pavement Preservation, of course, the park at Hutton & Leavenworth, and then improvements at Clifton and City Parks. That is this year.



I'm not sure you've all seen this slide before. It's our five buckets. I won't spend a lot of time on that. Commissioner Johnson did a great job of highlighting that. Now, I'll hand it over to Reggie.

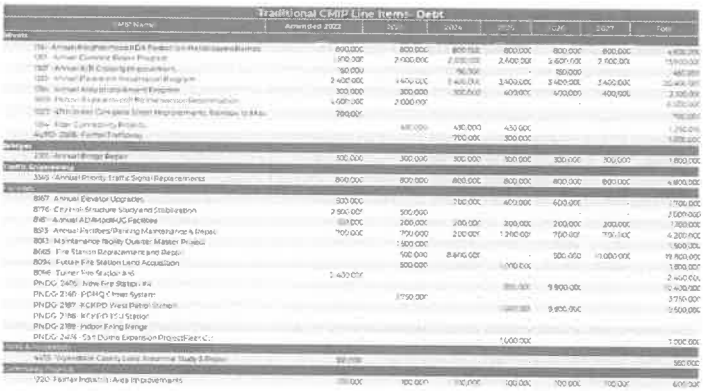
Traditional CMIP - Cash & Debt

Year	Street Preservation	Bridges	Facilities	Parks	Fleet	Technology	Radios
2022 Amended	$5,770,000	$476,000	$7,863,337	$3,300,700	$552,000	$1,124,586	$3,000,000
2023	$7,570,000	$476,000	$11,616,000	$1,105,000	$600,000	$1,799,007	$3,000,000
2024	$6,570,000	$300,000	$11,541,000	$785,000	$0	$1,011,438	$3,000,000
2025	$6,570,000	$300,000	$6,671,000	$1,968,500	$0	$793,109	$3,000,000
2026	$6,570,000	$300,000	$21,651,000	$1,135,000	$0	$999,950	$3,000,000
2027	$6,570,000	$300,000	$12,125,000	$150,000	$0	$638,071	$0
Total Cash	**$19,220,000**	**$352,000**	**$11,617,337**	**$7,894,200**	**$1,152,000**	**$6,366,156**	**$15,000,000**
Total Debt	**$20,400,000**	**$1,800,000**	**$59,850,000**	**$550,000**	**$0**	**$0**	**$0**
Grand Total	**$39,620,000**	**$2,152,000**	**$71,467,337**	**$8,444,200**	**$1,152,000**	**$6,366,156**	**$15,000,000**

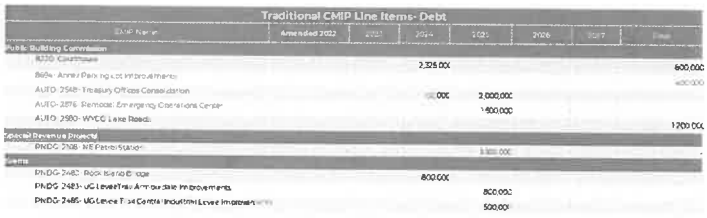
Mr. Lindsey said what we have here is a view of our CMIP and this is our Traditional CMIP, what we traditionally have been over before and one of the things Commissioner Markley talked about is working towards adding more funding into the budget so that we could meet some of the needs that we talked about. We wanted to kind of show what traditionally we have been budgeting and this is kind of what we start off every year at our base budget, so what we're doing is giving a view of our six-year CMIP and we've got the years going down the left-hand side and it kind of breaks out into the different funding buckets. We see we have Street Preservation and going across horizontally we have Bridges, Facilities, Parks, Fleet, Technology, so we just kind of wanted to give a view of what traditional funding would look like.

The dilemma with the traditional funding is we have always funded like this and the reason we've done this is because we just have not had enough funding to provide more money, so now we're trying to look at different ways and into where we can seek more money into the budget over the years.

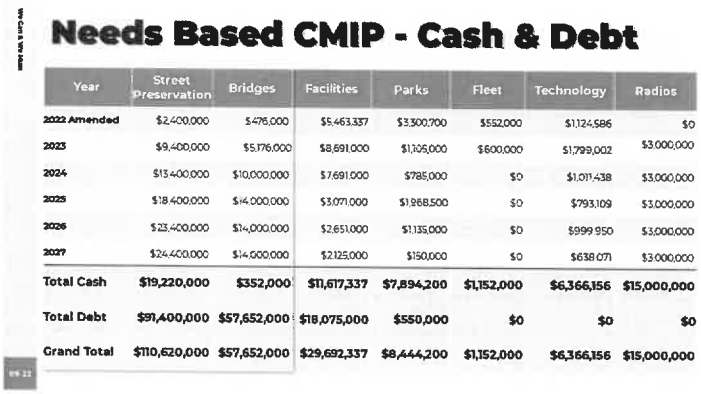
Commissioner Markley said not a question, I think really just confirmation. You're saying Traditional CMIP as in this is what we have done in the past, right, and what we have done is basically we have flat rate funded CMIP because that's the money we had in prior year budgets and that's the money we had available with no attachment to what was needed that year. We just said this is a flat rate we're giving to it even whether the need was down here, up here, we just did a flat amount. **Mr. Lindsey** said that is correct and also to be honest with you, sometimes we did not know what we needed in the past. I mean of the things that—**Commissioner Markley** said this is not shocking to me. **Mr. Lindsey** said one thing that Jeff and his group has introduced to us whether it's with facilities or whether it's with infrastructure, we actually know what we need and before we didn't know what we needed to do. We had an idea, but now we know exactly what facilities we need to go after, what infrastructure we need to go after. **Commissioner Markley** said I should be clear that my laugh was about the times prior to Jeff coming to us when it was clear we didn't know what we needed. So, I appreciate Jeff Fisher's work here.



Mr. Lindsey said this is another view of CMIP. This kind of drills down more into the CMIP where first we had the buckets, but one of the amounts is the Annual Pavement Preservation where we kind of see, you know, those steady amounts going across and then also the bridge repair is just steady amounts of like $1.8M. Then, if you look down into Facilities, we do build new facilities here and there, but like just some of the infrastructure kind of stays the same across the page. So, just drilling down to show you all those projects.



Here's another page that kind of does the same thing.



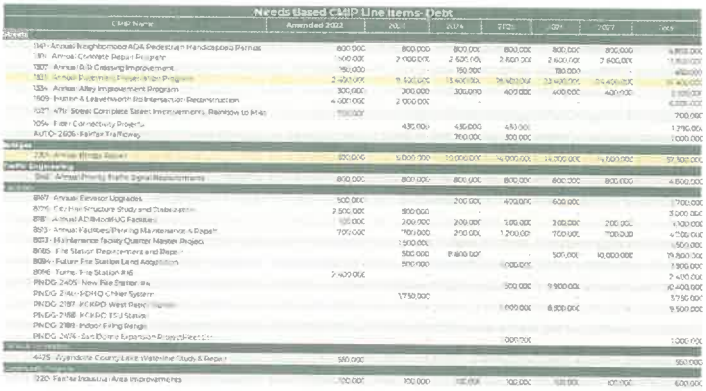
Needs Based CMIP - Cash & Debt

Year	Street Preservation	Bridges	Facilities	Parks	Fleet	Technology	Radios
2022 Amended	$2,400,000	$476,000	$5,463,337	$3,300,700	$552,000	$1,124,586	$0
2023	$9,400,000	$5,176,000	$8,691,000	$1,105,000	$600,000	$1,799,002	$3,000,000
2024	$13,400,000	$10,000,000	$7,691,000	$785,000	$0	$1,011,438	$3,000,000
2025	$18,400,000	$14,000,000	$3,071,000	$1,988,500	$0	$793,109	$3,000,000
2026	$23,400,000	$14,000,000	$2,651,000	$1,135,000	$0	$999,950	$3,000,000
2027	$24,400,000	$14,000,000	$2,125,000	$150,000	$0	$638,071	$3,000,000
Total Cash	**$19,220,000**	**$352,000**	**$11,617,337**	**$7,894,200**	**$1,152,000**	**$6,366,156**	**$15,000,000**
Total Debt	**$91,400,000**	**$57,652,000**	**$18,075,000**	**$550,000**	**$0**	**$0**	**$0**
Grand Total	**$110,620,000**	**$57,652,000**	**$29,692,337**	**$8,444,200**	**$1,152,000**	**$6,366,156**	**$15,000,000**

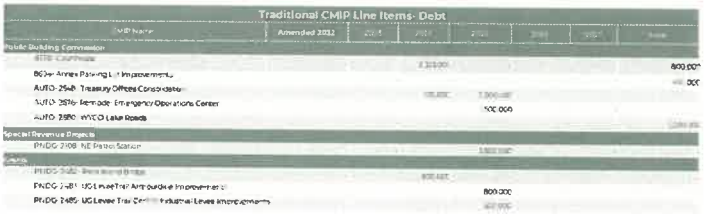
What we're introducing here is our Needs Based CMIP and what we're doing is kind of modeling here what it looks like, what we need to do to get to the plan of improving our infrastructure to get into the PCI indexes and the facility indexes that we need to do into the future. Where we have really done the modeling is Street Preservation and Bridges because this is definitely where we have the information on what we need into the future.

One of the key things down here is we need $110M for Street Preservation and in the prior, like what we fund now in the budget, $39M so we're like $71M short. Then, if we go over to Bridges, we need $57M to fund everything and what we have now in the budget is $3M so we're $55M short. So, you can kind of see here looking at Bridges and Street Preservation, we're increasing the numbers each year. We're not putting all the money in there that we need at one time, but what we're doing is trying to work our way up each year so in 2023 we want to go from almost a half million dollars to $5M. Then, in 2024 go up to $10M and then by 2025 we will have the amount of funding that is ideally to get us to where we need to be.

Then, Street Preservation, you kind of see we're working our way up from $2.4M to $9.4M and each year we're just kind of going up to 2027 where we got $24M within the budget. The dilemma here is basically what goes on is we blow the expense budget up, so right now, we're doing these—we can't afford for these, but what we need to do is drill down into the budget and see where we can unleash different fundings from expenditure-wise.

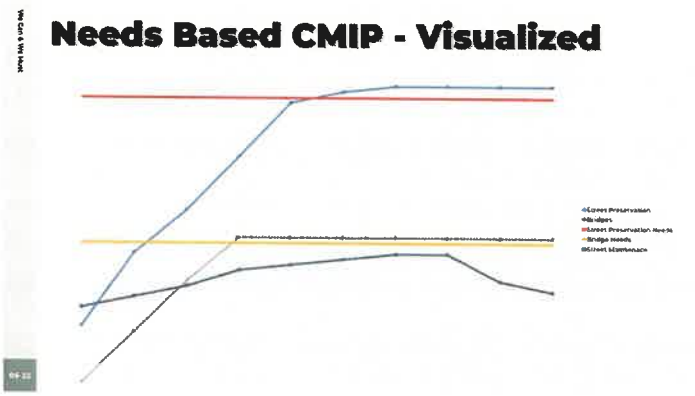


This is a same kind of view we have with your Traditional Budget, but now we have the Needs Based Budget and we see this highlight here, just going across horizontally, what that looks like. You can see where we had $2.4M and we start going up over six years or a total $91M and then with Annual Bridge Repair, we go from $300K to $5M and then we get up to ideally what we would need to be spending over the years.



Just kind of drilling down and seeing some of the other projects. The main thing here is that we don't have the funding right now, but as Commissioner Markley said, just working through this budget cycle we can come up with some solutions. Resources are tight. We don't have any new revenues coming in. Also, we have expenditure challenges as far as like cost of things are going

up. Our costs are increasing more than our revenue growth is, so those are some of the different things we're going to have to deal with coming into the budget cycle. I'm going to turn it back over to Jeff.



Mr. Fisher said this is an attempt to just sort of graphically show what the ramp, but the increase in investment in street preservation looks like versus street maintenance. The light blue line is street preservation ramping up to $20M plus, which is the red line, and then the darker blue line at the bottom is what you can expect street maintenance costs to look like over that period. The longer it takes to get to the $2+M, the faster that blue curve is going to grow and we're already experiencing that. Your experiencing it every day with potholes. I mean the guys and girls are working tirelessly. We've even worked Saturdays this season to get caught up and each year it's getting harder and harder to catch up and especially after winter.

It's just simply to point out that the longer it takes to increase investment in street preservation, the more we're going to pay in street maintenance, so the difference is, of course, that the customers are unhappy with the higher street maintenance costs because they're experiencing it every day as citizens.

Commissioner Bynum said the converse then is also true if I'm following what you said and the visualization, the sooner we invest in street preservation the sooner the street maintenance costs go down. **Mr. Fisher** said or flatten out and, yes, over time we might get it to go down, that's right. **Commissioner Bynum** said money well spent. **Mr. Fisher** said that's all I was trying to do and, hopefully, it made sense.



I guess the questions are for the elected body. Do you support a Needs Based CMIP and should staff begin to construct the Needs Based CMIP? That's the end of the presentation.

Commissioner Ramirez said I had a question on some of the—in the needs and the snapshot of the Needs Based CMIP it says in Facilities the grand total is $29.6 but in the Traditional CMIP snapshot it says Facilities grand total is $71.4. How and why is that lower when everything else went up? How did Facilities go down in the Needs Based CMIP? **Mr. Lindsey** said one thing we do have with Facilities is different from like our horizontal infrastructure with streets and bridges. We do have continued maintenance, but we do have buildings that we build every year and so sometime those fall off and that makes the cost go down within the schedule.

Mr. Fisher said I might add, Commissioner Ramirez, you might remember in the infrastructure subcommittees and you mentioned that in your comments, vertical, the facilities problem is different from, as Reggie indicated, the linear stuff in that we have a lot of them and the theme was rightsizing and so we don't yet know kind of how to project those costs yet until we have the additional studies done, which will be in a few months or later this year. Once we have a better idea of where those opportunities are to likely reduce square footage or repurpose facilities or right size or build a new rec center or whatever is going to happen, it's hard to project that. I think Reggie is doing the best he can with John Kelly's help to do that. **Commissioner Ramirez** said okay, thank you. I was just curious. I saw that and I just wanted to make sure I was reading it correctly.

To the two questions you have, do you support a Needs Based CMIP, I would say yes. I believe it is something that has been needed. We just had the outcomes and strategies and Commissioner Kane and Commissioner Stites committee on the infrastructure task force, I think

the Needs Based CMIP, as I said in my comments before, is going to help us turn that page. Jeff you have come to us many, many times sounding the alarm of what our infrastructure is going to look like in 10 years. I think it's time for us to actually do the work. We keep talking about it and I think a Needs Based CMIP is going to help us get there. It's going to take a while, but we need to continue to have the conversation and continue the investment and increase in investment so that 10, 20 years from now we're not looking at failing infrastructure across our entire city or county.

And in my opinion, I do think staff should look into conducting a Needs Based CMIP instead of what Commissioner Markley said, instead of just giving a flat rate or a flat amount every year, not looking at what is needed and what's not needed, it should reflect on what is needed to be built, what needs to be preserved, maintained. I think it's the best foot forward and, again, let's turn that page and get work done, listen to the community survey, let's fix our infrastructure.

Commissioner Kane said can you go back to slide 6 please? Jeff, that 2606 Fairfax Trafficway, was that the area I sent you down to look at? **Mr. Fisher** said that is, Commissioner, yes. **Commissioner Kane** said and this is where the problem is, it becomes a safety issue. We've closed down the southbound lane coming away from the General Motors Plant and how many tankers did you see that day when you were down there, Mr. Fisher? **Mr. Fisher** said a lot of them. **Commissioner Kane** said a significant amount. I wouldn't ask you that question if I didn't know. The bottom line is this is something that needs to be fixed now, not later. It's Commissioner Townsend's area, but I'm telling you it's a death trap and with those tankers with all the fuel, and it doesn't matter what kind of fuel it is, this is a boatload of fuel and at 4:00 it's an accident waiting to happen. One, I think we need to move that forward to 2023. Two, I think this is a perfect example where you call Secretary Lorenz and say does this qualify for one of the things that can get fixed. Her office will literally give you the answer that day. If it's not that day, it'll be in the next couple of days.

I think this is one that we should do as an example. Call them up and say, hey, I'm Jeff Fisher from so and so and I got this project and let's go meet them down there and look at what's going on because me telling you isn't near as dangerous as watching. I think this project is one that we need to ask them and worst case scenario, we need to move it forward. Is there another funding way so we can move that forward and not mess up the other projects that are scheduled

for 2023? **Mr. Fisher** said we can work on—we'll explore those options for sure and we can look into grants for sure as well.

Commissioner Markley said can you go back just one slide? This attitude is what got us into the situation that we're in because needs started to increase and this was long before any of us were here really, the needs started to increase, but the message to departments was don't spend any more money, so they just kept it flat and then things just kept getting worse and worse and worse and here we are today. So, obviously, we shouldn't continue that. It didn't work, it was a bad method. We need to move forward with the idea that we should be budgeting based on our needs. Obviously, we can't jump up and fund everything next year exactly the way this chart shows although that would be lovely, but we can't jump up and do $91M next year, it's not going to happen. But, if we start moving that way, and every year we're thinking about how much more we need to put in and we're sort of basing it on maybe a percentage of what the need is, at least we have that attitude and we have that understanding that our amount we're budgeting should be somehow tied to our need and not just a flat rate, I think that gets us a long way. We can start biting off the elephant little piece by little piece and get us where we need to be.

That traditional method—and then it's our fault as commissioners because even after we were here, we kept moving forward with that. Budget would come out and have the flat rate from last year, we'd say great, didn't go up. That's what got us in this position to begin with, that's what caused the whole problem, so I am in favor of moving forward with the Needs Based budgeting.

Commissioner Johnson said I don't know if I'm going to clarify or muddy the conversation, but I just want to make sure that, Jeff, you clarify this does not include stormwater and wastewater, these numbers. **Mr. Fisher** said this is just General Fund. **Commissioner Johnson** said so you still have to—we still have to chew, nibble, I don't know what you do on stormwater, wastewater as well, so it's out there.

Commissioner Townsend said I'm glad one of my colleagues mentioned something in my district so I don't sound greedy about it, but this is a perfect example of explaining again the difference between what we've done, each of us, in identifying certain needs anyway. So, how was this going

to be really different? Actually, a two-pronged inquiry that I want to make clear or I'm not going to make it clear but put it out for clarification because each year we come up with, you know, I need Fairfax, I need the crumbled tennis court in Quindaro Park done, I'm going to get it all out since we're on. So, do we need Need Based, yes, and we've done that so how is this really going to be different consistently keeping in mind what our community has said in response to the survey. Streets, Fairfax would certainly be consistent with that, would it not? That's right. And parks, so just we're all clear, how will this really be different than what we did tying in also how are we going to increase the dollar needs in each of these categories that we talked about? Just so we're clear.

Ms. Harrison-Lee said I will start with that and then I will pass it over to our Public Works Director. With the inventory and some of the work that we have that looks at conditions index, we're able to allocate resources to those areas that have the greatest need. This allows the governing body to really see the progress by specific projects. You're looking at those projects that have the greatest need based on the scoring. The ability to actually use Need Based then allows you to kind of track your progress for the five years and even beyond that.

I think what it will do is it will help you really prioritize those areas or those projects that are at the greatest need because you've got a lot of data, you've got a lot of inventory work now that you can utilize to do that.

Commissioner Townsend said (inaudible). This is the number one (inaudible, mic was not on). **Mr. Lindsey** said so the rankings are something that we do internally and it's tied to different measures that we have internally as far as the tie back to like priority-based budgeting. Also, it ties back to just criteria of things that are entered by the departments, that's what that zero ties to. I don't know if it is a zero for that or not, but usually on that ranking the higher that particular ranking, the better it is—or the more it shows it needs to be done. **Commissioner Townsend** said I don't want to get into detail (inaudible, mic was not on.) Could you hear me, Mayor, I'm sorry. **Mayor Garner** said yes. **Commissioner Townsend** said, sorry. I am in favor of it. I just want to make sure we're doing something different to get this accomplished because I thought we were doing that before, each of us coming forward with our project, so I'm in favor of that.

Also, looking into how are we going to increase the dollars that we talked about incrementally to get them into the buckets that will help us better; street conditions, parks, etc. has been talked about tonight.

Commissioner Kane said the reason I say prioritize that is because it's unsafe and I don't mean just unsafe, it's unsafe and Fisher and you guys, you do a great job for us and I would make this a priority because of all the traffic, all the people that are employed down there, all the people that work down there. I'm just talking about 10,000 people that area every single day and they have to get down and they're carrying some stuff that's extremely volatile, and before you got here, Fisher, one of the tankers caught on fire down there and it took about 2.5 days to burn itself out and I don't want to see something like that happen again. I already talked to Jeff about this. I mean I don't keep no secrets from him because it—I sent him own there for a reason. I got called down there at the same gas station to watch it for some guys I used to work with and they said, what do you think and he rides a motorcycle and about got creamed because two tankers were trying to merge at the same time. So, I just think that should be one of our top priorities.

Commissioner Markley said I think I can answer Commissioner Townsend's question about how it differs and you guys can correct me if I'm wrong. It used to be or has been, we would bring our projects that we wanted to have be a priority, but we didn't increase the funding, staff just took out other projects and put in the projects that we said were a priority because we only gave them a flat amount to spend. We were giving them the needs, but we weren't increasing the amount. They were just taking one thing out or pushing it back and putting another thing in there because we asked him to. We were still only giving him $5M. Under this new system we're saying there's a need, we would increase the funding to fund the need instead of just taking out another project that was also needed to put in the project, which is what we had been doing because we never increased the flat amount.

Commissioner Townsend said it sounds like the difference then is in addition to us giving the needs as we always have done, we're going to give you from somewhere, someplace, some money so it becomes not just a wish list, but an execution list. **Mr. Fisher** said that's right. **Commissioner Townsend** said I mean that in the best sense, not a hit list. Well, yes, hit this, hit

this, in his fist, maybe so. Thank you, Commissioner Markley, yes, because we've done needs before, but now it has to come with some resources.

Commissioner Bynum said I'm going to piggyback on all that because I think sometimes when I say these things out loud, I'm kind of saying them to myself to make sure that I understand, but you know the presentation that we went through at 5:00 was really heavy on emphasizing the data. The fact that we're using data to create things like a ranking and an apartment priority and a pavement condition index and all of the other measurements that our Public Works and Facilities and Fleet folks have created, or at least brought to the Unified Government, and I think the Fairfax Trafficway issue is kind of an interesting example because it's a priority because it's not safe. And the way that the data is being collected might be different and maybe safety is a part of that, but maybe it's not the top part.

So, I feel like this is the part of the conversation where we are in that balance and for me this is kind of part of that conversation where the elected body says this needs to be a priority if it's not. I'm looking at $700K and I hate to be—I'm not trying to be sarcastic or coy in any way, but I'm just saying if we need to find $700K to move this to the priority and immediate listing, I would imagine we could do that and maybe it's harder than it sounds, but I would—you know, I'm speaking, obviously, in favor of moving this up the chain, moving this up the timeline. But, I want to make sure that you are helping us go back and understand the way that we have ranked things, the way that we have given priority to things because it's really important that we do all have a baseline grasp of that and with that I'll stop.

Commissioner Johnson said I'm apprehensive about bringing this up, but when we look at the balance sheet, we already know that we're leveraged. So, this then, in my opinion, nuances our conversations regarding the mill levy. This is not a discussion about mill levy, but it's going to impact it in some manner and I just want to put that marker out there because, you know, the need and we say we need, we need, we need; and we know we don't want to add much more debt than we already have to the balance sheet. We're already leveraged and all the auditors and everybody has already said that, so I know our constituents—so the taxpayers are saying you know, we want our taxes to be lowered and so we have to think about both hands here, the balancing scale of how we do that.

Commissioner Townsend said as a member of the Infrastructure Committee, if I were to submit a list right now, that would be in keeping with what we said and the work done within that, is it in the streets, is it in street lighting, is it bridges, parks; so it would be keeping within that structure, not to undo the work. Now, realizing that all of those projects may not be done, tell the truth about it, because everybody will have their priority. So, when Commissioner Kane mentions safety, yeah, that wouldn't be my lead. My lead is what I know that street looks like and safety is another aspect as well that may or may not protect its actual clearance for the project moving forward at any given time as well as how much it's going to cost. Can we do more potholes than the $700K, but yeah, I would intend to submit a list that's in keeping with what the Infrastructure Committee said and then it's a matter of us saying what we can take advantage of.

Also, timing is perfect for submitting these things and seeing what at the national level could be done using that money that we may only have access to this year, the year after. I didn't want to give the impression that I wanted to undo anything done by that subcommittee because that was most important work.

Commissioner Burroughs said in listening to all of my colleagues this evening, we're starting the budget process and this is very good data it's very important data and its needs versus want, versus have. We're all going to be torn to make some tough decisions. I will just state this, there are ways to continue to fund some of these projects within the budget. I have expressed that for the last two to three years. We get our budget in order, we will be able to prioritize some of these and get some of them off, but if I may, I want to look at an example. I believe I want to look at the example I think that we just talked about, the safety issue. That is a return on investment that we can ill-afford to ignore because if we have an incident there, it's going to cost us so much more.

We had a breach in our securities—in our IT security. We pay for that after instead of investing in it and I want to use an example. There's something I've seen on the CMIP and it's the Wyandotte County Lake water line, $500K a year. Jeff, how many years has that been on the CMIP list? **Mr. Fisher** said I don't recall, Commissioner. It's been two or three years and I think they do a little bit each year. **Commissioner Burroughs** said and this is an example because it's costing more now to do it because we've extended it out three or four years instead of having a contractor or somebody come in and get the project done at one cost. It was a priority, it's a health priority. Water is a health issue. It should have been completed in one step, not divided over four

or five years, so where it continues to climb in expense and I don't know if the crew stays out there, I don't know if they leave their equipment there. I'm sure these are things that I'm sure you're aware of, but it's things like that what I call a waste. It's a waste of time, it's a waste of resources, and when our community continues to see projects taking forever to be finished, it's not a good return on our investment.

The streetlight project that you brought up Commissioner Townsend, is an ideal project. We light up this community, we are going to get so much more community activism. People will want to walk, we'll be a healthier community. That walkability comes into play, in comes the need for sidewalks, then comes the public safety aspect that our community wants to see invested. Those things are also on the list that we must not forget and that is part of our social welfare, it's part of our infrastructure and I would hope that we not lose sight of that. I know I stand ready to make some of the tough decisions and I'm not afraid to make decisions and as we move along and I ignore your cow, I apologize, but bottom line is we've got a tremendous priority of items before us and collectivity I think we can get through it, but it's going to be a change for us.

Mayor Garner said before I proceed, I had a quick question and I agree with the needs based. I think things should be predicated on need. I think that's a good direction to go, so I share the same sentiments of the Commission and the body. I just have a quick question for clarity. How can the Commission, from what I'm hearing, be more proactively involved in these decisions when you talk about what is priority and what are those priorities predicated on? Who makes those decisions to decide what the priorities for our community are? How much is this Commission involved in making those decisions and then how do we arrive at those costs. Are those costs estimates, where are those costs actually coming from? The other piece, it's always a concern for me because I just believe that things should be community driven. That can either be from staff or the elected body, but are we involving the community in being a part of this process for CMIP whether it's safety or what other priority needs are so that when we're making these decisions, like Commissioner Johnson said, we find that balance.

I mean, safety should always be put first, but outside of that, to find that balance to make sure that what we're doing is community driven when we talk about priorities so it should be not just staff, in my opinion, but Commission and then also in some form the community. I know that we're using the survey as part of that and that's fine, but if you could answer that question because

I think just from my history working here, and just from what I'm hearing, and what I've heard from some of our commissioners is the commissioners want to have a more leading from the front role in some of these decisions as opposed to just being given options from staff. So, what does that look like and maybe the Administrator can answer that as well?

Mr. Fisher said I am really glad you asked that question. There are many ways—there are many improvements that have been made to that process. I remember maybe a year or two into joining the team sitting in standing committee or CMIP discussions and a couple commissioners expressing interest in wanting to be more engaged in the CMIP and the budget process. One way that Public Works and Budget have worked together on is the CMIP process to select the ranking and scoring, so the Commission has had three years now the opportunity to talk about the criteria that's used to score and rank projects and been able to adjust those if they desired. We did make one adjustment this year as a result of that, so that's one way.

Another way is over the last year, I believe, Public Works has created a map that has been shown to the Commission two, three, four times that gives the public the ability to get on there and put in a submission for a project, so that's another way. What else have we done over the last few years?

Mr. Lindsey said as recently, this year, we did the Dotte Talk Budget. We did get some feedback from there and we will be incorporating that. We're also going to be presenting that in a couple weeks to the Commission and that's strictly community driven and then also we have a budget simulator that we have where we have got a lot of input regarding the infrastructure for our projects also. Then, we also do have the public hearing that we have two a year where we do get feedback from the community.

Mr. Fisher said we've also engaged the Planning Commission at a higher level in the last couple of years. They are supposed to be the body that helps develop the CMIP and move it forward to the Commission as a recommendation so that's another way to increase engagement. There's probably a couple other ways, but I'm glad you asked that question because that's absolutely a priority. It should be data driven, it should be systematic, and there should be a lot of engagement and so each year over the last few years as we've developed the CMIP ranking and scoring system, we tried to start earlier and earlier so we had more time to engage. I think this year will really start in the fall, early fall so that we have more time to assess what's being proposed, what's being scored and ranked and make more informed decisions.

Let's see what else? I want, if you don't mind, I want to go back to Commissioner Burroughs comments. The water line project's a good example. I think what was discussed earlier, which is that flatline budget approach, you know if we have pressure and a lot of competing needs and we can only afford so much a year, well, that could be a good reason why the water line was stretched out over multiple years. We have many examples of that.

Then, I wanted to go back to the discussion earlier about the CMIP ranking and scoring, you all characterized it in some very important ways and safety is a factor in the criteria. If you remember, Robbie Anderson as he was developing that and making presentations about it, he always said there would be a human element to it, which every one of you having an opportunity to weigh-in and the public.

The Fairfax Trafficway is actually a great example. It was in the queue and with all the competing needs, just trying to figure out where to plug it in. Commissioner Kane asked me to go out with that concern of fuel trucks out there. While I was out there I did observe many trucks at peak hour. I think it was 4 or 4:30 in the afternoon and what you wouldn't catch in the system that Robbie's created, is that the trucks have to stop at the railroad tracks and that creates—not only do they have to merge, they have to stop and so traffic is backing up and so that's a human element. That's an imperfection in the system, so thankfully we caught that and it increased the safety problem, our concern, so trying to fit it into the CMIP in the next year, two or three, I would believe I would recommend we do that.

Commissioner Bynum said I just kind of want to circle back to your question Mayor because, you know, around the community engagement piece because it is important and it comes up a lot in the conversations that we have and I think staff kind of started from what's the data telling us piece and Jeff really has brought that. How do we find the data, measure the data, you know, how do we capture it and then they've layered in the—I'm really proud of the layering in of the community aspect of it because, you know, just the ability to go online and say in my case let's say I'm saying I want a streetlight by my house, which I actually did say, and found out that we're probably not going to get one because there's no power to my north. So, something that should only be a couple hundred dollars is actually more like $30-$50K. Interesting exercise to go through, but at least I was able to participate in that process, but nonetheless, I digress.

One of the things that has been beneficial to me as a result in participating in these infrastructure committees is the fact that staff has been given the opportunity over and over and over and over again with me to say here's the map, here's the link, here's the projects, here's the calendar. It's all on their website. It's all there and including the fact that it's interactive and so it makes me think perhaps through our communications, through our public communications, we could maybe enumerate right now since it is budget time some of these ways that Mr. Fisher has described that we have actively undertaken to engage our community particularly in this arena.

I want to go back to one of the first things you said when you were describing bringing the prioritization and the methodology for that to the commissioners. Is it fair for me to say that primarily has happened within Public Works & Safety or has it happened among the entire Commission because I don't remember, do you? I mean I know it comes to Public Works.

Mr. Fisher asked, are you asking if we've in our discussions at full commission described this process? **Commissioner Bynum** said yes, and asked for the feedback because I know that it's happened at that standing committee level, I just can't recall—**Mr. Fisher** said I can't recall either, but it's at least it's been at Planning Commission and then standing committee. **Commissioner Bynum** said I guess I would say to that end, perhaps we could bring it to the other standing committees or bring it here because I know for a fact it's been at Public Works & Safety, but it's not a voting item, so it doesn't move forward, it's a discussion and we talk about the prioritization and then we probably go on to the next thing.

Commissioner Burroughs said I might suggest to our colleagues as we move forward working with the budget, when we have an issue like the Fairfax issue that becomes a major public safety issue, we have a contingency reserve, we may want to look at what criteria would allow us to use contingency reserve money for emergency repairs and not let it become a cash pot for every little incident that doesn't get funded through CMIP, but a real true public need so that we have those monies available. We know they're available, so we don't have to try to build the support on the Commission cut away one project to do another. Those reserves are there for just that reason, to repair a critical piece of infrastructure or a need within our community that is of an emergency basis or a public safety basis.

Commissioner Markley said as Commissioner Bynum was saying, sometimes I just have to say things out loud to make sure that I'm clear in my thinking. You know the idea of doing this ranking system was for us to be approaching these projects as objectively as possible because before we were doing a ranking system what would happen is somebody would come forward with their amazing project during budget season. Back then budget season started in June and ended in July so there wasn't a lot of time for discussion and we would jam this project into the budget and it would boot out some other project. What we realized is when we turned around and looked backward after the budget was over, we'd be like that project that we bumped really should have been a priority, so we were happy to get the project we wanted, but we bumped the project that really was maybe a greater need in our enthusiasm over the other projects. So, the idea is for the community and the Commission to all submit their projects and then for those projects to get that objective rating with the human element so that we can make sure when we bump a project to prioritize another project, we're bumping the right project and we're not taking a priority project off the list to put in what is either the same priority or a lower priority project because we had, you now, some in the moment enthusiasm.

Definitely, I feel like we experienced that in the past before we started ranking projects and the point of being more objective about it is to make sure that we're not just getting excited about a project or just hearing a few voices talk about a project when maybe another project is more critical, but less sexy. We got to make sure that we're making decisions that are objectively based on some criteria that we can defend too when our constituents come to us and say why did Commissioner Burroughs neighborhood get a project and this project over here didn't get done. Is that because he's a commissioner and you can say no, it has nothing to do with that. See, we have these objective criteria. I went through that because they repaved Swartz Road and I said please don't repave my street, please, I did. Jeff is like—I just said don't do it, don't do it because then everybody says that's the commissioners street, is that why it got repaved and Jeff's like no commissioner, we really have to do it. So you want to have that objective criteria of both so we know we're doing the right thing and so we defend what we're doing to those people who are saying why wasn't it my project that got done. Why not mine and you can say, well, not yours because yours is a great project and it's a high priority but it didn't have the same level of need as these other ones based on our ranking.

Commissioner Ramirez said two questions, well, question kind of a statement. Jeff, for the link where anybody, the community members can submit projects, what are the criteria for what constitutes a project because I'm thinking now some community members might say a pothole and submit that onto the link or a broken sidewalk or a broken curb and submit that to the link. What in your mind constitutes a project that could be submitted in that form? **Mr. Fisher** said I think the idea is that we really don't want to restrain them from putting in whatever they want and so I believe it's set up that they can then if there are things to work through, then the staff could work through that with them to better scope it. I believe it gives you some idea what it costs versus what you think it might cost, which was, I think, what Commissioner Burroughs or Bynum was talking to. I believe it's set up where they can put anything in there and then we can elevate it. **Commissioner Ramirez** said okay, I think that's great because then that, as you said, it gives an estimated cost of what it could be.

Our Communications Department, Strategic Communications Department, does an amazing job of getting things out in the community and especially on social media. I feel like every time I go on Facebook I see an ad for the budget simulator and I think if we did something like that for Public Works, advertise that link. If you see an issue Public Works or a street or any type of project like that if you need your road done or sidewalk or potholes; what have you, if we could advertise that to the community so that our Public Works Department—I know they already know what's out there, but so that the community feels involved in that. As the Mayor was saying, involve the community and that could be part of it, our constituents know what's around them and what needs to be done and allow them to be part of it and submit those projects to our team to rate. They'll get information back.

Another way we can, you know, in our 5:00 meeting we talked about an education campaign to educate the community about the outcomes and strategies document that we developed. Part of that could be two-fold. Talk about this and say hey, also we have this outcomes and strategies document that the Commission has worked on, they developed, great, great. Also, here's this link where if you have a infrastructure issue within you neighborhood, you can provide that information to the staff, they'll rate it, get information to you so that it's part of that education.

Our community doesn't really pay attention to what we talk about here unless it's budget time and when we talk about it, we talk about it at a level that we know what we're saying to each other, but not so much to the community. I think that education is going to be very key in all of

this especially with our infrastructure and with the link. I'm glad that we have that. I'm now fully aware of what it can do. I have a lot of constituents, especially in Rosedale, who come to me and asks about this street, about this sidewalk, I'm going to say here's the link, put in the information, what is happening, staff will get back with you with information and then from there we'll work together with staff, the Commission and community; all three work together to see where we can get that project in the prioritization process. It's a three-legged stool. We need to work together.

Ms. Harrison-Lee said I think that we have an opportunity to bring this back and have some more discussion. We've got several budget work sessions scheduled. It's really important, I think, to look at the prioritization particularly when you start looking at street preservation. At some point the delay, the costs get exponentially more and so to the extent that we can, it's important to fund those improvements as soon as we can. We certainly—to the Mayor's question about how do we get the Commission more in the front loading of this conversation, we can have that at one of our scheduled budget sessions that we have over the course of the next several weeks.

Commissioner Burroughs said, colleagues, I would hope that as we work into this budget about the prioritization—I know we do this in the legislature quite a bit, we put things in statute or we make rules and regs as to how something should move forward, what criteria gives it super prioritization over something else. That could very well be a benefit if we want to defend the project that we know is extremely important versus an emergency project so it may be that we may want to look at putting some criteria on how we bring projects forward to ensure that we're not bumping projects for the sake of bumping them. One emergency over another emergency, what's the return on investment today versus next week, something like that. Because if we've got Public Works trying to coordinate all of this, the hard thing is you're limited with so much time and money and if we put another project on, something's got to hold and you've got to reprioritize, it slows the process down.

I think the more we educate ourselves about what we do to set that prioritization would be a benefit to staff and would help us moving forward when it comes to budget time.

Mayor Garner said one thing I would like to add, I was out at the Fleet Center the other day with Jeff and some of his team and one of the things the consideration—I really don't see that on the

CMIP and maybe it isn't, if I overlooked it, I apologize, but just technology. For example, there's a new truck that patches potholes. It requires one person where normally it would—do you want to describe that and share that and how that's really important how it saves manpower costs, time costs, and you know time is money and just that small investor could save our taxpayers a lot of money moving forward, so Jeff.

Mr. Fisher said yeah, it's a fairly new piece of equipment we've been exploring for about a year. Right now we have—about three years ago, the UG, you all gave us authority to purchase two hot patches. That's built for two things. One is the temporary filling of potholes and then come back later and cut it out and put in a more permanent patch. This machine is a spray patcher, one person in the truck, and they pull up, arm goes out, they fill the pothole and they move on to the next one. It's incredibly efficient and so systemically I think what staff will do is use it to get out in front, fill them, and the repair is pretty decent longevity, but then it gives the pothole patchers time to get there and make a more permanent repair instead of the pothole patch is trying to do both. Thank you, Mayor, for that opportunity.

Commissioner Bynum said if I go out there, can I drive that? I would like to drive that truck. **Mayor Garner** said if you do that, they'll put you to work. **Commissioner** Bynum said okay, maybe I'll retract.

Mayor Garner said I like what I'm hearing and the technology piece and I know Commissioner Kane brought up grants. I think grant opportunities are really important and there are millions of dollars out there. I've been talking to folks at both the state and federal level I know our Administrator is exploring that. Just having staff really look at these grant opportunities exist because there's a lot of money that we may be missing out on that can offset some of these projects and really offset some of the priorities that are in our budget, so looking forward to that.

Is there any more questions, discussion? This concludes our special session. I'm going to move to adjourn.

Commissioner Burroughs made a motion, seconded by **Commissioner Bynum**, to adjourn. Roll call was taken and there were seven "Ayes," Townsend, Ramirez, Johnson, Kane, Markley, Bynum, Burroughs.

MAYOR GARNER ADJOURNED
THE MEETING AT 6:55 p.m.

Monica L. Sparks
Acting Unified Government Clerk

dt

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
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http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Acting UG Clerk

Date: April 7, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for April 7, 2022

1. COMMUNICATION:

Brett Deichler, UG Clerk, listing bids received on March 30, 2022, for Project #B32733 – Clifton Park Splash Park and Playground and Project #B32734 – Mowing Services for Parks and Recreation.

Action: Received and filed. Copy previously forwarded to County Administrator, Legislative Auditor and Public Works

2. CLAIM FOR DAMAGES:

Michelle Holt, 7150 Lackman Road #1603, Shawnee, KS, alleging damage due to pothole.
Sean Carter Bradley, 710 N. 7th St., Kansas City, KS, requesting reimbursement of commissary funds.
Michael Chase Howell, 12040 CR 23, Savannah, MO, alleging damage due to pothole.
April White, 2504 N. 64th Terr, Kansas City, KS, alleging damage due to pothole.

Action: Received and filed. Copy previously forwarded to Legal.

3. SUMMONS:

Lisa Bailey Carr vs. Unified Government, Case No. 2022CV000064.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

Katharine Beals, Narcotics/Intel, travel to San Diego, CA, July 11 to July 12, 2022, to attend the 2022 Esri User GIS Conference, ICON Grant.
Corey Dilday, Fire Department, travel to Columbia, MO, February 4 to February 6, 2022, to attend the Missouri Winter Fire School, Employee Training & Travel.
Derick Enloe and Erik Sage, Sheriff's Office, travel to Long Beach, CA, May 20 – May 26, 2022, to attend AJA Jail Conference, Employee Training & Travel.
Matilde Espino, Victim Service Unit, travel to Denver CO, August 1 – August 5, 1922, to attend the National Organization for Victims Assistance, 100% VOCA.
Monica Kennedy, Victim Services Unit, travel to Las Vegas, NV, June 5 – June 9, 2022, to attend the NICP Domestic Violence and Sexual Assault Training, 100% VOCA.
Patrick J. Locke and Joseph Reyes, Police Department, travel to Spence, OK, April 9 – April 10, 2022, to attend Fight Night 2022, Employee Training & Travel.

Action: Received and filed. Previously approved by the County Administrator's Office.

5. CERTIFICATES OF INSURANCE:

Aerial FX, Inc. (2)
American Homeland Security

La Jefa, LLC
Looms Armored US, LLC
Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds:
D&E Services, LLC
Mundin Electric Inc.

License and Permit Bonds:
1st Pick Plumbing, LLC
Safehouse Electric Company, LLC

Mechanical/HVAC Bonds:
Arch Insurance Company
TDR Contractor's Inc.

Mechanical Contractors Bond:
Nexus 5 Group, LLC

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

License & Permit Compliance Bond:
John E Briscoe dba Briscoe Air & Heating

Plumber's Bonds:
Age Mechanical Inc.
DMC Service, Inc.
Southside Plumbing, Inc.
The Plumbing Pro. Inc.
Triton Plumbing, Inc.

Action: Referred to License.

8. CANCELLATION NOTICES:

Electrical Contractor Bond:
Browning Electric, LLC
Hemingray Construction Services, LLC
McElroy Electric, Inc.
Peace Services, LLC
Richard Davis dba Davis Electric (2)
Virgal Williams
The Solar Guys (2)

Mechanical/HVAC Bonds:
Epic Heating & AC, LLC
City Wide Sheet Metal, Inc.
Santa Fe Air Conditioning & Refrigeration, Inc.

Action: Referred to License

9. RIDER LICENSER BOND:

Electrical Contractor's Bond:
Richard Davis dba ADAVIS Electric

Action: Referred to License.

10. REINSTATEMENT NOTICES:

License & Permit Compliance Bond:
John E. Briscoe dba Briscoe Air & Heating

Plumber Contractor's Bond:
Southside Plumbing, Inc.

Action: Referred to License.

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

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Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Acting UG Clerk

Date: April 14, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tp

Attachment

Weekly Business Material for April 14, 2022

1. **PUBLIC NOTICE:**

   Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on April 5, 2022 at 10:00 a.m.

   Action: Received and filed.

2. **COMMUNICATIONS:**

   Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
845913	Yes	10/12/2018	$ 43.60	172 46102405251	Lopez, Leslielisa #8268	Lost warrant stale dated
902428	Yes	2/18/2022	$ 6.942.96	269 8810375533	State Avenue Dental Office #29926	Wrong amount
902767	Yes	3/4/2022	$ 526.77	162 19000015299	KC Star Subs/Circulation #20732	Incorrect invoice number

   Action: Received and filed.

3. **PERSONNEL ACTION COMMUNICATION, DATED APRIL 12, 2022:**

Section I - Separation

Name	Department/Division	Eff. Date	Job Title
Georgina Bryant	Police/Comm	4/5/22	Public Safety Dispatcher

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Emmett H Lockridge	Sheriff	3/31/22	Admin Coordinator	Manager
Daniel P Pacheco	B&L	1/1/22	Building Trades Painter	Finisher
Joshua T Sanchez	Fire	3/10/22	Firefighter	Firefighter/Paramedic
Ashlee R Williams	Fire	3/10/22	Firefighter	Firefighter/Paramedic

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 14, 2022:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Ora C Edwards	Transportation	4/14/22	Transit Operator
Michelle R Giddens	Sheriff	4/14/22	Clerk
Jalessha R Hall	Health	4/14/22	Environmental Scientist
Stephanie L Hanson	Municipal Court	4/14/22	Court Clerk I
Alycia M Mendez	Finance/Treasury	4/14/22	Fiscal Supt Assistant

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Amanda I Calderon	Sheriff	4/16/22	Deputy
Allison N Facio	Clerk's Office	4/14/22	Admin Supt Specialist
Brian Knehans	Geo Spatial	4/14/22	Info Systems Coordinator
Tayln N. Reed	Sheriff	4/13/22	Juv Care Worker I
Adam C Rowe	Fire	4/20/22	Firefighter/Paramedic
Melissa J Sieben	County Admin	4/20/22	Executive Director (20)

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Lyndsey N.M. Huitt	Sheriff	3/31/22	Deputy
Mary M Pollock	Sheriff	3/28/22	Program Supervisor

Section III – Other Request

Name	Department/Division	Eff. Date
Mahmoud J Khalil	Legal	ACD code change efft. 4/14/22

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Marvin Bowens, Sr. 1914 76th St., alleging damage to car from the pothole on 99th & Parallel Pkwy on March 21, 2022.

Raymond Franklin, 4042 N. 110th St., alleging damage to mailbox due to a truck plow on 110th St. on February 18, 2022.

Johnny Lasley, 5752 Georgia Ave., alleging damage to vehicle due to hitting a pot hole on March 31, 2022.

Leola Jenkins, 1853 Praun Ln., alleging damage to grass and concrete on her yard due to a snow plow hitting it in February 2022.

Scott Schaunaman, 12328 Clubhouse Dr., alleging damage to grass in the yard due to a snow plow.

Action: Received and filed. Copies previously forwarded to Legal

6. SUMMONS:

U.S. Bank National Association vs. The Heirs-at-law of Josh Taylor, deceased, et. al., Case No. 2022-CV-000184.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUESTS:

Dylan Alexander, Fire Department, travel to Wheatland, MO, June 6 – 8, 2022, to attend Rescue Boat Ops Technician Training, Employee Training & Travel.

Dylan Alexander, Fire Department, travel to Wheatland, MO, June 9 – 11, 2022, to attend Swiftwater Rescue Technician Training, Employee Training & Travel.

Kate Beals, Police/Narcotics/Intel, travel to Charlotte, NC, June 13 – 16, 2022, to attend DDACTS Intermediate Analytical Training, Employee Training & Travel.

Kate Beals, Police/Narcotics/Intel, travel to Chicago, IL, August 21 – 26, 2022, to attend 32nd Annual IACA Training, FY18 ICON Grant.

Rodney Boston, Patrick J. Locke, Joseph R. Reyes, Police/Copps/Pal, travel to Atlantic City, NJ, May 30 – June 4, 2022, to attend PAL National Conference, Employee Training & Travel.

Louis Goins, District Attorney's Office, travel to St. Louis, MO, April 25 – April 29, 2022, to attend Internal Affairs Conference and Certification, General Fund/Employee Training & Travel.

Joseph Grasela, Police/Community Support Division/Community Policing Unit, travel to San Diego, CA, July 11 – 12, 2022, to attend ESRI User Conference, ICON Grant.

Jeff Jacobs, Police/CIB/Special Investigations, travel to Duncanville, TX, April 19 – April 21, 2022, to interview and obtain DNA in a cold case homicide, Employee Training & Travel.

LaRwan McClaine, Fire Department, travel to Albuquerque, NM, July 13 – 15, 2022, to attend Fire Chiefs Summit 2022, Employee Training & Travel.

Curtis Nicholson, Daniel Soptic, Thomas Williams, Sheriff/Sheriff Administration, travel to Manhattan KS, May 25 – May 26, 2022, to attend 2022 KACP Valor Awards, Employee Training & Travel.

Troy W. Rice, KCPD/Investigations/Task Force Unit (FBI-HARCFL) travel to Chicago, IL, April 25 – May 6, 2022, to attend the FBI FAVP (Field Audio Video Program) Basic Training, FBI funded.

Action: Approved by County Administrator's Office and received and filed.

8. CERTIFICATE OF INSURANCE:

Mortys, LLC, 4452 Francis St.

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Contractor's Bonds:
Fatboy Electric, Inc.
Sosaya & Sons Construction, Inc.

HVAC Contractor's Bond:
Beebe Heating & Conditioning

Mechanical/HVAC Bonds:
D'Agostino Mechanical Contractors, Inc.
McElroy's, Inc.
Metro Air Conditioning Co.

Plumber's Bonds:
McElroy's, Inc.
Osage Construction Services, LLC
VS Services, LLC

Action: Referred to License.

10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:
CRH Electric

Miscellaneous Bonds:
Epic Electric Service Corp
Eric Wilson DBA Wilson Construction & Electrical (2)
Velex Inc.

Action: Referred to License

11. CANCELLATION NOTICES:

Electrical Contractor's Bond:
Genesis 1 Electric

HVAC Bond:
City Wide Sheet Metal, Inc.

Sign Hanger's Bond:
Worldwide Energy and Heartland Sign & Lighting, LLC

Plumber's Bond:
Pierpoint Plumbing, LLC

Action: Referred to License

12. APPLICATION FOR CMB LICENSE (PKG):

Aldi, Inc./Ramon Conejo DBA Aldi #84, 4805 State Ave.

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (OP):

Chipotle Mexican Grill of Kansas, LLC/Rick Rehorn DBA Chipotle Mexican Grill #4036, 7750 State Ave.
Lakeside Speedway, Inc./Stephanie Porter DBA Lakeside Speedway, Inc., 5615 Wolcott Dr.
Stephanie Torres DBA Los Machetes Taqueria, 3009 Strong Ave.

Action: Referred to License.

14. APPLICATION FOR CATERER:

Make Me Smile Event Management, Inc./Rick Rehorn DBA Brancato's Catering, 5050 Kansas Ave.

Action: Referred to License.

15. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Imperial Muzic Entertainment/Alicia Walker DBA The Classic R&B Concert, Memorial Hall, 600 N. 7th St., for 4/10/22, 5 – 11 p.m.

Action: Referred to License.

16. PRIVATE SECURITY BUSINESSES:

Rockwell Security, LLC/Incorp Services, Inc. DBA Rockwell Security LLC, 11201 W. 59th Ter.
Ward Guard/Michael Bradford DBA Ward Guard, 17215 S. Benton Dr.

Action: Referred to License.

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L Sparks
Acting UG Clerk

Date: May 12, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for May 12, 2022

1. **PUBLIC NOTICE:**

   Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on May 3, 2022.

   Action: Received and filed.

2. **COMMUNICATION:**

   Kansas Department of Health and Environment (KDHE) announcing intent to renew a Resource Conversation and Recovery Act hazardous waste permit to Univar Solutions USA Inc., the owner and operator of the facility located at 5420 Speaker Road.

   Action: Received and filed.

3. **COMMUNICATION:**

   Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant#	Reissue ?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Number		
905026	No	4/14/2022	$ 10,000	2698810375533	Doyle Engineering Company-DECO #12565	Lost warrant	
905029	Yes	4/14/2022	$ 10,000	2698810375533	Global Link LLC #16103	Lost warrant	
903405	Yes	3/11/2022	$ 9,000	2698810375533	Lynn Tape & Label Inc #11694	Lost warrant	
905031	Yes	4/14/2022	$ 10,000	2698810375533	State Avenue Dental Office #29926	Lost warrant	
904526	Yes	4/14/2022	$ 10,000	2698810375533	Team Cosgrove Inc #36094	Lost warrant	
902771	Yes	3/4/2022	$ 10,000	2698810375533	The Mockingbird Lounge #22689	Lost warrant	
904532	Yes	4/8/2022	$ 10,000	26988103375533	Unique Salon + Boutique LLC #30096	Lost warrant	

9004537	**Yes**	**4/8/2022**	**$ 10,000**	**26988103375533**	**Villa Mulondayl LLC #31161**	**Lost warrant**	

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED MAY 10, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Aaron K Ashford	Police	4/28/22	Auxiliary Officer
Julio C Caro Gallegos	Finance/Treasury	4/14/22	Fiscal Supt Assistant
Alicia C.A. Johnson	Comm Corr	4/14/22	ISO
Ana M Marin	Mayor's Office	5/4/22	Exec Asst to the Mayor
Ashley M Smallwood	Sheriff	4/28/22	Clerk
Patricia Valdez	Sheriff	4/28/22	Clerk
Maria A White	Police	4/28/22	Program Coordinator

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Tanner E Anderson	Police/Asset	4/28/22	OA III	Security Officer, Unarmed
Joseph S Anthony	Parks/Rec	4/14/22	Groundskeeper II	Operations Supervisor
Timothy R Cottrell	Fire	4/7/22	Master Fire Captain	Battalion Chief (40hr)
Kimberly Daugherty	Comm Corr	4/14/22	Prof Progs Assistant	Program Coordinator
Bryan E Enriquez	PW/WPC	4/28/22	General Maint Worker	Sewer Maint Worker I
Wallrine Freeman	Sheriff	4/14/22	Court Liaison	Program Supervisor
Jose Gomez	Comm Corr	4/14/22	Lab Technician	ISO Supervisor
Kaylin C Groneman	Finance/Treasury	4/18/22	Fire Comm Dispatcher	Fiscal Supt Assistant
Johnnie L Montgomery II	Sheriff	4/14/22	ISO	Court Security Officer
Alexander J Muder	SPW/WPC	4/14/22	General Maint Worker	Construction Worker I

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Dennis W Brough	PW/Street	4/24/22	Flare Tech II
Tremon M Dodds	Fire	4/19/22	Firefighter V
David C Evans	Police	5/12/22	Sr. Patrolman
Selena M Hernandez	Econ Development	4/14/22	Prof Progs Asst
Marcus D Sims	Transit	4/28/22	Transit Operator
Jason A Vigil	DA's Office	5/6/22	ADA II
Josilyn A Wakes	Police/Comm	4/12/22	Public Safety Dispatcher
Tayler B Wash	Mayor's Office	4/24/22	Exec Asst to the Mayor

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Tamika P Ross	DA's Office	4/25/22	8/3/22
Shakila R Stewart	Comm Corr	5/9/22	5/27/22

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Elmer L Asberry Jr	Sheriff	5/7/22	Juv Care Worker I
Charles W Bunnell	Sheriff	5/30/22	Deputy
Mildred A Edwards	Mayor's Office	5/1/22	Chief of Staff to the Mayor
Yesenia Fuentes	Finance/Treasury	4/28/22	Fiscal Supt Assistant
Adanari Hernandez	NRC	5/15/22	Fiscal Supt Specialist
Godfrey A Panama	Sheriff	5/7/22	Juvenile Care Worker I
Megan S Smith	NRC	4/30/22	Fiscal Assistant I
Alcion D Williams	Finance/Treasury	4/28/22	Fiscal Supt Assistant

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kevin A Bibbs	Technology	4/18/22	Director	Exec. Director 21 (CIO)

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Anthony Lee Jr	Health	ACD code change efft. 4/14/22
Emmett H Lockridge	Sheriff	Amend PAC 4/12/22 to reflect change in increase efft date to 1/26/22
LaTonya A Nolan	Police	Out of grade pay effective 5/3/22

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED MAY 12, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Tayler B Wash	County Admin	4/25/22	Org. Effectiveness Coord.

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Thomas E Gripp	Fire	4/21/22	Master Fire Captain	Battalion Chief

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Aaron Z Gage	Sheriff	3/24/22	Deputy
Jason M Hawkins	PW/Fleet	5/13/22	Fleet Maint Tech I
Kang Her	Aging	5/14/22	Program Specialist
Courtney N Neavear	Sheriff	5/19/22	Deputy

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Daniel Flores Gaytan	Fire	5/1/22	7/1/22

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Max H Anaya	NRC	5/29/22	Building Inspector I
Kyle R Cook	Fire	4/13/22	Firefighter I
Jacob A Esparza-Hoskins	Fire	4/13/22	Firefighter I
John T Harris	Fire	4/13/22	Firefighter I
Alex W McGinnis	Fire	4/13/22	Firefighter I
Megan M Miller	Fire	4/13/22	Firefighter I
Marcos C Ramirez	Fire	4/13/22	Firefighter I
Brian N Romo-Flores	Fire	4/13/22	Firefighter I

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Brett A Deichler	County Admin	Out of class pay to Interim ACA efft. 4/20/22
Anthony A McDaniel	Parking Control	Out of class pay efft. 4/26/22

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIM FOR DAMAGES:

Robert & Kay Felix, 6639 Berry Rd., Kansas City, KS, alleging damage to the foundation from drainage.
Carrick McCall, 13015 Meadow Ln., Kansas City, KS, alleging due to pothole on April 20, 2022.
Alicia Minner, 1724 Birch Street, Kansas City, KS, alleging damage due to falling in a hatch on July 8, 2020.

Action: Received and filed. Copies previously forwarded to Legal.

7. TRAVEL REQUESTS:

Raymie Grayson, Community Corrections-Juvenile Division, travel to Shawnee, KS, 9/1/22 to 12/16/22, to attend KU Emerging Leaders Academy (ELA), JISP/CM Fund.
Alicia Johnson, Community Corrections, travel to Nashville, TN, 7/24/22 to 7/28/22, to attend NADCP Annual Training Conference 2022, Employee Training/Travel.

Calvin Johnson, Ashley Brown, Kelly Langton, Jorge Hernandez, Kimberly Daugherty, Ellen Knocke, Dave Matthews, Anthony Russo, Community Corrections, travel to Nashville, TN, 7/24/22 to 7/28/22, to attend NADCP Annual Training Conference 2022, Employee Training/Travel.
Jason Saragusa, Fire Department, travel to Indianapolis, IN, 4/24/22 to 4/28/22, to attend FDIC International, Employee Training/Travel.
Lawrence Werner, Fire Department, travel to Indianapolis, IN, 4/24/22 to 4/28/22, to attend FDIC International, Employee Training/Travel.

Action: Approved by County Administrator's Office and received and filed.

8. CERTIFICATES OF LIABILITY INSURANCE:

Spencer Securus LLC DBA Signal 88 Security of Douglas, Johnson, and Wyandotte Counties.
Vikings West dba KC Dogs

Action: Referred to License.

9. BUSINESS BONDS:

License or Permit Bonds:
Service Experts Heating & Air Conditioning, LLC (2)
Vega Heating & Cooling, LLC

Action: Referred to License.

10. RIDER:

Electrical Contractor Bond:
Holsey & Sons, LLC

Action: Referred to License.

11. APPLICATION FOR CMB LICENSE (PKG):

The Snackle Box, dba The Snackle Box, LLC, 4208 West Drive

Action: Referred to License.

12. APPLICATION FOR CMB LICENSE (OP):

The Snackle Box, dba The Snackle Box, LLC, 4208 West Drive
Yocundo Helguera-Rosendo dba El Camaroncito, 1022 Central Avenue

Action: Referred to License

13. APPLICATION FOR DRINKING EST./PUBLIC VENUE:

Club 403 Enterprises LLC dba 403 Club, 614 Reynolds
Club El Paraiso Inc. dba Club El Paraiso, 6650 Kaw Drive
JIAJ Inc dba Tapatio Mexican Grill, 151 S. 18th St., Suite A
Jose R. Gonzalez-Lopez dba Mi Casa Bonita Mexican Bar & Grill, 1709 Steele Road
Jose R. Gonzalez-Lopez dba Mi Casa Bonita Mexican Bar & Grill, 1709 Steele Road
Hoops LLC dba To The Hoop Bar & Grill, 7912 State Avenue
TBB Hospitality LLC dba KC Monarchs Hospitality, 1800 Village West Parkway
Sparks 73 LLC dba Club Sparks, 1436 Kansas Avenue
Villa Marina LTD dba Las Islas Marias, 7516 State Avenue

Action: Referred to License.

14. APPLICATION FOR CATERER/DRINK EST./HOTEL:

Big Boy Bacon Corp dba Blind Box BBQ, 1601 Village West Pkwy
Racing Notions Inc dba Jazz, A Louisiana Kitchen, 1859 Village West Pkwy, Ste 102

Action: Referred to License.

15. MASSAGE THERAPIST LICENSE 2022-2023:

LaShuna S. Talley d/b/with Chateau Avalon, 701 Village West Parkway

Action: Referred to License.

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L Sparks
Acting UG Clerk

Date: May 19, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for May 19, 2022

1. COMMUNICATION:

Fiber Optic Communications Network Acquisition from Verizon Wireless serving notification to the Unified Government of Wyandotte County/Kansas City, Kansas that MClmetro, a Fiber Optic Cable Company on or around October 4, 2022 will acquire the fiber-optic cable of its affiliate, Verizon Wireless Services, LLC.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED MAY 19, 2022:

Section I – Separations

Name	Department/Division	Eff. Date	Job Title
Marie A Collins	DA's Office	5/13/22	Info Systems Analyst
Cynthia M Jones	Fire/Comm	5/6/22	Fire Dispatcher

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIMS FOR DAMAGES:

Willie LeSage, 2218 N. 40th St., Kansas City, KS, alleging damage due to a water main leak on October 3, 2021.
Abigail Flores, 10020 Webster Ave., alleging damage due to a truck with flying rocks on April 26, 2022.
Tonya Williams, 2220 Monroe Ave., KC, MO, alleging damage due to a speed limit sign being down on May 7, 2022.

Action: Received and filed. Copies previously forwarded to Legal.

4. TRAVEL REQUESTS:

Angela Garrison, Police Department, travel to Las Vegas, NV, to attend Investigative Genetic Genealogy for Law Enforcement, Employee Training/Travel.
Alan Korosec, Fire/EMS, travel to Marco Island, FL, 7/24/22 to 7/30/22, to attend Pinnacle 2022, Employee Training/Travel
Nicole Ortego-Fulton, COPPS 1, travel to Pittsburgh, PA, 8/27/22 to 9/1/122, to attend the CIT International Conference, Employee Training/Travel.
Kirk Roland, Randal Phillips, Kevin Swearengin, Rick Bird, Brad Phillips, Marquis Holmes, Sr., and Jack Xiong, Public Works, travel to New Orleans, LA, 10/8/22 to 10/13/222 to attend WefTec 2022, Sewer System Fund.
John Russell, Sheriff's Office, travel to Kansas City, MO, 6/27/22 to 6/30/22, to attend the 2022 NSA Conference, Employee Training/Travel.
Daniel Soptic, Sheriff's Office, travel to Kansas City, MO, 6/27/22 to 6/30/22, to attend the 2022 National Sheriff's Assn. Conference, Employee Training/Travel.

Action: Approved by County Administrator's Office and received and filed.

5. CERTIFICATES OF LIABILITY INSURANCE:

Babi Bakeri LLC
Clarence Palmer dba Palmer Tree Service

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Bond:
Renewable Consulting, LLC dba ECOVOLE

License or Permit Bonds:
Comfort Kings
Service Experts Heating & Air Conditioning LLC (2)

Plumber's Bond:
Genesis Plumbing Enterprise, Inc.

Action: Referred to License.

7. RIDER:

Electrical Contractor Bond:
Holsey & Sons Electric, LLC

Action: Referred to License.

8. APPLICATION FOR CATERER/DRINK EST./HOTEL:

GWL KC Beverage, Inc. dba Great Wolf Lodge, 10401 Cabela Drive
Michael R. Johnson dba 7th Street Event Center, 735 Minnesota Avenue
Racing Nations Inc dba Jazz, A Louisiana Kitchen, 1859 Village West Pkwy, Ste 102

Action: Referred to License.

Staff Request for Commission Action

Tracking No. 211719

Full Commission Meeting Date: 6/30

Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6
(If none, please explain):

Publication Required: Yes

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed $62,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Criterion Development Partners, LLC

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution of Intent (Criterion Development Partners, LLC), Notice of Public Hearing (Criterion Development Partners, LLC), Performance Agreement (Criterion Development Partners, LLC)

RESOLUTION NO. R __-22

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 $62,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY FOR THE BENEFIT OF CRITERION DEVELOPMENT PARTNERS, LLC, AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Criterion Development Partners, LLC, a Delaware limited liability company (along with permitted successors and assigns, the "Company"), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the "Application") requesting that the Unified Government finance the cost of acquiring, constructing and equipping an approximately 232-unit commercial multifamily development located generally at the northeast corner of State Avenue and 115th Street, as more fully described in the Application (collectively, the "Project") through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed $62,000,000 (the "Bonds"), and to lease the Project to the Company in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed $62,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company; and

WHEREAS, in connection with the issuance of industrial revenue bonds, the Unified Government's current Tax Abatement Policy imposes an issuance fee (the "Issuance Fee") payable by the beneficiaries of such bonds; and

WHEREAS, to set forth certain terms of the Project and the proposed property tax abatement, the Unified Government desires to approve the Performance Agreement between the Unified Government and Company (the "Performance Agreement") and authorize the Mayor/CEO's execution thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the

general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at northeast corner of State Avenue and 115th Street, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed $62,000,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the Performance Agreement and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Performance Agreement. The Mayor/CEO is authorized and directed to execute and deliver the Performance Agreement between the Unified Government and the Company on behalf of, and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the Chief Counsel of the Unified Government, may approve.

Section 5. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 6. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 7. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 8. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement (as defined in the Performance Agreement) with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project, or as otherwise set forth in the Performance Agreement. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company or as otherwise provided in the Performance Agreement, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Issuance Fee. The current governing body of the Unified Government hereby expresses its intent that, upon receipt of the Issuance Fee for the Project, such Issuance Fee is expected to be earmarked for uses that promote affordable housing within the Unified Government in order to promote the overall development and economic welfare of the Unified Government.

Section 14. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 15. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE 30, 2022.

By:_____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax ("PILOTs") shall be determined on a per-unit basis as further set forth in the Performance Agreement. Below is an approximate PILOT schedule based on 232 units, which may be adjusted as set forth in the Performance Agreement.

Local, Minority, and Women Business Enterprise (L/M/W) goals are set forth in the Performance Agreement.

PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Value per Unit	No. of Units	Investment	Year 1 PILOT	Year 1 PILOT Per Unit
$135,000	232	$55,000,000	$308,328	$1,329

		L/M/W Achieved		L/M/W Failed	
*Year		Annual PILOT	PILOT per Unit	Annual PILOT	PILOT per Unit
1		$308,328	$1,329	$320,661	$1,382
2		314,495	1,356	333,488	1,437
3		320,784	1,383	346,827	1,495
4		327,200	1,410	360,700	1,555
5		333,744	1,439	375,128	1,617
6		340,419	1,467	390,133	1,682
7		347,227	1,497	405,739	1,749
8		354,172	1,527	421,968	1,819
9		361,255	1,557	438,847	1,892
10		368,481	1,588	456,401	1,967
		$3,376,106		**$3,849,892**	

Business Category	Participation Percentage Goal	
	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

*Year 1 represents the first calendar year after the issuance of the Bonds.

(Published in the *Wyandotte Echo* on June 2, 2022)

NOTICE OF PUBLIC HEARING FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

Public notice is hereby given that the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), will conduct a public hearing on **Thursday, June 30, 2022,** at 7:00 p.m., or as soon thereafter as may be heard, regarding the proposed issuance by the Unified Government of its industrial revenue bonds in a principal amount not to exceed $62,000,000 (the "Bonds") and an exemption from ad valorem taxation for property constructed or purchased with the proceeds of such Bonds. The public hearing will be held at the Commission Chambers, Lobby Level of the Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas, 66101, and may also be accessed virtually via Zoom web conference or toll free via telephone by dialing (877) 853-5257 or (888) 475-4499. Public hearing access information is available at www.wycokck.org/Departments/Clerks-Office/Engage-in-Public-Commission-Meeting or by contacting the Clerk's office via phone at (913) 573-5206 or via email at ugclerkrequest@wycokck.org. Public comment may also be submitted in advance of the public hearing by email to ugclerkrequest@wycokck.org, fax to (913) 573-5299, or mail to Unified Government Clerk's Office, 701 N. 7th Street, Suite 323, Kansas City, Kansas 66101.

The Bonds are proposed to be issued under authority of K.S.A. 12-1740 *et seq.*, as amended, to provide funds for acquiring, purchasing, constructing, installing and equipping an approximately 232-unit Class A commercial multifamily development, located generally at the northeast corner of State Avenue and 115th Street, in the City of Kansas City, Kansas (the "Project"). The Unified Government intends to base lease the development and further intends to lease the development to Criterion Development Partners, LLC, a Delaware limited liability company (the "Company"), or its successors and assigns.

The Company has requested a 10-year property tax abatement subject to certain payments in lieu of tax for the property constructed or purchased with the proceeds of the Bonds.

A copy of this Notice, together with a copy of the resolution of intent of the Unified Government to be considered for adoption, indicating the intent of the governing body of the Unified Government to issue the Bonds and a report analyzing the costs and benefits of such property tax exemption, are on file in the office of the Clerk and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: June 2, 2022.

Monica Sparks
Unified Government Clerk

DRAFT: May 25, 2022

PERFORMANCE AGREEMENT

Dated as of [_____], 2022

BETWEEN THE

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

CRITERION DEVELOPMENT PARTNERS, LLC

Prepared By:

Gilmore & Bell, P.C.
Kansas City, Missouri

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of [_____], 2022 (this **"Agreement"**), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,** a municipal corporation organized and existing under the laws of the State of Kansas (the **"Issuer"**), and **CRITERION DEVELOPMENT PARTNERS, LLC**, a Delaware limited liability company, or assigns (the **"Company"**);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the **"Act"**), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the "Resolution") indicating the Issuer's intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed $62,000,000 (the **"Bonds"**), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the **"Abatement Statute"**) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company's desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the **"Lease Agreement"**).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

"Abatement Statute" means K.S.A. 79-201a, as amended.

"Ad valorem taxes" or **"ad valorem taxation"** means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

"Agreement" means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

"Application" means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

"Board of Tax Appeals" means the State of Kansas Board of Tax Appeals.

"Bond Financed Portion of the Project" means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

"Bonds" means the Issuer's taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of $62,000,000.

"Company" means Criterion Development Partners, LLC, a Delaware limited liability company, and its successors and assigns.

"Event of Default" means any Event of Default as described in **Section 5.1** hereof.

"Exempt Period" means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

"Exempt Property" means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

"Force Majeure" means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic (including a material worsening of the conditions related to the COVID-19 pandemic existing as of the date hereof) or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

"Future Facility Additions" means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **"Future Facility Additions"** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

"Issuer" means the Unified Government of Wyandotte County/Kansas City, Kansas.

"Property" means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

"Project" means acquiring and constructing an approximately 232-unit commercial multifamily development to be occupied by lessee-tenants (and not owner-occupants), as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, that will be generally located at the northeast corner of State Avenue and 115th Street.

"Project Costs" means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

"Project Site" means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

"Tax Payment" means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding and the Company remains in full compliance with this Agreement, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the Issuer (or, if the Issuer shall direct, to the County Treasurer).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district's capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer be Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company's request, cooperate with the Company in all reasonable ways to

cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Company's Right to Protest. Nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Issuer Tax Payments**,** the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to 0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this

Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before July 1, 2023, and substantially complete construction of the Project on or before August 1, 2025. "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a multifamily development, as evidenced by receipt by the Company of one or more temporary certificates of occupancy for all of the multifamily housing structures included in the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2025.

Section 3.3. Development of Project. The Issuer and Company hereby agree that the Project shall be as described below. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as a Class A multifamily development that shall include approximately 232 units, consisting of detached and attached units between approximately 780 square feet to 1,340 square feet throughout multiple housing structures, including site amenities and related infrastructure. Project amenities shall include (i) a clubhouse

and swimming pool with sun deck and outdoor lounge, health and fitness facilities, an event space/club room, resident lounge, outdoor kitchen with gas grills, fire pits, and patio space; (ii) in-unit washer/dryer, refrigerator, oven/range, and microwave; (iii) community green space; (iv) package delivery/pickup amenities (including groceries), all as generally depicted in **Exhibit E** attached hereto, though the parties acknowledge the depiction in **Exhibit E** is conceptual and is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other first-class multifamily space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3**.

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project (based upon the Company's actual knowledge of the full-time employees employed by the Company or subtenants occupying the Project).

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee.

The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting documentation, for any amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 (**"Prohibited NAICS"**), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility, an owner-occupied housing facility, or inventory, and that the Project is not located in a redevelopment project area as defined in K.S.A. 12-1770 *et seq.*

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may lease the Project's units in the ordinary course of its business.

(b) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project or refinance the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds.

(c) Once all occupancy permits have been issued for the Project, the Company may sell, lease, assign, transfer or mortgage the Project (and this Agreement and any other documents entered into in connection with the Bonds including without limitation the Resolution, in connection with the same) upon written request to the Issuer and the approval of the County Administrator or his/her designee; provided, if the County Administrator or his/her designee disapproves any such disposition, the Company will have the right to appeal such decision to the Issuer's governing body within a reasonable time. The consent of the Issuer to any such disposition described in this subsection shall not be unreasonably withheld or delayed.

(d) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage.

(e) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an "Event of Default" hereunder:

(a) the Company shall fail to perform any of its obligations hereunder;

(b) the Company shall breach any covenant contained herein or any representation of the Company contained herein or in the Application shall prove to be materially false or erroneous; or

(c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project were not Exempt Property, and (iv) the amount of any costs and attorneys' fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i)** through **(iv)** of **Section 5.2**.

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: msparks@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961

Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: mbrown@wycokck.org

And a copy to:

Gilmore & Bell, P.C.
Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: kwempe@gilmorebell.com

and to the Company at:

Todd Thomas
Criterion Development Partners, LLC
14160 N. Dallas Parkway
Suite 750
Dallas, Texas 75254
Telephone: (214) 393-4116
Email: tthomas@criteriondp.com

with a copy to:

Curt Petersen
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: (913) 234-7458
Email: cpetersen@polsinelli.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and deliver and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

(SEAL)

By:_____
Mayor/CEO

ATTEST:

By: _____
Unified Government Clerk

CRITERION DEVELOPMENT PARTNERS, LLC
a Delaware limited liability company

By:_____

Name:_____

Title:_____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or "PILOTs") shall be determined on a per-apartment-unit basis. Below is an approximate PILOT schedule based on 232 multifamily units, and the parties acknowledge that the Tax Payments may be adjusted in accordance with the table below depending on the ultimate number of units constructed.

Tax Payments shown below do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Value per Unit	**No. of Units**		**Year 1 PILOT**	**Year 1 PILOT Per Unit**
$135,000	232		$308,328	$1,329

		L/M/W Achieved		**L/M/W Failed**	
***Year**		**Annual PILOT**	**PILOT per Unit**	**Annual PILOT**	**PILOT per Unit**
1		$308,328	$1,329	$320,661	$1,382
2		314,495	1,356	333,488	1,437
3		320,784	1,383	346,827	1,495
4		327,200	1,410	360,700	1,555
5		333,744	1,439	375,128	1,617
6		340,419	1,467	390,133	1,682
7		347,227	1,497	405,739	1,749
8		354,172	1,527	421,968	1,819
9		361,255	1,557	438,847	1,892
10		368,481	1,588	456,401	1,967
		$3,376,106		**$3,849,892**	

Business Category	Participation Percentage Goal	
	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

*Year 1 represents the first calendar year after the issuance of the Bonds.

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the "**Agreement**"), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**") and Criterion Development Partners, LLC (the "**Developer**"), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 232-unit, commercial multifamily development in Kansas City, Kansas (the "**Project**"), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated [_____], 2022 (the "**Performance Agreement"**), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. "Construction" means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, "Construction" shall not include: (i) Specialized Services; and (ii) Professional Services.

B. "Contractor" means the Proposer selected by the Developer for the Project.

C. "Local Business Enterprise" (or "LBE") means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. "Minority Business Enterprise" (or "MBE") means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. "Professional Services" means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development and construction of the Project.

F. "Project" means the Construction of a new multifamily development and as legally described in Exhibit 1 to this Agreement.

G. **"Proposer"** means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. **"Specialized Services"** means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. "**Substantial Local Office**" means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term "Substantial Local Office" shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. **"Women Business Enterprise" (or "WBE")** means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal	
	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women's Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an "approved" business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used "**Best Efforts**" to meet such goal(s) if Developer shall have taken substantially all of the following actions:

i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;

ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;

iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;

v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;

vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;

vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;

viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and

ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

A. providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;

B. developing and maintaining a registry of approved LBE, MBE and WBE businesses;

C. assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;

D. updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;

E. frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;

F. providing advice relative to utilization and compliance matters;

G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;

H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;

I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and

J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
County Administrator
Date: _____

CRITERION DEVELOPMENT PARTNERS, LLC

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1
Legal Description -- Link

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E

PRELIMINARY SITE PLAN

Staff Request for Commission Action

Tracking No. 211742

Full Commission Meeting Date: 6/30/2022
Committee: Administration & Human Services

Date of Standing Committee Action: 6/27/2022
(If none, please explain): It is requested that this item be *fast-tracked* to the 6/30/2022 full commission meeting.

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/23/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:
An ordinance expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets and parklets, making permanent COVID-19 Emergency Ordinances, changes previously approved, and adding new language, amending Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, to 32-103, 32-127, 32-180, 32-182, 32-183, 32-185, 32-186, 32- 187, 32-188, 32-380 and 32-381 to Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Action Requested:
Request to fast-track to 6/30/2022 Board of Commissioners Agenda

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Chapter 32_Streets for People Amendments_BOC

Published in the *Wyandotte Echo* on _____

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, making permanent many of the "Streets for People" changes previously approved and adding new language, amending **Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, 32-103, 32-127, 32-182, 32-183, 32-185, 32-186, 32-187, 32-188, 32-380 and 32-381** to, and removing **Sections 32-180 and 32-382** from, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 32, Article III – Streets and Sidewalks, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 32-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, or waterway.

Food means and includes any articles sold for human consumption, the sale of which is not prohibited by law.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

DRAFT

Ice cream truck means any motor vehicle required by state statutes to be licensed and which is used for vending ice cream, or nonalcoholic beverages.

Ice cream truck vendor means any person who owns or operates an ice cream truck.

License administrator means the director of the license division or his designated representative.

Licensee means an applicant who has obtained a license pursuant to this article to own and operate a vending vehicle.

Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the WIC package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Operator means any person who operates a vending vehicle or vending stand for the purpose of vending food, beverage or product therefrom.

Owner means any person who owns or controls one or more vending vehicles and:
(1) Conducts, permits or causes the operation of such vending food, beverage or product;
(2) Owns, operates, controls or manages such vending vehicle; or
(3) Contracts with persons to vend food, beverage or product from such vending vehicle.

Owner's license means a license issued by the unified government authorizing the holder to engage in the business of vending food, beverage or product from a pushcart or vending vehicle or vending stand. This includes an owner's ice cream license, as defined herein.

Prepared food vending vehicle means a self-propelled*, hitched trailer,* or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, ~~at retail,~~ but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or *an* ice cream product truck.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Residential area means any street where over 50 percent of the front footage of either side of the block is devoted to single-family and multiple-family dwellings, dormitories, or mobile homes, or is otherwise zoned with a residential classification.

Sidewalk vending means the peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value upon a sidewalk of the city.

DRAFT

Special event means:

(1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or

(2) The temporary use of private property for the purpose of any of the following activities:

   a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.

   b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

   c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.

   d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

   e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for sections 32-380 and 32-381.

Uniform means, at a minimum, a shirt containing the logo, insignia, name or other identifying characteristic of the owner or a badge prominently displayed on the person operating the pushcart or vending vehicle identifying the operator with a photograph and name and telephone number to contact the owner.

Vend means offering food, beverage or product of any kind for sale from a vending vehicle on any sidewalk, street, alley, park, highway, or unenclosed place open to the public, whether publicly or privately owned, including the movement or standing of a vending vehicle for the purpose of searching for, obtaining or soliciting retail sales of products.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a pushcart or a prepared food vending vehicle.

Sec. 32-93. – Fees.

Each application shall be accompanied by a nonrefundable fee, as follows:

(1) The fee for a license shall be $100.00, valid for one year from January 1 through December 31, or any part thereof.

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(2) The fee for a special event license shall be $30.00 for a permit valid for *three days*. ~~one month.~~

Sec. 32-96. – General prohibitions.

(a) No person shall sell or offer for sale any food, beverage or prepared food product from any portable box, stand, bag or similar container other than a vending vehicle or on any street, park, parkway or sidewalk, or in any unenclosed area open to the public.

(b) No licensee shall allow, direct or otherwise cause any other person to vend or offer to vend any food, beverage or product in violation of any provision of this article or regulations promulgated pursuant to section 32-153.

(c) No person shall operate or allow to be operated in the city a vending vehicle that is not licensed pursuant to the provisions of this article or without any other business tax, license or permit required elsewhere by this Code for each and every pushcart, prepared food vending vehicle or vending stand.

(d) No person shall operate or vend from a pushcart, vending vehicle or vending stand in violation of any license restriction placed upon such pushcart owner's license.

(e) No person shall employ or retain any person to operate a vending vehicle for the purpose of vending unless the person so employed or retained has been listed as an operator on the owner's license application pursuant to the provisions of this article.

~~(f) No person shall operate or vend from a vending vehicle that is located within 200 feet of any other pushcart or prepared food vending vehicle.~~

~~(g) No person shall operate or vend from a vending vehicle within 200 feet of any property utilized for school uses or church uses.~~

~~(h)~~*(f)* No person shall operate or vend from a vending vehicle within 15 feet of any intersection, driveway, building entrance, or in any space designated for vehicular parking.

~~(i) No vending vehicle that is licensed to vend in a specific area or location shall vend in any location other than that area specified on the license, unless operating at a special event.~~

~~(j) No person shall operate or vend from a pushcart or prepared food vending vehicle before 8:00 a.m. or later than 8:00 p.m. during periods of standard time.~~

~~(k) No person shall operate or vend from a pushcart or prepared food vending vehicle before 8:00 a.m. or later than 9:00 p.m. during periods of daylight savings time.~~

~~(l)~~*(g)* No person shall store, park or leave any stand on any public property after the authorized hours of operation.

Sec. 32-97. - Vending vehicle standards and conditions.

(a) Each pushcart or prepared food vending vehicle shall have affixed to it in plain view the owner's license and other licenses or permits required by this article.

(b) The maximum dimensions of any pushcart shall be eight feet in length and five feet in width.

~~(c) The only signs used in conjunction with a pushcart shall be signs affixed to or painted on the pushcart or its canopy.~~

~~(d)~~*(c)* The operator of a vending vehicle, if such a person is an employee, contractee, or lessee of an owner, shall be required to wear a uniform badge or clearly visible identification.

~~(e)~~*(d)* No artificial lighting on any pushcart is permitted.

~~(f) A refuse bin of at least one cubic foot shall be provided in or on the vending vehicle.~~

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~~(g)~~*(e)* No noise-making devices shall be used in conjunction with pushcart vending except one bell with a maximum diameter of two inches.

~~(h)~~*(f)* The licensee shall maintain the unit in good repair and keep it from defects that may present a hazard to life or property.

~~(i)~~*(g)* The licensee shall make the unit available for inspection by the license administrator, the health officer, fire marshal or their representatives at any time while the unit is in operation. No notice prior to such an inspection shall be required.

~~(j)~~*(h)* The licensee shall thoroughly clean the unit and drain and flush the liquid waste tanks each day that the unit is operated.

~~(k)~~*(i)* The licensee shall provide a current description or list of all foods to be sold and the proposed hours of operation.

~~(l)~~*(j)* The licensee must comply with all other applicable state and unified government rules and regulations specifically including all food or health-related ordinances of the unified government and all state and federal food labeling laws. The unit itself and licensee must meet all applicable requirements for the operation of mobile food units and food establishments as set out in this Code at all times.

~~(m)~~*(k)* Each unit shall be clearly marked with the name and phone number of the licensee and the phone number of the license administrator.

~~(n)~~*(l)* The licensee shall serve, store, and display food on or in the unit itself and shall not use, set up, or attach any crate, carton, rack, table, or other device to increase the selling or display capacity of his unit. The licensee shall be allowed the use of two coolers for the purpose of selling nonalcoholic beverages.

~~(o)~~*(m)* The licensee shall not use the unit or allow anyone else to use the unit to sell, distribute, or give away any foods other than those stated in the application for the permit. The licensee is not authorized to and shall not sell any nonfood items.

~~(p) The licensee or operator shall keep the area within 25 feet of the unit clean and free of litter at all times. The litter receptacle on the unit shall be emptied regularly in other than a public receptacle. The litter receptacle shall be kept covered with a tightfitting lid when not in continuous use.~~

~~(q) The licensee shall not make any structural alteration of the unit without giving 30 days' advance written notice to the license administrator.~~

~~(r) The licensee shall not install, erect, or maintain any signs on any public property, except those permitted on the unit itself.~~

~~(s)~~*(n)* The size and location of sites must be such that they will not pose a hazard to vehicular or pedestrian traffic.

~~(t) The licensee shall not install any permanent improvement on the sidewalk.~~

~~(u)~~*(o)* In the event that activities at any site should cause undue vehicular and pedestrian traffic congestion or any other unsafe condition, the license administrator or any law enforcement officer of the unified government may direct the licensee to temporarily vacate the site until the situation has abated, and the licensee shall comply.

~~(v)~~*(p)* The licensee shall not allow the unit to remain unattended. All equipment and materials shall be removed from the site at any time that the licensee or operator is not physically present upon the site. If equipment and materials are left unattended, they may be removed. The licensee shall then be liable for all reasonable removal and storage charges.

~~(w)~~*(q)* Sales of food or merchandise shall be made only to pedestrians. No food or merchandise shall be offered or sold to any occupant of any vehicle.

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Sec. 32-100. - Findings and purpose.

It is found and declared that:

(1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, *sidewalk dining, food trucks, vending stands, and* ~~newspaper dispensers,~~ vendor persons ~~and sidewalk dining in pedestrian-oriented commercial areas~~ is to provide additional space for sales of goods ~~to allow for sound social distancing requirements~~ *through an open-air extension* while contributing to activity, attracting *patrons* ~~pedestrians~~, extending their visits, and enhancing overall community quality of life.

(2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

Sec. 32-101. Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this section are defined by state law, such definitions shall apply to the use of such words and phrases in this section and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Alcohol means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

Applicant means a person who applies for a permit as provided in this section.

Building means any building or permanent structure in which the business in question regularly and primarily operates.

Farmers' market means a~~n~~ *seasonal* outdoor market where fresh produce, *animal food products,* homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client*, and must consist of the majority of the sales in both scope and dollars*. *Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client.* Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, *and* salsa~~, and honey~~. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food establishment means a business where *prepared* food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. ~~The most common e~~*E*xamples of a food establishment *may* include*, but are not limited to,* sit-down restaurants, fast-food restaurants, delis, smoothie bars, *coffee and tea shops,* and ice cream parlors. *Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.*

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Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale will be WIC-approved food types. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

NACTO standards means the construction and design standards set forth in "Urban Street Design Guide," published by the National Association of City Transportation Officials.

Non-profit organization means an entity that is registered as a 501(c)(3) organization with the State of Kansas.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Outdoor tavern means an *area associated with an* establishment ~~which~~ sell*ing*~~s~~ cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates. ~~resides; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.~~

Parklet means an on-street public parking space converted to be used for public dining or sales purposes. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, *between the parklet and* additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

Parklet elements means all tables, chairs, fencing and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

Prepared food vending vehicle means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.

Public right-of-way means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

~~*Sidewalk*~~ *Outdoor* cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed ~~sidewalk~~ *outdoor* cafes must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

~~*Sidewalk café*~~ *Outdoor dining* elements means all tables, chairs, fencing and other materials used for demarcating the ~~sidewalk~~ *outdoor* café or outdoor tavern from the right-of-way;~~,~~ planters and plants*;*~~,~~ and any other privately-owned property comprising the ~~sidewalk~~ *outdoor* café or outdoor tavern~~, which is approved for use in a sidewalk café or outdoor tavern by this article~~.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending vehicle means a pushcart or a prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Sec. 32-102. Applicability and enforcement.

(a) ~~The provisions set forth in sections 32-100 to 32-186 shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways.~~ Outdoor sales are allowed under *this division,* ~~the ordinance from which these sections derive,~~ subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the ~~property and~~ right-of-way shall continue to apply, unless there is a conflict in law, in which situation these sections shall supersede.

(b) Businesses. Only businesses that have successfully received an occupation tax number with the business license department and which remain current and in good standing with all occupation tax payments may operate a*n* ~~sidewalk~~ *outdoor* café, walk-up market, *outdoor tavern* or outdoor retail space under the ordinance from which sections derive. Vending, soliciting, or giving away goods or items without a business license as required is prohibited. ~~Any persons or entity operating a sidewalk café, walk-up market, open tavern, or sidewalk vending under these sections must conduct such operation in one of the following manners, subject to further regulations from applicable sections of the article:~~

~~(1) On the sidewalk, right-of-way, or parklet immediately adjacent to the building from which the pre-established business, operated by the same persons or entity, is addressed located and consistently operates; or~~ *All persons and entities are prohibited from operating an outdoor café, walk-up market, outdoor tavern, and/or sidewalk vending under this division in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.*

~~(2) In the front and/or side yard of the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or~~ *Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.*

~~(3) In the designated off-street parking lot or shared off-street parking lot for the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates.~~

~~All persons and entities are prohibited from operating a*n* sidewalk café, walk-up market, open tavern, and/or sidewalk vending under this division the ordinance from which these~~

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~~sections derive in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.~~

(c) Non-profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in *this division* ~~the ordinance from which these sections derive~~ under the following conditions:

(1) The entity be a registered with the state and whose status as a 501(c)(3) organization remains current and in good standing; and

(2) Has permission from the property owner adjacent to the on-street parking, right-of-way clearance~~, or parking lot~~; and

(3) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food *or other merchandise or otherwise fundraise*, subject to all regulations regarding food establishments in this article, or take donations on-site; and

(4) Does not violate any other requirements in this article, including, but not limited to, spacing, ~~social distancing,~~ hours of operation, and parking spaces.

(5) Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.

(d) Rights-of-way.

(1) Right-of-way permits.

a. Right-of-way permits otherwise required for work or activities allowed in this section are waived, except for the permits needed to construct a permanent or semi-permanent parklet*, obtain a special events permit, or a street closure permit.*

b. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in chapter 6 of the Unified Government Code of Ordinances.

c. No open flames shall be allowed under any use in the article, except for any open flame on a vending vehicle allowed by another ordinance.

(2) ~~*Damage to the right-of-way.*~~ *Any damage to the right-of-way as a result of uses under this section, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.*

~~a. Any damage to the right-of-way as a result of uses under this section, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.~~

(e) ~~*Fire safety.*~~ *Enforcement.*

(1) Power of *local health officer*~~*. fire department.*~~

a. ~~The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).~~ *The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3 and sections 32-100 to 32-185.*

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b. ~~Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.~~ *This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.*

c. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.

(2) ~~*Inspection of mobile vending.*~~ *Power of zoning and code enforcement.*

~~a. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.~~ *Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.*

b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.

(3) Fire safety

a. Power of fire department.

1. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).

2. Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.

b. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

~~(f) *Public health.*~~

~~(1) *Power of local health officer.*~~

~~a. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3 and sections 32-100 to 32-185.~~

~~b. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.~~

~~c. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.~~

~~(g) *Zoning and code enforcement.*~~

~~(1) Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.~~

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~~(2) This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.~~

~~(h)~~*(f)* Food establishments, food service, and outdoor taverns.

(1) Applicability.

a. ~~*Sidewalk*~~ *Outdoor* cafés. For ~~entities~~ *any food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments,* ~~that fulfill the following conditions,~~ no permit is required to operate a*n* ~~sidewalk~~ *outdoor* cafe. ~~The ordinance from which these sections derive only applies to any business that:~~

~~1. Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and~~

~~2. Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.~~

b. Walk-up markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market~~. The ordinance from which these sections derive only applies to entities which fulfill one of the following~~:

1. A ~~business~~ *food establishment* which *has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments; or:*

~~(i) Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and~~

~~(ii) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments; or~~

2. An entity that *which i*s registered as a 501(c)(3) organization with the state whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.

c. Outdoor taverns. For businesses that fulfill the following conditions, a permit is *not* required to serve cereal malt and/or alcoholic beverages *in the public right-of-way, subject to this section.* ~~outside the building of the designated place of business.~~ This section applies to all businesses that:

1. *Has received a license from the state department of revenue for the sale of* ~~Sells~~ cereal malt and/or alcoholic beverages for consumption on the premises; and

2. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.

(i) For the purposes of this section, sales on the premises may include allowable outdoor sales, which are defined in the section 32-102(h)(2) and section 32-102(h)(7).

(2) Allowed areas.

a. One or more of the following areas may be utilized for a food establishment or tavern as a*n* ~~sidewalk~~ *outdoor* café or walk-up market and/or outdoor tavern:

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1. ~~Building~~ *Property line*-to-curb area. From the building to the curb of the street~~, ("building-to-curb area"),~~ subject to the following conditions:
    (i) A clearance~~ — either a sidewalk or designated path if there is no sidewalk —~~ parallel to the street and at least four feet in width must be maintained for use under the ADA;
    A. A sidewalk, or
    B. A designated path, if there is no sidewalk.
    (ii) All ~~sidewalk~~ *outdoor* café elements must be at least four feet from street furniture and designated fire lanes; and
    ~~(iii) No yard abutting an adjacent residentially zoned property may be used as a sidewalk café, walk-up market and/or outdoor tavern without a special use permit.~~
2. A parklet, subject to the following conditions:
    (i) One of the following is allowed to be used as a parklet ~~by a food establishment~~:
        A. One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
        B. If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
    (ii) Parklets and parklet barriers should be constructed and arranged to NACTO standards.
    (iii) No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by a*n outdoor* ~~sidewalk~~ café.
    (iv) Only one parklet is allowed per building. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this parklet.
    (v) No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
    (vi) All seating within the parklet must be at least three feet from passing automobile traffic.
    (vii) No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
~~3. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.~~
    ~~(i) If a business does not have any surplus parking spaces, then the business must first look to use a parklet.~~
    ~~(ii) If a parklet cannot be achieved because there is no adjacent on-street parking allowed by this article or other local regulations, then off-street parking can be used regardless if business has surplus parking or not. The business may still only use one parking space of non-surplus off-street parking, in the same manner as if it were a parklet.~~

b. All *outdoor* ~~sidewalk~~ cafes or outdoor taverns must:

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1. Provide designated seating for all customers; and
2. Waitstaff or other employees for the food establishment or tavern must serve all food and drink to the customers at their designated seating.

c. All *outdoor* ~~sidewalk~~ cafes, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.

d. The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.

e. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.

f. No *outdoor* ~~sidewalk~~ café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

g. No *outdoor* ~~sidewalk~~ café or other area designated for customer dining shall be located within 30 feet of a dumpster. ~~nor within ten feet of a trash receptable. This restriction shall apply whether the dumpster or trash receptable is on the property of the food establishment hosting the sidewalk café, on a neighboring property, or in the public right-of-way.~~

(3) ~~*Social distancing and p*~~*P*ublic health.

a. All food establishments and outdoor taverns are responsible for ensuring compliance with any and all ~~guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and any other~~ local, state or federal restrictions.

~~b. In order to baseline level of safety for both employees and customers alike, all food establishments and outdoor taverns must maintain social distancing in the following ways:~~

~~1. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to order food.~~

~~2. Ensure that customers or parties of customers maintain at least six feet from each other while eating food or consuming cereal malt and/or alcoholic beverages. This would involve keeping the closest point of one seating arrangement (table and chairs) at least six feet from the closest point of the next seat arrangement.~~

~~3. Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this section, whether hosted by the same food establishment/outdoor tavern or not.~~

~~4. Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right-of-way.~~

~~c~~*b*. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating a*n outdoor* ~~sidewalk~~ café, walk-up market, *vending stand* or outdoor tavern.

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1. The business property, or any public or private area utilized by the business for the purposes of a*n outdoor* ~~sidewalk~~ café, walk-up market, *vending stand* and/or outdoor tavern, including but not limited to, the ~~building~~ *property line*-to-curb area, parklets, *or* on-street parking, ~~or off-street parking,~~ shall be kept free of trash and debris at all times. ~~Conformed~~ *Confirmed* reports ~~of trash blowing off the property into other properties or the public right-of-way~~ shall be prima facie evidence of the business's failure to comply with this section.
2. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any *outdoor* ~~sidewalk~~ café, walk-up market, *vending stand,* and/or outdoor tavern operated by the business.

(4) Structures.

a. Permanent/semi-permanent structures may be used for parklets that fulfill the requirements for a*n outdoor* ~~sidewalk~~ café*, outdoor tavern, vending stand,* and/or walk-up market.
   1. A business may erect a permanent or semi-permanent parklet and designate it as such.
   2. Any parklet structure must be built to be level with the sidewalk adjacent to it.
   3. Any parklet structure must be built to fit within the dimensions of one parking space.
   4. All parklets must comply with NACTO standards.

b. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. ~~Semi-permanent structures may remain in allowed surplus off-street parking at all times.~~ Temporary structures may be used for ~~building~~ *property line*-to-curb areas~~,~~ and parklets. ~~and/or parking lots.~~
   1. Temporary or semi-permanent structures that provide shade for retailers and customers ~~made~~ *may* be erected. Use of umbrellas are encouraged.
      (i) "Pop up" tents are allowed only in ~~surplus off-street parking spaces or in an~~ area*s* between the ~~building~~ *property line* and the curb. ~~in which the tent is~~ *The tent must be* at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
   2. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. Weigh*t*s are encouraged to be used to secure temporary or semi-permanent structures.
   3. Outside the *defined* hours of operation~~, as defined in this section,~~ no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code. Permanent/semi-permanent structures, including parklet structures, may remain in a~~n~~ *parklet* ~~allowed parking space~~ at all times.
   4. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

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(i) All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
(ii) Signs cannot be attached to public infrastructure.
(iii) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.

5. Any permanent/semi-permanent structure constructed or erected in the ~~building~~ *property line*-to-curb area is subject to an administrative review by the ~~department of~~ planning *director* ~~and urban design~~.
   (i) For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
      A. A foundation is installed; or
      B. Poles are installed ~~for~~ *more* than four inches in the ground, whether for structural support or to hold up a sign; or
      C. A hard-sided roof is installed; or
      D. Construction of the structure would require a building permit outside of this section.
   (ii) For an administrative review, applicant must provide the following:
      A. Site plan of the property, including the permanent/semi-permanent structure; and
         i. Setbacks and ADA-compliant paths must be marked and measurements provided.
         ii. For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.
      B. Elevations of the structure, drawn to scale.

(5) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.

(6) Hours of operation.
   a. Food establishments shall not operate a*n outdoor* ~~sidewalk~~ café or walk-up market outside of the ~~business's~~ *food establishment's* published hours of operation.
   b. Taverns shall not operate an outdoor tavern outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations by no later than 10:00 p.m.

(7) Alcohol sales. Establishments may serve alcohol under the following conditions:
   a. ~~*Sidewalk*~~ *Outdoor cafes.*
      1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
      2. All alcohol must be served to the customer in an open container.
      3. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in

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compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.

4. Under this section, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the subsection regulating outdoor taverns applies.

b. Outdoor tavern.
   1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
   2. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.

c. No portion of this subsection may be construed to supersede ABC regulations. If any portion of this section is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.

(8) Lighting. Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.
   a. Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings *or adjacent traffic*.
   b. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the *outdoor* ~~sidewalk~~ café, parklet, or parking lot being used for outdoor sales.

(9) Noise levels and noise disturbance.
   a. No music shall be played or produced through external *amplified* speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10:00 p.m., whichever time is earlier.
   b. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as a*n outdoor* ~~sidewalk~~ café, walk-up market, *vending stand,* and/or outdoor tavern.

(10) Mobile vending.
   a. ~~No permit shall be required for any mobile vending. However, mobile vending by a person, person(s), or location may be restricted at the discretion of the department of urban planning and land use staff.~~ *See section 32-187 for additional mobile market regulations.*
   b. ~~A mobile vendor or one otherwise engaged in mobile vending must fulfill the following conditions:~~ *See section 32-188 for additional mobile vending regulations.*
      ~~1. The sale of alcohol total less in annual dollar volume than the sale of food; and~~
      ~~2. Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.~~

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~~(11) Parking.~~

~~a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter will occupying the parking space or parklet. However, the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection.~~

~~b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;~~

~~c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;~~

~~d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;~~

~~e. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;~~

~~f. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.~~

~~Sec. 32-103. - Review and sunset.~~

(a) ~~The amendments set forth in sections 32-100 through 32-102 of this shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted.~~ *All sidewalk sales must be removed and cleared at the close of each business day. No vending signs, structures, or elements may be left in the right-of-way overnight, except for those elements specifically allowed by this division.*

~~(b) The amendments set forth in sections 32-100 through 32-102 of this shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~

Sec. 32-127. - License.

(a) An application for a license to vend from a vending vehicle at a special event for a period of time no less than two days, not to exceed ten days shall be filed with the license administrator not less than 14 nor more than 60 days in advance of the scheduled events.
(b) The license issued shall be subject to the same requirements for issuance and standards of operation as prescribed in section 32-97 for the issuance of vending vehicle license.
(c) The license fee shall be $10.00 per day but in no event more than $30.00.
(d) Licenses to vend from a vending vehicle in a park may upon approval of the park board for designated special events be issued by the license administrator.

~~Sec. 32-180. - Duration.~~

~~No person shall conduct any vending of nonfood merchandise on a sidewalk or public right-of-way more than three times per calendar year and for a period not to exceed seven consecutive days on any such occasion.~~

Sec. 32-182. - Pedestrian traffic set aside.

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Any sale of nonfood merchandise under this section shall reserve a minimum of ~~72~~ *48* inches for the passage of pedestrian traffic. The ~~72~~ *48*-inch distance shall be measured from the curb to the front of the merchandise offered for sale.

Sec. 32-183. - Fee.

The county administrator shall establish a reasonable administrative fee based on the cost of regulation for each sale.

Sec. 32-185. Retail.

(a) Applicability. For entities that fulfill the following conditions, no permit is required to operate outdoor retail. This section only applies to any business that:
  (1) Sells items and/or services typically and regularly sold at the establishment; and
  (2) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.
  (3) Unless otherwise provided by this chapter, operation of outdoor retail or outdoor sales on the private property of the business shall be subject to section 27-622.

(b) Allowed arrangements. Businesses may engage in outdoor sales, subject to the following conditions:
  (1) The outdoor sale must operate as an open-air market.
  (2) Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
    a. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and
    b. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
  (3) Any retail that is allowed under another section of the Code of Ordinances, subject to all regulations under this section.

(c) Types of retail allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
  (1) Food and beverages;
    a. All food and beverages must be prepackaged before being shipped to the business to be sold. If food and/or beverages are fresh or pre-packaged after being shipped to the business's physical location, then the subsection of the ordinance regulating food establishments applies.
  (2) Books and other paper goods;
  (3) Potted plants, cut or arranged flowers, or gardening seeds;
  (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
  (5) Jewelry and other wearable accessories;
  (6) Homemade goods and crafts;
  (7) Clothing;
    a. Changing rooms in an open-market are prohibited.
  (8) Office services;
  (9) No repair work of any kind is allowed in an open-air market.

(d) Allowed areas.

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(1) One or more of the following areas may be utilized for an allowed business as an open-air market:
   a. From ~~the building~~ *property line* to the curb of the street, subject to the following conditions:
      1. A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four feet in width must be maintained for use under the ADA; and
      2. All open-air market elements must be at least four feet from street furniture and designated fire lanes.
   b. A parklet, subject to the following conditions:
      1. One of the following is allowed to be used as a parklet by a food establishment:
         (i) One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
         (ii) If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
      2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.
      3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an open-air market.
      4. Only one parklet is allowed per building. *If there is more than one business per building, then the property owner or the property owner's designee may decide which business may use the parklet.*
      5. No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
      6. All seating within the parklet must be at least three feet from passing automobile traffic.
      7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
   ~~c. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.~~
      ~~1. If a business does not have any surplus parking spaces, then the business must first look to use a parklet.~~
      ~~2. If a parklet cannot be achieved because there is no adjacent on-street parking allowed due to other local regulations, then off-street parking can be used regardless if business has surplus parking or not.~~
(2) The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
(3) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
(4) No outdoor retail space as allowed under this section shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants,

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fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

~~(e) *Social distancing.*~~

~~(1) All businesses are responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.~~

~~(2) In order to baseline level of safety for both employees and customers alike, all businesses must maintain social distancing in the following ways:~~

~~a. Ensure that customers or parties of customers maintain at least six feet from each other while shopping.~~

~~b. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.~~

~~c. Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this section, whether hosted by the same business or not.~~

~~d. Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right-of-way.~~

~~(f)~~*(e)* Temporary Structures may be used for *outdoor retail in the right-of-way.* ~~sidewalk cafes, parklets and/or parking lots.~~

(1) Temporary structures that provide shade for retailers and customers made be erected. Use of umbrellas is encouraged.

a. "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light.

(2) No temporary structure may be secured in any manner that damages the right-of-way or private property. Weigh*t*s are encouraged to be used to secure temporary structures.

(3) Outside the hours of operation, as defined in this section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.

(4) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

a. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.

b. Signs cannot be attached to public infrastructure.

c. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.

~~(g)~~*(f)* Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.

~~(h)~~*(g)* Hours of operation shall be the business's regular published hours.

~~(i)~~*(h)* Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.

Sec. 32-186. - ~~Review and sunset.~~ *Farmers' markets.*

(a) ~~The provisions set forth in section 32-185 shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted.~~ *Administrative review.*

(1) Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. All other persons or entities vending, distributing, or otherwise operating within a farmers' market must conduct such operation under one of the following:

a. A valid and current business license specific to the person(s) or entity; or,

b. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas.

(2) A farmers' market may operate for no more than three consecutive days, and no more than four days per week at one location.

(3) Hours of operation for the farmers' market begin no earlier than 6:00 a.m. and end no later than 8:00 p.m.

(4) The applicant must submit a special event permit for all proposed farmers' market locations within the public right-of-way. The special event permit may place restrictions on the farmers' market greater than that of this section.

(6) The farmers' market must receive a right-of-way permit from the public works department.

(7) The applicant must make the approved special event permit and the right-of-way permit available to any enforcement officer upon request. The administrative review of the special event permit can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted and substantiated.

(8) The operator of the farmers' market is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event and the site returned to a public right-of-way.

(b) ~~Section 32-185 shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~ *Allowed areas. The entirety of the farmers' market must take place within the public right-of-way.*

(1) Any portion of public right-of-way used for a famers' market must be approved by a right-of-way permit and special event permit.

(2) No item(s) for sale or on display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.

(3) Unless otherwise provided by this chapter, operation of a farmers' market on private property shall be subject to section 27-618.

(c) Temporary structures.

(1) Only temporary structures may be erected in the public right-of-way.

(2) No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.

(3) Temporary structures may not be erected within the public right-of-way outside of the hours of operation designated by the right-of-way permit. At no time may a temporary structure may be placed outside of the boundaries designated by the public right-of-way.

(4) Unless otherwise provided by this chapter, operation of a temporary structure in on private property shall be subject to section 27-618.

(d) Signage.

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(1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

b. Signs cannot be attached to public infrastructure.

(2) Sandwich boards are allowed in connection with the farmers' market activity.

a. Sandwich boards must be placed within five feet of the farmers' market stand and do not interfere with the flow of pedestrian and/or automobile traffic.

b. Sandwich boards are otherwise subject to all other sign code regulations.

Sec. 32-187. - Mobile markets.

This section is for mobile markets within the public right-of-way. For mobile markets on private property, see section 27-619.

(a) *Administrative review.*

(1) Any persons or entity operating a mobile market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.

(2) Mobile markets must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.

(3) Mobile markets may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.

(b) Allowed areas.

(1) Mobile markets are allowed upon any public right-of-way upon being granted a right-of-way permit by the public works department, subject to the following exceptions:

a. Any portion of right-of-way where the speed limit is greater than 40 miles per hour;

b. Any portion of the right-of-way that has been designated as "no parking";

c. Within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law; and,

d. Within 20 feet of an intersection or street corner~~;~~.

(2) Parking.

a. A mobile market vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a mobile market vehicle to operate outside of the hours of operation in this subsection.

b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;

c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;

d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;

e. No mobile market vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;

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f. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.

Sec. 32-188. - Mobile vending.

This section is for mobile vending within the public right-of-way. For mobile vending on private property, see section 27-620.

(a) Administrative review.

(1) Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.

(2) Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.

(3) Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.

(b) Allowed areas.

(1) Mobile vending is allowed adjacent to any non-residential zoning district upon obtaining a business license or non-profit status as addressed in subsection (1).

(2) If a street is designated by the Major Street Plan a local or neighborhood street, or is otherwise unidentified, and one or more residential properties abut said street, then the mobile vending vehicle is prohibited from parking, operating, or otherwise vending at that location. A mobile vending vehicle or prepared food vending vehicle may only park and operate on said street if the vehicle operator is invited for a block party. The mobile vending vehicle may only stay for the duration of the block party.

(3) All mobile vending vehicles and prepared food vending vehicles must comply with the following standards:

a. The vehicle may only park on paved surfaces.

b. The vehicle is not parked in a designated ADA parking space or in an access aisle.

c. The vehicle is not parked in a no-parking zone.

d. No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

e. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.

f. Any portion of right-of-way where the speed limit is greater than 40 miles per hour.

g. Mobile vending vehicles may not park for more than four hours at any one site.

(4) Mobile vending activity includes the use of the mobile vendor vehicles or prepared food vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following:

a. A mobile vending vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection

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is waived. This waiver of a time limit does not allow a mobile vending vehicle to operate outside of the hours of operation in this subsection.

b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;

c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;

d. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian walkway remains ADA-compliant.

e. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.

f. All fire lanes must remain clear and unencumbered.

g. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;

h. No mobile market vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;

i. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.

j. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile vendor vehicle or prepared food vending vehicle. Any and all signage, temporary or other structures, and other elements of the mobile vending must be removed at the end of each mobile vending event.

(c) Temporary structures.

(1) No permanent structure or improvement shall be installed.

(2) No temporary structure may be secured in any manner that damages the right-of-way. Weights are encouraged to be used to secure temporary structures.

(3) No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

(d) Signage.

(1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

b. Signs cannot be attached to public infrastructure.

(2) Sandwich boards are allowed in connection with the mobile vendor vehicle or prepared food vending vehicle.

a. Sandwich boards must be placed within five feet of the mobile vendor vehicle or prepared food vending vehicle and do not interfere with the flow of pedestrian or automobile traffic.

b. Sandwich boards are otherwise subject to all other sign code regulations.

Sec. 32-380. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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Where words and phrases used in this article are defined by state law, such definitions shall apply to the use of such words and phrases in this article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Open street means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open street block captain means the individual serving as the applicant, point of contact, and responsible party for an open street.

~~*Special event* means:~~

~~(1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or~~

~~(2) The temporary use of private property for the purpose of any of the following activities:~~

~~a. *Animal shows.* Exhibitions of domestic or large animals for a maximum of seven days.~~

~~b. *Circuses and carnivals.* Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.~~

~~c. *Religious assembly.* Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.~~

~~d. *Open air fairs.* Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.~~

~~e. *Other activities interrupting traffic.* Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of a right-of-way as an open street.~~

Sec. 32-381. Open streets.

(a) Applicability.

(1) Any block that qualifies as an open street is allowed to be applicant for an open street permit.

a. The street must be designated a residential, local, or neighborhood street that has at least one occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.

b. Any street or right-of-way that is not designated by section 27-763 or the major streets plan as a highway, freeway, expressway, Class A thoroughfare, Class B thoroughfare, Class C thoroughfare, or collector street.

c. An alley cannot be an open street.

(2) The purpose of an open street is to provide a temporary space for recreational use by the residents, business owners, and the public.

(3) No language in this section should be construed to waive enforceability of public nuisances.

(b) Application process.

(1) Parties allowed to be an open street block captain.

a. A property owner of a non-vacant property that ~~has an entrance facing~~ *abuts* the affected block; or

b. With written permission by the property owner, a residential or commercial tenant in a property that ~~has an entrance facing~~ *abuts* the affected block.

(2) The open street block captain must completely and accurately fill out the entire open street permit application.

(3) The open street block captain must sign the waiver of responsibility for the street barricades.

(4) Proper notice*. Proper notice is defined as providing sufficient notice and information. Proper notice must be given in the following manners* ~~must be given to 100 percent of the owners of non-vacant property on the open street permit application~~ before the application is turned in to the *county engineer:* ~~public works department.~~

a. At least one property owner of all non-vacant properties. If the property is tenant-occupied, at least one adult member of a tenant family must be given proper notice;

~~a~~*b*. ~~Proper notice includes providing sufficient notice and information to any and a~~*A*ll local neighborhood groups, including *homeowners' associations (*HOA*s)* and neighborhood business and revitalization organizations (NBR*s*), that serve the affected block; and

~~b~~*c*. ~~Proper notice includes providing sufficient notice and information to t~~*T*he *county engineer*. ~~department of public works' right-of-way manager.~~

(c) Duties of the open street block captain.

(1) The open street block captain must maintain the barricades as follows:

a. Remove or arrange for and ensure the removal of barricades *no more than 30 minutes before* ~~by~~ sunset every day;

b. Ensure the integrity of the barricades before being reposition on the right-of-way after 8:00 a.m. and maintain a reasonable watch on the barricades throughout the day;

c. Address qualifying damage to the barricades as follows;

1. Qualifying damage to a barricade includes:

(i) Inability to stand properly;

(ii) Inability to stay upright under reasonable circumstances, including a moderate wind;

(iii) Defacement of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;

(iv) Defacement to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;

(v) Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.

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2. If a barricade suffers qualifying damage, the open street block captain may first attempt to repair the damage. If the damage cannot be repaired quickly, all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.

(2) Removal of litter and debris.
   a. The open street block captain is responsible for removal of any litter, debris and other materials from the street around the barricades.
   b. If the open street block captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the open street block captain.

(3) The open street block captain will be subject to all responsibilities enumerated in Section 32-181(c) ~~through December 31, 2020~~.

(4) The open street block captain will serve as the point of contact during the open street application process and for the open street permit so long as the permit is in effect.
   a. The open street block captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the open street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block.

(d) Open street barriers.

(1) Proper barriers for an open street must meet the following requirements:
   a. The barriers must be painted orange; and
   b. Measure at least 48 inches in height; and
   c. Of each set of two barriers at an intersection, the barrier closer to the intersection shall carry a sign.
      1. The sign must be made of durable material.
      2. Markings on the sign should be legible, easy to see, and resistant to sunlight, precipitation, and wind.
      3. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.

(2) Arrangement.
   a. Four barriers must be used to signify a street block as an open street.
   b. Barrier must be arranged in the following manner:
      1. The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24 inches by 36 inches that reads "Local Traffic and Deliveries Only" and faces the intersection.
      2. The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.

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3. The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.

c. Barricades shall be placed at contiguous intersections (either three-way or four-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.

d. Maintaining vehicular access.

1. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the open street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.

2. Access to residences and businesses on an open street block.

(i) Access must be granted to businesses and residences on the open street block as needed; and

(ii) The open street block captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the open street block.

(e) Term of permit.

(1) Barricades may not be erected on the right-of-way before 8:00 a.m. and after sunset or 10:00 p.m., whichever is earlier.

~~(2) Barricades may be erected under the conditions enumerated in section 32-181(d) every day through December 31, 2020 unless otherwise prohibited by this ordinance or another allowed action taken by the board of commissioners or any allowed department.~~

~~**Sec. 32-382. Review and sunset.**~~

~~(a) The amendments set forth in sections 32-380 and 32-381 of this article shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted.~~

~~(b) The amendments set forth in sections 32-380 and 32-381 of this article shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~

Secs. 32-383—32-399. Reserved.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____

Tyrone A. Garner, Mayor/CEO

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Attest:

_____
Unified Government Clerk

Approved as to Form:

_____
Chief Counsel

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Staff Request for Commission Action

Tracking No. 211586

Full Commission Meeting Date: 6/30/2022
Committee: Administration & Human Services

Date of Standing Committee Action: 6/27/2022
(If none, please explain): *It is requested that this item be fast-tracked to the 6/30/2022 full commission meeting.*

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/23/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:
AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, and making permanent many of the **"Streets for People"** changes previously approved and adding new language, amending Sections 27-340, 27-608, 27-609, 27-610, 27-611, 27-612, 27-613, 27-614, 27-615, 27-617, 27-618, 27-619, 27-620 and 27-621 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Action Requested:
Request to fast-track to 6/30/2022 Board of Commissioners Agenda

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Chapter 27_Streets for People Amendments_BOC, 2022.06.13_Streets for People Planning Commission Presentation_FINAL, WyCo Streets for People LOS - June 2022

Published in the *Wyandotte Echo* on _____

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, and making permanent many of the "Streets for People" changes previously approved and adding new language, amending **Sections 27-340, 27-608, 27-609, 27-610, 27-611, 27-612, 27-613, 27-614, 27-617, 27-618, 27-619, 27-620, and 27-621** and wholly adding **Section 27-622** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 27, Planning and Development, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-340. Definitions.

For the purpose of this article, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The term "building" includes the term "structure." The term "shall" is mandatory and not directory. Definitions relating specifically to floodplain zoning, signs, and landscaping and screening are included elsewhere.

Accessory building means a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building.

Accessory use, accessory structure means a use of land or structure which involves all of the following characteristics:

(1) Subordinate to and serves a principal use or structure.
(2) Subordinate in area, extent and purpose to the principal use or structure served.
(3) Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served.
(4) Located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Adult book store or adult video store means an establishment having as a predominant part of its stock in trade or predominant portion of its revenues, books, magazines, photographs, pictures, periodicals, recordings or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and limited in sale of such sexual material to adults.

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Adult nightclub or cabaret means any place serving food or drink, regardless of whether alcoholic beverages are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers, waitresses or waiters, or features material relating to specified sexual activities or specified anatomical areas.

Adult theater means a facility with a capacity of two or more persons used predominantly for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Agricultural use refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including, but not limited to, forages, grains and feed crops, dairy animals and dairy products, poultry and poultry products, beef cattle, sheep, swine and horses, bees and apiary products, trees and forest products, fruits, nuts and berries, vegetables, or nursery, floral, ornamental and greenhouse products. The term "agricultural use" shall not include use of land for recreational purposes, suburban residential acreage, rural home sites or farm homes sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alley means a public right-of-way no wider than 24 feet that affords only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a building.

Antenna means any structure or device used to receive or transmit electromagnetic waves.

Apartment house means any building or portion thereof that contains three or more dwelling units.

Applicant means a person who applies for a permit as provided in this section.

Building means a permanently erected structure having a roof supported by columns or walls.

Building, completely enclosed, means a building separated on all sides from the adjacent open spaces or from other buildings or structures by a permanent roof, and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

Bulk means a composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

(1) Size and height of building.
(2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
(3) Gross floor area of the building in relation to lot area (floor area ratio).(4)All open spaces allocated to the building.(5)Amount of lot area provided per dwelling unit.

Campground means an area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

Children's day care and nursery centers means facilities where part-time lodging and meals are provided, excluding permanent or overnight lodging, for six or more children in return for compensation. For the purpose of this article, family day care homes under state regulations will not be included in this definition.

Collection facility means a designated, semi-permanent container intended for public use or public drop-off of recyclable materials such as glass or metal and periodically emptied by a

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recycling or waste management company or other designated organization. Collection facilities should be constructed of a durable material, such as metal or hard plastic, and are intended for materials undergoing further processing or refining.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the high point of the crown of the street in front of the building shall be used.

Decibel means a unit of measurement of the intensity (loudness) of sound. In this article, decibel levels shall be measured on the A scale and referred to as dB(A).

Detached means a building that does not have a wall, roof or other structural member in common with or in contact with another building.

Dismantled means that a number of useful parts, including but not limited to, tires, batteries, doors, hoods, or windows, have been removed from the automobile as to render the automobile unsafe to operate.

Dog kennel means any premises where four or more dogs are boarded, bred and/or offered for sale.

Donation bin means a designated, semi-permanent container in which previously owned items, such as clothing, shoes, and books can be placed by the public and periodically emptied by a non-profit organization for resale or donation. A donation bin is distinct and separate from a collection facility.

Drive means an improvement which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in or drive-through establishment means a place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles. A restaurant that does not provide at least 15 seats within the enclosed interior of the building shall be considered a drive-in establishment.

Dwelling means a building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, temporary shelters, tourist homes, or trailers.

Dwelling house, condominium, means a building containing dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Dwelling, multiple-family, means a dwelling, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a dwelling containing one dwelling unit.

Dwelling, two-family means a dwelling containing two dwelling units, a duplex.

Dwelling unit means one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one family, and which includes cooking, living, sanitation and sleeping facilities.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Family means one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a

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nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farmers' market means a~~n~~ *seasonal* outdoor market where fresh produce, *animal food products,* homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client*, and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client*. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa~~, and honey~~. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Flea market means a market, indoors or out of doors, where new or used items are sold from individual sellers, where each seller operates independently from other sellers. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines. The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Floor area means the total floor area designed for tenant or owner occupancy measured from the exterior surfaces of outside walls and including mezzanines, unfinished floors and basements, but excluding loading docks and service corridors or any common areas not leasable to individual tenants.

Floor area, habitable, means the area of all floor space on all levels measured from the exterior surface of outside walls, but excluding garages, porches and nonhabitable basements as determined by the International Building Code, as adopted and amended by the unified government.

Food establishment means a business where *prepared* food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales~~,~~ and cannot be exceeded in annual dollar volume by alcohol. ~~The most common e~~*E*xamples of a food establishment *may* include~~, but are not limited to,~~ sit-down restaurants, fast-food restaurants, delis, smoothie bars, *coffee and tea shops,* and ice cream parlors. *Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.*

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

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Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:

(1) Ducks.
(2) Female chickens.

Garage, private, means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept.

Gross vehicle weight rating or GVWR means the manufacturer's rating of the combined weight of the vehicle and the maximum load it is designed to carry. Where such information is not available, the following shall be used to make the determination:

(1) Vehicles of no greater than 10,000 pounds GVWR: Pickup trucks and passenger vans, trucks considered one-ton rated capacity or less.
(2) Vehicles of no greater than 30,000 pounds GVWR: Commercial-type trucks of wide variety, but excluding dump trucks, semitrailer trucks, trucks with tandem axles, and other similar heavy-duty trucks.

Group dwelling means a residential dwelling occupied as a residence by persons who do not constitute a family.

Halfway house means a facility, such as a community corrections center, serving temporary residents who have been released or diverted from an institution. A nonfamily residential dwelling that houses persons protected by the Fair Housing Act, such as the mentally ill or the mentally retarded, is a group dwelling, not a halfway house, so long as it is clearly the domicile of the residents and the typical length of stay is long enough to differentiate it from a motel or hotel.

Heavy automotive/truck service, repair, and mechanics means major mechanical repair shops including any of the following:

(1) Body work and painting.
(2) Tire recapping.
(3) Engine and transmission repair.

Height of building or structure means the vertical distance from the average elevation of the ground abutting a building or structure to the highest point of a building or structure. Height, when not regulated in feet, shall be regulated by stories and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

Home occupation means an activity for gain customarily carried on in a dwelling or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. In general, a home occupation is an accessory use so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. Such activity may employ only members of the immediate family residing on the premises.

Inoperable means that an automobile or truck which cannot be driven away in a safe condition.

Inoperable vehicles means vehicles missing major body, chassis, or engine components or not fit for street travel.

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Light automotive service and maintenance means any of the following:

(1) Tire and battery sales and installation.
(2) Brakes and other similar diagnostic and repair services.
(3) Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services.

Livestock means horses, mules, cattle, sheep, and goats.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this article, and having its principal frontage upon a public street. A lot may consist of one or more platted lots, or tracts as conveyed, or parts thereof.

Lot or site area means the land area within the tract or lot lines and excluding street right-of-way.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot may be deemed to front on either street frontage.

Lot, depth means the horizontal distance from the front street line to the rear line.

Lot, interior means a lot whose side lines do not abut upon any street.

Lot line, front means the street line, which is the boundary between a lot and the street on which it fronts.

Lot line, rear means the boundary line that is opposite the most distant from the front street line, except that in the case of uncertainty, the building official shall determine the rear line.

Lot line, side means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a structure, transportable in one or more sections, which has a body width of eight feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which was designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture. This term shall not include a recreational vehicle. A structure which otherwise falls within this definition shall be considered a mobile home even it if does not have the required dimensions so long as it is in place as of May 1, 1995, and has a model year of no later than 1969.

Mobile home park means a tract of land meeting the requirements of this article containing suitable drives, utilities and other supporting elements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile home space means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

Mobile market means the selling of food products, including, but not limited to: fresh produce*, animal food products,* and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale ~~will~~ *must* be *a food item found on the* ~~WIC~~ *package* ~~approved food types~~. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

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Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise *or service* is sold, given away, *performed,* displayed*,* or offered for sale, at retail. Items for sale may include *clothing, jewelry, souvenirs. Non-food merchandise also includes* plant products that may be consumable*,* but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Nonvehicular open space means uncovered areas such as lawns, planting space, walks, terraces, sitting areas and balconies, one-half of covered nonvehicular open space, and clubhouses and indoor recreational areas. No paved areas for vehicular traffic or parking may be included as nonvehicular open spaces.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Operator means any person who operates a vending vehicle or farmers' market stand for the purpose of vending food, beverage, product or service therefrom.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the state department of revenue alcoholic beverage control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants;~~,~~ and any other privately-owned property comprising the outdoor café or outdoor tavern.

Outdoor retail means advertising, displaying, distributing, giving away, promoting, selling, or vending, in a space outside but within the boundaries of the property, items normally advertised, displayed, distributed, given away, promoted, sold, or vended.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Overlay district means a zoning district that acts in conjunction with the underlying zoning district or districts.

Parking lot, commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Performance standards means criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

Planned zoning district means the zoning of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Prepared food vending vehicle means a self-propelled*, hitched trailer*, or motorized vehicle from which any prepared food, beverage, merchandise*,* or product ready for immediate consumption is sold, given away, displayed or offered for sale, ~~at retail,~~ but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, ~~a bakery truck,~~ or *an* ice cream product truck. ~~For purposes of this chapter, "food truck" shall be synonymous with "prepared food vending vehicle."~~

Private club means an organization licensed hereunder to which the club members shall be permitted to resort for the purpose of consuming alcoholic liquor.

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Public right-of-way means any public street, alley, *pathway,* roadway, sidewalk, walkway, highway, bicycle lane ~~right-of-way~~, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Recreational vehicle *means* ~~is~~ a vehicle that is:

(1) Built on a single chassis.
(2) Four hundred square feet or less when measured at the exterior.
(3) Self-propelled or permanently towable by a light duty truck.
(4) Designed not as a dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Residentially zoned area means an area zoned A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, or these districts' planned equivalents.

Ruined means that an automobile which is substantially damaged to the extent that it is valueless or useless as an operable automobile or truck or parts thereof are only useful as materials for reprocessing, melting, remanufacturing, or disposal for salvage or scrap material.

Seating area means open space within any enclosed structure used for purposes of seating numbers of people for any purpose, including all aisles necessary for circulation.

Self-contained recreational vehicle is a recreational vehicle that includes all of the following:

(1) Heating and/or air conditioning.
(2) A sink and shower.
(3) Self-contained toilet.
(4) Cooking facilities.
(5) Refrigerator.

Site area means the land area within the tract or lot lines and excluding street right-of-way.

Specified anatomical area means any of the following:

(1) Any less than completely or opaquely covered:
    a. Human genitals, pubic region.
    b. Buttocks.
    c. Portion of the areola of the female breast.
(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

(1) Human genitals in a state of sexual stimulation or arousal.
(2) Acts of human masturbation, sexual intercourse or sodomy.
(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Storm protection areas means any new residential use, for multifamily residential development or single-family residential development for which a preliminary plan/plat application is approved by the planning commission, shall contain an area of storm protection. Such area may be a room or space, such as a basement, a structure complying with Federal

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Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto shall comply with this requirement. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof.

Story means that part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top-story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way that affords principal means of vehicular access to property abutting thereon.

Street line means the dividing line between the street right-of-way and the abutting property.

Street, private means a street which provides principal access to abutting property, but which is not maintained by the unified government. A private street may exist within dedicated public right-of-way.

Structural alteration means any change other than incidental repairs in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to a permanent location on the ground, including, but not limited to, signs, and excepting customary utility poles, retaining walls and boundary fences.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Tavern means an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Telecommunications tower means a tower constructed as a freestanding structure or in association with a building, other permanent structures or equipment, containing one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation.

Trailer means a vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising means a trailer that carries or has attached thereto a sign, billboard or other media for advertising as the prime purpose and use of the trailer.

Trailer hauling means a trailer, as defined in this section, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trash container means a durable, rust-resistant, non-absorbent, leak-proof container of no more than 50 gallons that is made of metal or hard plastic and which is mounted on a stand attached to the ground and which typically has a cover with openings on the side for where trash can be disposed.

Used car/truck lot means the use of a parcel of land, either with or without structures, for the purpose of offering for sale, rent, or lease, automobiles, light duty trucks or heavy duty trucks.

Variance means a variation from a specific requirement in this article, as applied to a specific piece of property, as distinct from rezoning.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, ~~of~~ food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendor's person, on *private property.* ~~the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.~~

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Wrecked means those automobiles or trucks that have more than 25 percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback. On multibuilding projects where access is derived from private drives, the orientation of individual buildings shall be used to determine the type of yard along the project boundary.

Yard, front, means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard across the full width of the lot extending from the rear lot line to the rear line of the main building.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

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Sec. 27-608. District AG.

In the AG district, accessory uses are as follows:

(1) Storage of equipment and machinery as necessary to raise crops and livestock, to carry out the farming business, and to maintain the property.

(2) Sale of products raised on the premises, fruit stands, orchard sales, etc.

(3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.

(4) Farmers' markets.

~~a. Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~

~~b~~*a*. See section 27-618 for additional farmers' market regulations.

(5) Mobile markets.

a. *A mobile market may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances.* ~~See section 27-619 for additional mobile market regulations.~~

b. See section 27-619 for additional mobile market regulations.

(6) Mobile vending*: food trucks, pushcarts, and retail*.

a. *A vending vehicle may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances.* ~~See section 27-620 for additional mobile vending regulations.~~

b. See section 27-620 for additional mobile vending regulations.

Sec. 27-609. Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

(1) Home occupations. Customary home occupations may be allowed subject to the issuance of a home occupation permit by the planning division. The following conditions and restrictions shall apply to such customary home occupations:

a. No exterior advertising or signs will be erected and no outside display or activity that depicts other than residential activity will be allowed. Advertising shall not include any address, but only a telephone number.

b. Only members of the immediate family residing on the premises will participate in the home occupation on the premises.

c. No machinery or equipment will be used that will interfere with radio or television reception on nearby property.

d. No heavy equipment, trucks of greater than 10,000 pounds GVWR or other objects that are not typically residential in character will be stored on the premises.

e. No sales of merchandise will be conducted on the premises, and no service will be rendered that will require customer presence except on an irregular and incidental basis, but babysitting is excluded from the standard.

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f. No inventory or storage, other than samples, is maintained on the premises.

Home occupations that do not meet the criteria of this subsection shall be permitted only by special use permit but must meet accessory use requirements regarding storage of equipment, material, or vehicles.

(2) Accessory buildings (garages, carports, tool sheds, etc.). For any dwelling unit there may be permitted a detached accessory building. Such building shall not be located, in front of the house, less than two feet from any alley, nor closer than three feet to any side or rear property line. In the case of corner lots, a detached accessory building shall not be within 20 feet of the side street. The total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. In any residential district on lots or tracts of less than three acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:

a. The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure.

b. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color.

c. Up to two accessory structures existing in a side or rear yard and not in the front yard of a single property prior to April of 2008 are exempt from these regulations. Kansas City, Kansas 2008 Aerial photography will be used to make this determination.

d. Accessory structures constructed after April of 2008 may be granted a variance upon written notarized approval from abutting neighbors impacted by the setback.

e. Any accessory structure located in a front yard must obtain a variance from the board of zoning appeals.

f. Any parcel with more than one accessory structure where the structures do not conform to subsection (c) of this section must obtain a variance from the board of zoning appeals.

(3) Animals. Horses, ponies, cows, chickens, or other customary animals may be kept in accordance with the requirements of the public health department, except that on a lot or tract of less than five acres in size, a special use permit shall be required. If so approved, accessory barns or stables are permitted under the standards for accessory buildings.

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(4) Hobby activity. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold either on or off the premises.

(5) Additional uses. Such additional accessory uses as private swimming pools, television and radio antennae or dishes, wind power generators, solar collectors, flagpoles, play equipment, and tool sheds are permitted under the following conditions:

a. Swimming pools, television and radio antennae or dishes greater than two feet in diameter, wind power generators, and tool sheds are not permitted in the front yard or in required side yards.

b. Solar collectors shall not extend more than three feet above the highest point of the roof.

c. Television dishes shall not exceed 12 feet in diameter or more than 15 feet above grade.

d. No accessory use shall exceed 60 feet in height.

e. Any accessory use which exceeds ten feet in height shall be located a distance inside the property line at least equal to one-third its height, except that any wind power generator shall be set back a distance no less than its height.

(6) Storage of equipment, material or vehicle. Only motor passenger cars, other operable domestic equipment, material or vehicles, or a truck of 10,000 pounds GVWR or less shall be kept, parked or stored for more than 48 hours in any 30-day period in a residential area. Only a single one of each of the following may be stored: truck other than customary vans or pickup trucks, camping trailer, hauling trailer, boat, or recreational vehicle. The parking of vehicles or equipment shall not occur on lawn areas, or other locations that tend to visually downgrade the property and neighborhood. Parking shall be limited to areas that have an improved surface and such areas shall generally be located in close relationship to the garage or an otherwise vehicle-oriented section of the premises or be located in the rear yard, so that the lawn areas upon which the living section of the dwelling faces can be attractively maintained with grass, trees and shrubs. Use of any yard area for commercial or any non-residential or ongoing non-resident parking purposes is prohibited.

(7) Farmers' markets.

a. See section 27-618 for additional farmers' market regulations.

~~(7)~~*(8)* Mobile market~~s vending for food access.~~

a. *A mobile market may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances.* ~~Mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design use in this district.~~

~~1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning office.~~

~~2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, agreement may be revoked at any time without cause or notice.~~

~~3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:~~

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~~(i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant(s) at that location.~~

~~(ii) Vehicle is not parked within 100 feet of a single-family home's property line.~~

~~(iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.~~

~~(iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.~~

~~(v) Vendor does not install any permanent improvement on the sidewalk.~~

~~(vi) Vehicle is not parked in a no-parking zone.~~

~~(vii) Does not occupy parking required for other businesses.~~

~~(viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~

~~(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~

~~(x) Mobile markets may operate from 9:00 a.m. – 5:00 p.m. Sunday, 9:00 a.m. – 7:00 p.m. Monday through Thursday, and 9:00 a.m. – 8:00 p.m. Friday and Saturday.~~

~~(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).~~

~~(xii) Mobile markets may not park for more than four hours once a week at any one location.~~

b. See section 27-619 for additional mobile market regulations.

~~(8) *Farmers' markets.*~~

~~a. See section 27-618 for additional farmers' market regulations.~~

(9) Mobile vending*: food trucks, pushcarts, and retail.*

a. *A mobile vendor vehicle may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances.* ~~See section 27-620 for additional mobile vending regulations.~~

b. See section 27-620 for additional mobile vending regulations.

Sec. 27-610. Districts R-3, R-4, R-5, R-6 and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment (R-6), and mobile home park (R-M) districts, accessory uses are as follows:

(1) Those accessory uses permitted in the R-1 district.
(2) Parking areas.
(3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
(4) Trash collection centers.
(5) Power generators.

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(6) Vending machines for tenant use.
(7) Necessary offices and maintenance facilities and other similar uses.
(8) Farmers' markets.
a. See section 27-618 for additional farmers' market regulations.
~~(8)~~*(9)* Mobile market vending for food access.
~~a. Mobile markets are allowed upon submitting an annual agreement with the department of urban planning and land use in this district.~~
~~1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning office.~~
~~2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.~~
~~3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:~~
~~(i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
~~(ii) Vehicle is not parked within 100 feet of a single-family home.~~
~~(iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
~~(iv) Vendor does not install any permanent improvement on the sidewalk.~~
~~(v) Vehicle is not parked in a no-parking zone.~~
~~(vi) Does not occupy parking required for other businesses.~~
~~(vii) If in a metered spot, meter is paid.~~
~~(viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
~~(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
~~(x) Mobile markets may operate from 9:00 a.m. – 7:00 p.m. Sunday – Thursday and 9:00 a.m. – 8:00 p.m. Friday and Saturday.~~
~~(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).~~
~~(xii) Mobile markets may not park for more than four hours at any one location.~~
~~b~~*a*. *See* ~~S~~section 27-619 for additional mobile market regulations.
~~(9) Farmers' markets.~~
~~a. See section 27-618 for additional farmers' market regulations.~~
(10) Mobile vending*: food trucks, pushcarts, and retail*.
a. *A vending vehicle may only operate within the parking lot of a church, senior center, community center, school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances.* ~~See section 27-620 for additional mobile vending regulations.~~
b. See section 27-620 for additional mobile vending regulations.

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Sec. 27-611. District C-~~O~~*0*.

(a) In the C-~~O~~*0* district, accessory uses are as follows:

(1) Parking areas.

(2) Food service and vending machines inside a building for tenants only.

(3) Private garages for motor vehicles.

~~(4) Apartment for maintenance personnel.~~

~~(5)~~*(4)* Low-level exterior lighting.

~~(6)~~*(5)* Radio, television or microwave antennae not exceeding 60 feet in height.

~~(7)~~*(6)* Flagpoles.

~~(8)~~*(7)* Cooling towers and other similar uses.

~~(9)~~*(8)* A pharmacy wherein retail sale only of prescription medicines, drugs, and pharmaceutical and orthopedic devices customarily incident to the practice of medicine occurs, shall be allowed as an accessory use in an office building provided that no less than five physicians occupy offices within the building. No direct exterior entrance to the pharmacy and no exterior sign or advertising relative to the pharmacy shall be permitted.

~~(10)~~*(9)* Farmers' markets.

~~a. Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~

~~b~~*a*. See section 27-618 for additional farmers' market regulations.

~~(11)~~*(10)* Mobile markets.

a. See section 27-619 for additional mobile market regulations.

~~(12)~~*(11)* Mobile vending*: food trucks, pushcarts, and retail*.

a. See section 27-620 for additional mobile vending regulations.

~~(b) In high-rise office structures in district 0-0, uses as permitted in district 0-1 are permitted as accessory to a high-rise structure at least six stories in height and at least 100,000 square feet gross building area.~~

~~(c) In the central business district uses as permitted in district 0-1 are also permitted as accessory uses.~~

~~(d)~~*(b)* The accessory retail uses in district C-~~O~~*0* shall be limited to no more than 20 percent of the gross building area.

Sec. 27-612. Districts ~~C-0,~~ C-1, C-D, C-2, and C-3

In the ~~nonretail business (C-0),~~ limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

(1) Those accessory uses permitted in district C-*0*~~O~~.

(2) Parking areas.

(3) Storage buildings.

(4) Signs as permitted by this article.

(5) ~~Floodlighting and other similar uses.~~ *Low-level exterior lighting.*

(6) ~~Exterior sales and v~~*V*ending *machines* on private property provided that:

a. Commercial uses with a *continuous* business license (occupation tax receipt) before December 31, 2008.

1. The ~~exterior sales or~~ vending machines do not block an interior sidewalk.

2. The ~~exterior sales or~~ vending machines do not block any exterior windows.

3. The ~~exterior sales or~~ vending machines must be at least five feet away from all public doors.
4. ~~Exterior sales area and v~~*V*ending machines are only permitted on private property unless it complies with *chapter 32.* ~~the street vending ordinance.~~
5. The ~~exterior sales or~~ vending machines must leave adequate*, ADA-compliant* space for vending customers and those using the sidewalk.
6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
    i. The site does not have a drive-thru window or drive-up service.
    ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
    iii. The machine is located so as to not interfere with vehicular traffic.
    iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
    v. The area where the device is placed is monitored by a security camera.
7. Any exterior sales area must remain neatly organized and free of litter.
8. Any ~~exterior sales or~~ vending area must be flush with the facade of the building.
9. No more than one ~~exterior sales display or~~ vending machine is permitted per property except as follows:
    i. If the ~~exterior sales displays and~~ vending machine~~s~~ *area is* ~~are~~ located on a side of the building not facing a road or street then the number of allowed ~~exterior sales displays or~~ vending machines shall be increased to three.
    ii. If the ~~exterior sales display and~~ vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the ~~urban~~ *director of* planning ~~department~~ then the number of allowed ~~exterior sales displays and~~ vending machines shall be increased to three.
    iii. For every 200 feet that the façade on which the ~~exterior sales display or~~ vending machine is located is set back from the nearest road or street right-of-way then the number of allowable ~~exterior sales displays or~~ vending machines shall be increased by one.
    iv. In addition to the vending machine(s), one donation bin per property is allowed.
10. No additional signage that would require a permit is allowed.
~~11. The area allowed for exterior sales or vending may not exceed 24 square feet.~~
~~12~~*11*. No more than one propane exchange locker may be allowed per property, unless:
    i. The site for the propane exchange lockers ~~are~~ *is* located at least 200 feet from the nearest street; and
    ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
    iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
~~13~~*12*. No signage is allowed beyond the surface of the vending machine.

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~~b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:~~

~~1. Products that cannot be sold indoors for safety and regulatory reasons (e.g., propane exchange lockers).~~

~~2. If the facility is a grocery store over 15,000 square feet.~~

(7) ~~Collection facilities~~ *Donation bins* are permitted*,* ~~for clothing or recycling~~ provided *that*:

a. Bins must be located on an improved, paved surface.

~~a~~*b*. The *bins* ~~facilities~~ are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.

~~b~~*c*. ~~Does not create a significant lack of parking.~~ *The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.*

~~c. Dumpster style recycling facilities must be screened on three sides.~~

d. Overflow dumping around the ~~facility~~ *donation bin(s)* is not allowed.

e. *Bins* ~~Facilities~~ must remain neatly painted. *Bins* ~~Facilities~~ that are damaged, rusty or significantly faded paint are not permitted.

f. The donation bin(s) must remain neatly organized and free of litter, broken glass, and other debris.

g. No more than two donation bins are allowed on the property.

(8) Collection facilities are permitted, provided:

a. Facilities must be located on an improved, paved surface.

b. The facilities are located at within the side yard or rear yard of the property.

c. The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.

d. Facilities are screened from view of residences and/or residentially zoned properties.

e. Overflow dumping around the facility is not allowed.

f. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.

g. The collection facility must remain neatly organized and free of litter, broken glass, and other debris.

h. No more than one collection facility is allowed on the property.

~~(8)~~*(9)* Farmers' markets.

a. ~~Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~ *See section 27-618 for additional farmers' market regulations.*

~~b. See section 27-618 for additional farmers' market regulations.~~

~~(9)~~*(10) Mobile markets.* ~~Food truck and mobile vending.~~

a. *See section 27-619 for additional mobile market regulations.* ~~Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Food trucks or mobile food vendors that operate outside of the allowed~~

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~~zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~

~~1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
~~2. There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
~~3. Vendor does not install any permanent improvement on the sidewalk.~~
~~4. Vehicle is not parked in a no-parking zone.~~
~~5. Does not occupy parking required for other businesses.~~
~~6. If in a metered spot, meter is paid.~~
~~7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.~~
~~8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
~~9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~

~~b. See section 27-619 for additional mobile market regulations.~~
~~c. See section 27-620 for additional mobile vending regulations.~~

(11) Mobile vending: food trucks, pushcarts, and retail.

a. See section 27-620 for additional mobile vending regulations.

Sec. 27-613. Districts M-1; M-2 and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

(1) Parking and loading areas.
(2) Storage facilities.
(3) Security and screen fencing.
(4) Radio and microwave towers to heights as set out in this division.
(5) Gatehouse.
(6) Loading equipment.
(7) Employee recreation and other similar uses.
(8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.

(9) Donation bins are permitted, provided that:

a. Bins must be located on an improved, paved surface.
b. The placement of the bins does not reduce parking under the quantity required by this chapter or by approved entitlements associated with the property.
c. Overflow dumping around the donation bin(s) is not allowed.
d. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.
e. The donation bin(s) must remain neatly organized and free of litter, broken glass, and other debris.

(10) Collection facilities are permitted, provided:

a. Facilities must be located on an improved, paved surface.

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b. The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.

c. Facilities are screened from view of residences and/or residentially zoned properties.

d. Overflow dumping around the collection facilities is not allowed.

e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.

f. The collection facilities must remain neatly organized and free of litter, broken glass, and other debris.

~~(9)~~*(11)* Farmers' markets.

~~a. Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~

~~b~~*a*. See section 27-618 for additional farmers' market regulations.

~~(10)~~*(12)* ~~Food truck and mobile vending.~~ *Mobile markets.*

~~a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~

~~1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~

~~2. There is sufficient stacking area for pedestrians to wait on a sidewalk.~~

~~3. Vendor does not install any permanent improvement on the sidewalk.~~

~~4 Vehicle is not parked in a no-parking zone.~~

~~5. Does not occupy parking required for other businesses.~~

~~6. If in a metered spot, meter is paid.~~

~~7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~

~~8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~

~~9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~

~~b~~*a*. See section 27-619 for additional mobile market regulations.

~~c. See section 27-620 for additional mobile vending regulations.~~

(13) Mobile vending: food trucks, pushcarts, and retail.

a. See section 27-620 for additional mobile vending regulations.

Sec. 27-614. District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

(1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C-*D* ~~D~~, C-2, and C-3 districts.

(2) Farmers' markets.

a. ~~Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~ *See section 27-618 for additional farmers' market regulations.*

b. ~~See section 27-618 for additional farmers' market regulations.~~

(3) ~~Food truck and mobile vending.~~ *Mobile markets.*

a. ~~Food trucks and mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~

1. ~~The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
2. ~~There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
3. ~~Vendor does not install any permanent improvement on the sidewalk.~~
4. ~~Vehicle is not parked in a no-parking zone.~~
5. ~~Does not occupy parking required for other businesses.~~
6. ~~If in a metered spot, meter is paid.~~
7. ~~Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
8. ~~May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
9. ~~Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~

~~b~~*a*. See section 27-619 for additional mobile market regulations.

c. ~~See section 27-620 for additional mobile vending regulations.~~

(4) Mobile vending: food trucks, pushcarts, and retail.

a. See section 27-620 for additional mobile vending regulations.

Sec. 27-617. Findings, purpose, applicability, and enforcement *of outdoor sales*.

(a) Finding and purpose. It is found and declared that:

(1) Farmers' markets, mobile markets, ~~and~~ mobile vending*, vending stands, outdoor service, and outdoor retail* may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, ~~and~~ mobile vending*, outdoor service, and outdoor retail* in all zoning districts is to provide additional space for sales of goods *in an open-air environment* ~~to allow for sound social distancing requirements~~ while contributing to activity, attracting *patrons* ~~pedestrians~~, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.

(2) Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, ~~and~~ mobile vending*, outdoor service and outdoor retail* is necessary to protect the public health, safety, and welfare.

(b) *Applicability and enforcement.*

~~(1) The amendments in sections 27-608—27-614, and sections 27-618—27-621 in totality, shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways. Farmers' markets, mobile markets, and mobile vending are allowed under the ordinance from which these sections derive, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation the ordinance from which these sections derive shall supersede.~~

~~(2)~~*(1)* Businesses. Any persons or entity operating a farmers' market, mobile market, ~~or other~~ *mobile* vendo*r*~~ing~~ vehicle*, outdoor service or outdoor retail* under this article must conduct such operation under a valid and current *occupation tax number,* ~~business license (occupation tax receipt)~~ *unless such entity is a non-profit as defined in this section*.

~~(3)~~*(2)* *Non-profits.* All non-profit organizations that operate a farmers' market, mobile market, ~~or other~~ *mobile* vendo*r*~~ing~~ vehicle*, outdoor dining or outdoor retail* must meet the following conditions:

a. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; and
b. May set up a temporary structure for the purposes of distributing information *in addition to operating the farmers' market, mobile market, mobile vendor vehicle, outdoor service, or outdoor retail*. A non-profit organization may also take donations on-site.

~~(4)~~*(3)* All right-of-way permits otherwise required for work or activities allowed *by sections 27-617 to 27-622* ~~in the ordinance from which these sections derive~~ are waived.

a. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in chapter 6 of the Unified Government Code of Ordinances.
b. No open flames shall be allowed under any use in the article, except for any open flame on a vending vehicle allowed by another ordinance.

~~(5)~~*(4)* ~~Public health.~~ *Enforcement.*

a. *Power of local health officer.*
    1. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3, sections 27-608—27-614, and sections 27-617—27-220.
    2. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.
    3. This subsection shall not be construed to affect the policies and procedures of the ~~Kansas~~ *state* ~~D~~*d*epartment of ~~H~~*h*ealth and

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~~E~~*e*nvironment regarding licensure and inspection of restaurants, street vendors, or food trucks.

b. Zoning and code enforcement.

1. Any zoning enforcement officer, code enforcement officer, director of planning and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.

2. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, director of planning, and/or their designee(s) than is granted to them under local and state law.

c. *Fire safety.*

1. *Power of fire department.*

i. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).

ii. Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.

2. Inspection of mobile vending.

i. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

~~(6) *Zoning and code enforcement.*~~

~~a. Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.~~

~~b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.~~

Sec. 27-618. Farmers' markets.

This section is for farmers' markets on private property. For farmers' markets in the public right-of-way, see chapter 32-186. Farmers' markets are allowed *on private property* ~~accessory uses~~, subject to the following conditions:

~~(1) *Applicability.* This section supersedes all other ordinances specifically regulating farmers' markets through December 31, 2020. All farmers' markets must operate subject to the following conditions:~~

~~a. *Districts.* Farmers' markets are allowed to operate in any district without a special use permit, under the following conditions:~~

~~1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.~~

~~2. Hours of operation for the farmers' market begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.~~

~~(2)~~*(1) Administrative review.*

a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business *license or be a non-profit as defined in section 27-617. All other persons or entities vending, distributing, or otherwise operating within a farmers' market must conduct such operation under one of the following standards:*
    1. *A valid and current business license specific to the person(s) or entity; or,*
    2. *Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas.*

b. Written permission from the property owner(s) or their designee(s).

c. A farmers' market may operate for no more than three consecutive days, and no more than four days per week at one location.

d. Hours of operation for the farmers' market begin no earlier than 6:00 a.m. and end no later than 8:00 p.m.

e. Farmers' market events may not occur for more than six hours per day, run consecutively, at any one site. This time limit does not include the allowed time to set up and take down temporary structures.

f~~b~~. ~~In conjunction with the business license application, t~~*T*he applicant must submit a site plan *for approval by the director of planning for all proposed farmers' market locations. The site plan must contain the following for each proposed location:*~~,~~ ~~including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the department of planning and urban design, demonstrating the location of the vending tents, parking spaces, and the use of physical space to encourage social distance where and when possible.~~
    1. *The address of the property on which the farmers' market is located;*
    2. *Proposed hours of operation of the farmers' market;*
    3. *The location of vendors' stalls, other temporary structures, and the ADA-compliant pedestrian pathways;*
    4. *The location of proper trash and recycling receptacles;*
    5. *Location of parking spaces for vendors and customers;*
    6. *Any and all maintenance of traffic plans and signage;*
    7. *Nearby rights-of-way with pedestrian and vehicular access points; and,*
    8. *North arrow or other method of orientation.*

f. The applicant must make the approved site plan(s) and written permission from the property owner(s) or their designee(s) available to any enforcement officer upon request. The administrative review of the site plan can be reviewed for revocation at any time during the year if evidence and/or complaints of non-compliance are submitted.

g. The operator of the farmers' market is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event and the site returned to a UG-standard parking lot.

~~(3) *Allowed arrangements.* All sales must occur in a designated parking lot. Businesses may engage in outdoor sales, subject to the following conditions:~~

~~a. The outdoor sale must operate as an open-air market.~~

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~~b. Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:~~
~~1. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and~~
~~2. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.~~
~~c. Any retail that is allowed under another section of the Code of Ordinances, subject to all regulations under this article.~~

~~(4)~~*(2) Allowed areas. The entirety of the farmers' market must take place within the boundaries of a paved parking lot built to UG standards or other paved public space with an improved surface.*

a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following ~~conditions~~ *standards*:
~~1. Written permission of the parking and/or property owner(s).~~
~~2~~*1.* All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity.
~~3~~*2.* Any additional regulations to improve traffic flow, as required by ~~engineers in~~ the ~~department~~ *director* of planning ~~and urban design~~ *and county engineer* ~~or the department of public works~~.
3. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
4. Subject to any additional zoning district standards in sections 27-608 to 27-614.

~~b. No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.~~
~~c. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.~~

b. Farmers' market activity includes the use of the farmers' market stalls, structures, related infrastructure, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All farmers' market activity must comply with the following conditions:
i. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.
ii. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
iii. All fire lanes must remain clear and unencumbered.
iv. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.
v. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event.

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c. No item(s) for sale or on display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk or pathway.

d. All pedestrian pathways that connect the farmers' market stalls must remain clear and unencumbered, and ADA-compliant.

e. Unless otherwise provided by this chapter, operation of a farmers' market in the public right-of-way shall be subject to section 32-186.

~~(5) *Social distancing.*~~

~~a. The farmers' market applicant is responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.~~

~~b. In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:~~

~~1. Ensure that customers or parties of customers maintain at least six feet from each other while shopping.~~

~~2. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.~~

~~3. Consumption of purchased food on site should not be encouraged.~~

~~(6)~~*(3) Temporary structures.*

a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.

~~1. "Pop up" tents are allowed only in surplus off-street parking spaces.~~

b. No temporary structure may be secured in any manner that damages ~~the~~ *public* ~~parking lot, right-of-way,~~ or private property. Weights are encouraged to be used to secure temporary structures.

c. Temporary structures may be erected in the parking lot up to one hour before the start of hour of operations as ~~allowed in this section~~ *and must be taken down within one hour after the end of hours of operation.* ~~(or the start of hours of operation as proposed in the farmers' market application, whichever is later). Temporary structures may be erected in the parking lot up to one hour after the end of hour of operations as allowed in this section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).~~

~~d. No temporary structures may be in erected in the right-of-way or used in a manner that violates any other ordinance in the Code.~~

~~e. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.~~

~~1. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.~~

~~2. Signs cannot be attached to public infrastructure.~~

~~3. Sandwich boards allowed in all districts, subject to all other sign code regulations.~~

(4) Signage.

a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

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2. *Signs cannot be attached to public infrastructure or facilities.*

b. *Exceptions. The following exceptions from the sign code are allowed:*
   1. *One sandwich board is allowed for each farmers' market stall. The sandwich board must be placed adjacent to the farmers' market stall which it is serving.*
   2. *There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the farmers' market stand or associated temporary structure. No temporary sign may extend taller than eight feet or the top of the associated temporary structure, whichever is shorter.*
   3. *One temporary sign may be maintained at the property where the farmers' market is held during the farmers' market season. This sign must be posted in the ground, and shall be held to the standards of a temporary sign except for the time limit allowed.*

Sec. 27-619. Mobile markets.

This section is for mobile markets on private property. For mobile markets in the public right-of-way, see section 32-187. ~~Mobile markets are allowed accessory uses, subject to the following conditions:~~

(1) Administrative review. ~~Mobile markets are allowed upon in any district upon obtaining a business license.~~
   a. *Any persons or entity operating a mobile market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if evidence and/or complaints of non-compliance are submitted.*
   b. *Mobile market operators must have written permission from the property owner(s) or their designee(s) to operate on site. The operator must make said written permission available to any enforcement officer upon request.*
   c. *Mobile markets must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license* ~~*and contact information for appeals/complaints*~~*.*
   d. *Mobile markets may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.*

(2) Allowed areas. ~~Locations must invite the mobile market to park at their lot.~~
   a. *Mobile markets are allowed within the boundaries of a designated property of any zoning district upon obtaining a business license or non-profit status as addressed in section 27-617.*
   b. *All mobile market vehicles must comply with the following conditions:*
      1. *The vehicle must be parked on a paved surface.*
      2. *The vehicle is not parked in a designated ADA parking space or in an access aisle.*
      3. *The vehicle is not parked in a no-parking zone.*
      4. *No mobile market vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
      5. *Mobile markets may not park for more than four hours per day, run consecutively, at any one site.*

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c. Mobile market activity includes the use of the mobile market vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following conditions:

1. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.

2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.

3. All fire lanes must remain clear and unencumbered.

4. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.

5. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile market. Any and all signage, temporary or other structures, and other elements of the mobile market must be removed at the end of each mobile market event.

d. Unless otherwise provided by this section, operation of a mobile market in the public right-of-way shall be subject to section 32-187.

(3) Temporary structures. ~~Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.~~

a. No permanent structure or improvement shall be installed.

b. No temporary structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary structures.

c. No mobile market vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

~~(4) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager, if permissible). All vending vehicles must comply with the following stipulations:~~

~~a. The sales or vending does not block an interior sidewalk and sidewalk remains ADA compliant.~~

~~b. Vehicle is not parked within 100 feet of a single-family home.~~

~~c. There is sufficient stacking area for pedestrians to wait on a sidewalk.~~

~~d. Vendor does not install any permanent improvement on the sidewalk.~~

~~e. Vehicle is not parked in a no-parking zone.~~

~~f. Does not occupy parking required for other businesses.~~

~~g. If in a metered spot, meter is paid.~~

~~h. Mobile markets may not park for more than four hours at any one location.~~

~~i. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~

~~j. No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.~~

~~k. Mobile markets may operate from 8:00 a.m. – 7:00 p.m. Sunday through Thursday and 8:00 a.m. – 8:00 p.m. Friday and Saturday.~~

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~~1. If a mobile market is invited to a permitted block party, hours of operation may be extended until 10:00 p.m., regardless of the day of the week.~~

~~l. Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).~~

(4) Signage.

a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

2. Signs cannot be attached to public infrastructure or facilities.

b. Exceptions. The following exceptions from the sign code are allowed:

1. One sandwich board in connection with the mobile vendor activity is allowed within five feet of the mobile vendor vehicle. The sign shall not interfere with the flow of pedestrian or automobile traffic.

2. There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the mobile market vehicle.

i. All signage must be attached flush to the side of the vehicle.

ii. No temporary sign may extend beyond the top of the vehicle.

iii. All attached signage must be removed before the vehicle is driven off the property.

Sec. 27-620. Mobile vending.

This section is for mobile vending on private property. For mobile vending in the public right-of-way, see section 32-188. ~~Mobile vending is allowed accessory uses, subject to the following conditions:~~

(1) Administrative review. ~~This section does not govern mobile markets and mobile markets vehicles as defined by sections 27-340 and 27-618.~~

a. Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.

b. Operators must have written permission from the property owner(s) or their designee(s) to operate on site. The operator must make said written permission available to any enforcement officer upon request.

c. Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license.

d. Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.

~~(2) Vending vehicles are allowed in this district upon obtaining a business license.~~

~~(3)~~*(2)* ~~*Parking.*~~ *Allowed areas.*

a. ~~A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in~~

~~this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection.~~ *Mobile vending is allowed within the boundaries of a designated property of any zoning district upon obtaining a business license or non-profit status as addressed in section 27-617.*

b. ~~No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.~~ *All mobile vendor vehicles and prepared food vending vehicles must comply with the following conditions:*
   1. *The vehicle must be parked on a paved surface.*
   2. *The vehicle is not parked in a designated ADA parking space or in an access aisle.*
   3. *The vehicle is not parked in a no-parking zone.*
   4. *No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
   5. *Mobile vendor vehicles may not park for more than four hours per day, run consecutively, at any one site.*

c. ~~No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;~~ *Mobile vending activity includes the use of the mobile vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following conditions:*
   1. *All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.*
   2. *Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.*
   3. *All fire lanes must remain clear and unencumbered.*
   4. *There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.*
   5. *Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile market. Any and all signage, temporary or other structures, and other elements of the mobile market must be removed at the end of each mobile market event.*

d. ~~No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.~~ *Unless otherwise provided by this section, operation of a mobile market in the public right-of-way shall be subject to section 32-188.*

~~e. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.~~

~~f. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.~~

(3) Temporary structures

a. No permanent structure or improvement shall be installed.

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b. No temporary structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary structures.

c. No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

~~(4) *Allowable zoning districts*~~

~~a. *All districts.*~~

~~1. Vending vehicles are allowed to operate under this subsection in any zoning district.~~

~~2. Zoning districts allowed for vending vehicles by UG ordinances outside the ordinance from which these sections derive will operate under both sets of ordinances. If there is a conflict in law, this article shall supersede.~~

~~b. *Agriculture zoned districts and residential areas.* Vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9:00 a.m. to 8:00 p.m. and one of the following conditions are met:~~

~~1. The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10:00 p.m. or the end of the event, whichever is earlier; or~~

~~2. The vending vehicle is operating in the parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or~~

~~3. On the right-of-way adjacent to a public park, subject to all other parking regulations in this article.~~

~~c. *Commercial and industrial zoned districts.*~~

~~1. *Parking.* Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:~~

~~(i) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.~~

~~2. *Hours of operation.* Hours are from 9:00 a.m. to 10:00 p.m.~~

~~(5)~~*(4) Signage.*

a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

2. Signs cannot be attached to public infrastructure or facilities.

~~a~~*b*. ~~Sandwich boards are allowed in all commercial zoned districts, so long as they are placed within five feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In not circumstance can a sandwich board be placed more than five closer to the street than the mobile vending vehicle.~~ *Exceptions. The following exceptions from the sign code are allowed:*

1. One sandwich board in connection with the mobile vendor activity is allowed within five feet of the mobile vendor vehicle. The sign shall not interfere with the flow of pedestrian or automobile traffic.

2. *There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the mobile vendor vehicle.*
    i. *All signage must be attached flush to the side of the vehicle.*
    ii. *No temporary sign may extend beyond the top of the vehicle.*
    iii. *All attached signage must be removed before the vehicle is driven off the property.*

~~b. Sandwich boards are otherwise subject to all other sign code regulations.~~

Sec. 27-621. ~~- Review and sunset.~~ *Outdoor service.*

(a) ~~The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revised, repealed or whether additional studies are warranted.~~ *Applicability.*

(1) The following designated areas may be used for outdoor, on-site dining and drinking, and walk-up food sales:

a. Outdoor cafés. For any food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments, no permit is required to operate an outdoor café.

b. Walk-up markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market:

1. *A food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments; or*
2. *An entity which is registered as a 501(c)(3) organization with the state and whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.*

c. Outdoor taverns. For businesses that fulfill the following conditions, a permit is not required to serve cereal malt and/or alcoholic beverages outside the building of the designated place of business. This section applies to all businesses that:

1. *Has received a license from the Kansas Department of Revenue Alcoholic Beverage Control (ABC) for the sale of cereal malt and/or alcoholic beverages for consumption on the premises, including consumption within the outdoor tavern;*
2. *Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served; and,*
3. *Has received a special use permit for a drinking establishment, if a special use permit has been applied for after 1988.*

(2) Additional standards.

a. All outdoor cafés, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue ABC regulations.

b. Unless otherwise provided by this chapter, operation of an outdoor café, walk-up market, or outdoor tavern in the public right-of-way shall be subject to section 32-102.

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(b) ~~The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be repealed and no longer in effect unless renewed by the board of commissioners on or before to December 31, 2021.~~ *Allowed areas.*

(1) One or more of the following areas may be utilized for a food establishment or tavern as an outdoor café or walk-up market and/or outdoor tavern:

a. Building-to-boundary area. From the building to the property boundary line, subject to the following conditions:

1. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.

2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.

3. All outdoor dining elements must be at least four feet from street furniture and designated fire lanes.

b. Any surplus parking spaces in an off-street parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining service or its supporting structures or activities.

c. Unless otherwise provided by this chapter, outdoor service in the public right-of-way shall be subject to section 32-102.

(2) The food establishment or tavern operating under this section shall be responsible for maintaining the required four-foot pedestrian pathway, and keeping the pathway free of trash and debris.

(c) Required setbacks and clearances

(1) No building-to-boundary area nor surplus parking space(s) is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

(2) No display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.

(3) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.

(4) No outdoor café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

(5) No outdoor café or other area designated for customer dining shall be located within 30 feet of a dumpster, nor within ten feet of a trash container, located on private property.

(d) Public health

(1) All food establishments and outdoor taverns are responsible for ensuring compliance with any and all local, state or federal restrictions.

(2) All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating an outdoor café, walk-up market, or outdoor tavern.

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a. The business property, or any private area utilized by the business for the purposes of an outdoor café, walk-up market, and/or outdoor tavern, including but not limited to, the building-to-boundary area or off-street surplus parking, shall be kept free of trash and debris at all times. Confirmed reports of littering and/or unkempt conditions shall be prima facie evidence of the business's failure to comply with this section.

b. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, is prohibited. Confirmed reports of public urination may result in a prohibition of any outdoor café, walk-up market, and/or outdoor tavern operated by the business.

(e) Structures

(1) Temporary or semi-permanent structures may remain in allowed building-to-boundary areas or surplus off-street parking at all times. Temporary, semi-permanent, or permanent structures may be used for building-to-boundary areas. Temporary or semi-permanent structures may be used for surplus parking spaces.

a. Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. "Pop up" tents are allowed, so long as they are at least ten feet from the curb and do not interfere with any building or its functions, including drainage and access to light. The use of umbrellas are encouraged.

b. No temporary or semi-permanent structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary or semi-permanent structures.

(2) Any permanent/semi-permanent structure constructed or erected in the building-to-boundary area is subject to an administrative review by the director of planning.

a. For purposes of this administrative review, a structure is considered permanent or semi-permanent if:

1. A foundation is installed; or

2. Poles are installed for than four inches in the ground, whether for structural support or to hold up a sign; or

3. A hard-sided roof is installed; or

4. Construction of the structure would require a building permit outside of this section.

b. For an administrative review, applicant must provide the following:

1. Site plan of the property, including the permanent/semi-permanent structure; and,

i. Setbacks and ADA-compliant pedestrian ways must be marked, and measurements provided.

ii. For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern.

2. Elevations of the structure, drawn to scale or any other information requested by the director of planning.

(f) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary or semi-permanent structures.

(1) Signs cannot be attached to public infrastructure or facilities.

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(2) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.

a. One sandwich board is allowed for each temporary or semi-permanent structure.

b. The sandwich board must be placed adjacent to the temporary or semi-permanent structure which it is serving.

(g) Hours of operations.

(1) Food establishments shall not operate an outdoor café or walk-up market outside of the business's published hours of operation.

(2) Outdoor taverns with associated parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day.

(h) Alcohol sales. Outdoor cafes and outdoor taverns may serve alcohol under the following conditions:

(1) No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the state department of revenue.

(2) All alcohol must be served to the customer in an open container.

(3) Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations. No portion of this subsection may be construed to supersede ABC regulations. If any portion of this section is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.

(4) Under this section, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the subsection regulating outdoor taverns applies.

(i) Lighting. Outdoor lighting may be provided if a business continues to operate outside.

(1) Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings.

(2) Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the outdoor café, walk-up market, and/or outdoor tavern.

(j) Noise levels and noise disturbance.

(1) No music shall be played or produced through external or amplified speakers in any outside area.

(2) No music shall be played or produced through amplified speakers, or otherwise played or produced inside the business building, to a level that it can be heard off the premises after hours of operation or 10:00 p.m., whichever time is earlier.

(3) Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as an outdoor sidewalk café, walk-up market, and/or outdoor tavern.

Sec. 27-622. - Outdoor retail.

(a) Applicability. For businesses that fulfill the following conditions, no permit is required to operate outdoor retail. This section only applies to any business that:

(1) Sells items and/or services typically and regularly sold at the establishment;
(2) Does not engage in any installation or repair work outside of the structure in which the business is located; and.
(3) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.
(4) Unless otherwise provided by this chapter, operation of outdoor retail in the public right-of-way shall be subject to section 32-186.

(b) Types of retail allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
(1) Food and beverages, subject to section 27-621;
(2) Books and other paper goods;
(3) Potted plants, cut or arranged flowers, or gardening seeds;
(4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
(5) Jewelry and other wearable accessories;
(6) Homemade goods and crafts;
(7) Clothing; and,
(8) Office services.

(c) Allowed areas.
(1) One or more of the following areas may be utilized for outdoor retail:
a. Building-to-boundary area. From the building to the property boundary line, subject to the following conditions:
1. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.
2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
3. All outdoor dining elements must be at least four feet from street furniture and designated fire lanes.
b. Any surplus parking spaces in an off-street parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining service or its supporting structures or activities.
(2) The business operating under this section shall be responsible for maintaining the required four-foot pedestrian pathway, and keeping the pathway free of trash and debris.
(3) Required setbacks and clearances
a. No building-to-boundary area nor surplus parking space(s) is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
b. No display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.
c. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.

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d. No outdoor café, walk-up market, vending stand, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

e. No outdoor café or other area designated for customer dining shall be located within 30 feet of a dumpster nor within ten feet of a trash container, located on private property.

(d) Structures. Temporary or semi-permanent structures may remain in allowed building-to-boundary areas or surplus off-street parking at all times. Temporary, semi-permanent, or permanent structures may be used for building-to-boundary areas. Temporary or semi-permanent structures may be used for surplus parking spaces.

(1) Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. "Pop up" tents are allowed, so long as they are at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light. The use of umbrellas are encouraged.

(2) No temporary or semi-permanent structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary or semi-permanent structures.

(3) Outside the defined hours of operation no structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.

(e) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary or semi-permanent structures.

(1) Signs cannot be attached to public infrastructure or facilities.

(2) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.

a. One sandwich board is allowed for each temporary or semi-permanent structure.

b. The sandwich board must be placed adjacent to the temporary or semi-permanent structure which it is serving.

(f) Hours of operation shall be the business's regular published hours.

(g) Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____

Tyrone A. Garner, Mayor/CEO

DRAFT

Attest:

_____

Unified Government Clerk

DRAFT

Streets for People Ordinance

Gunnar Hand, AICP
Director of Planning + Urban Design



COVID-19 Emergency Ordinances

March 2020 – Beginning of COIVD-19 pandemic forces indoor public spaces to close

April 2020 – ReStart WyCo economic recovery plan is developed to help local businesses through the pandemic

Fall 2020 – Board of Commissioners approves emergency ordinances to:

1. Allow outdoor dining and retail sales
2. Expand mobile vending and farmer's markets
3. Allow outdoor taverns
4. Permit recreational "open streets"

Dec. 2020 – Extended through 2021

Dec. 2021 – Extended again through June 30, 2022



COVID-19 Emergency Ordinances

- WHEREAS, securing the **health, safety and welfare** of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

- WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of **COVID-19**—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

- WHEREAS, as a result of local and state orders pertaining to **social distancing**, many businesses face restrictions on the number of people who may be inside the business at any one time; and

- WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart WyCo: Road to Recovery*, it is necessary to take certain actions in order to **encourage customers to visit local businesses** and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

- WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and the public health, safety and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.

- WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an **active and attractive pedestrian environment** for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.

- WHEREAS, **reasonable regulation** of street and sidewalk vending is necessary to protect the public health, safety, and welfare.



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- **WHEREAS**, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.



Emergency Ordinances

- Outdoor service and sales
  - *Street cafes, outdoor taverns, walk-up market*
- Farmer's markets
  - *Seasonal and weekly*
- Mobile vending
  - *Food trucks, food trailers, push carts*
- Mobile market
  - *Dotte Mobile Market*
- Open streets
  - *Expanded safety on residential streets*













Enumerated Businesses

- Restaurants & bars
- Food trucks & mobile vendors
- Art galleries
- Books & paper goods
- Professional services
- Plants & seeds
- Clothing
- Jewelry & accessories
- Homemade crafts & goods
- Non-profits
- *Repair work outside the building is NOT allowed*













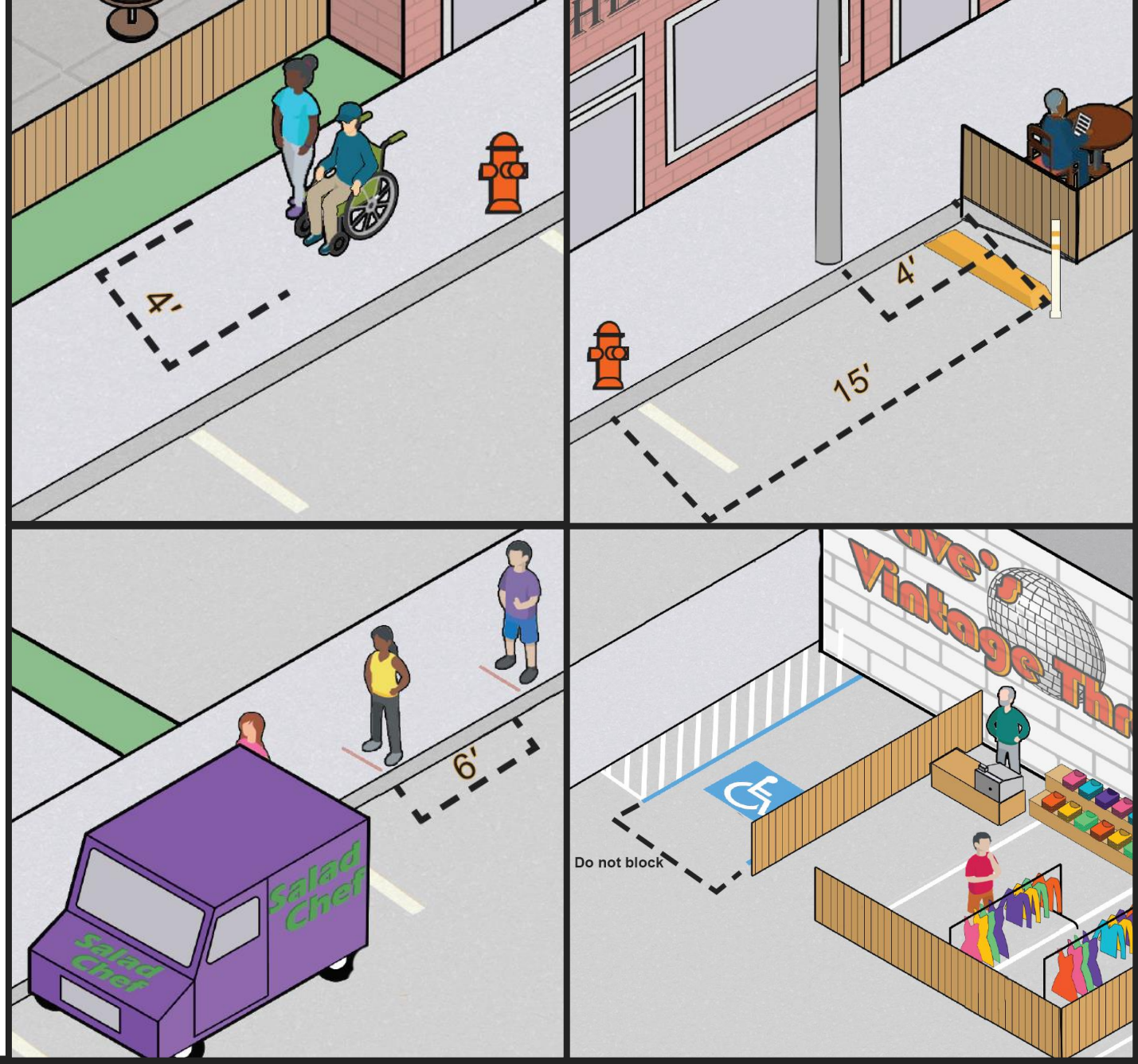
Operating Standards

- All entities must have business license or 501(c)(3) status
- Hours of operation defined
- All outdoor service and retail sales limited to 4 defined areas:
    1. Sidewalks;
    2. Front/side/rear yard setbacks;
    3. On-street parklet (temporary or semi-permanent); and/or,
    4. Off-street surplus parking



Safety Standards

- Maintain ADA accessibility on sidewalk and into businesses
- 4 feet clearance from all street furniture
- Safe space for queuing
- 15 feet clearance from fire hydrants and bus stops
- ADA parking and loading zones maintained
- Sight distance triangles maintained
- Enforcement powers delegated to Fire, Public Health, Codes and Zoning



Yard (Rear/Side/Front) Standards

Yard and surplus parking service and sales in Chapter 27:

- Structures may not interfere with a building's access to light or drainage
- Must provide clear pedestrian pathway, ingress and egress
- Administrative review for semi-permanent/permanent structures
- Mobile vending, mobile market and farmer's markets require permission of property owner



Top to bottom:

Jones Bar-B-Q

Slap's BBQ

GG's Barbacoa

ROW Sales Standards

Sidewalk and street service and sales in Chapter 32:

- Keep clear of street furniture and provide for ADA clearance
- Sale of alcohol allowed (outdoor service and outdoor taverns) with ABC approval
- Everything must be brought indoors while businesses are closed, except semi-permanent parklets
- Non-profits allowed with owner's permission





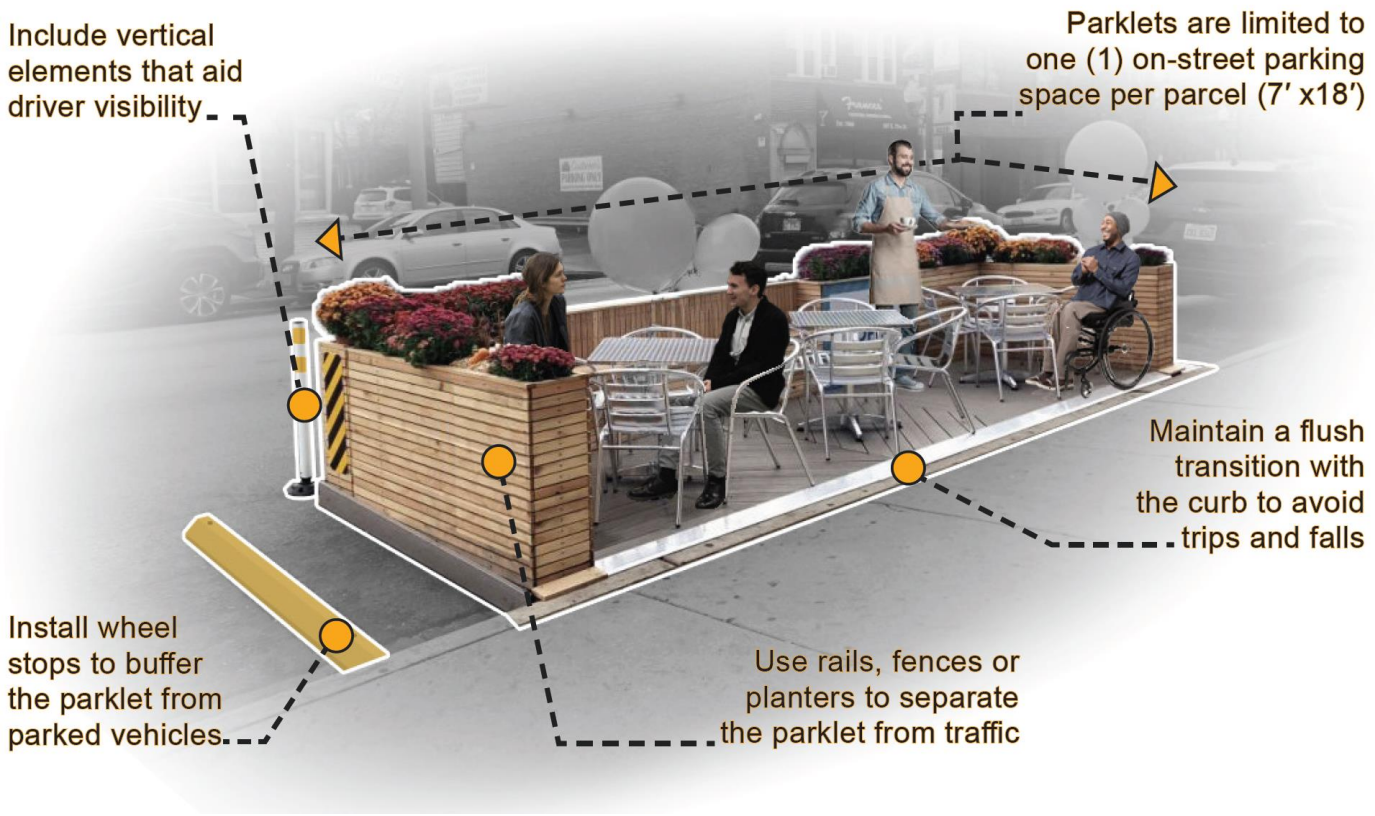


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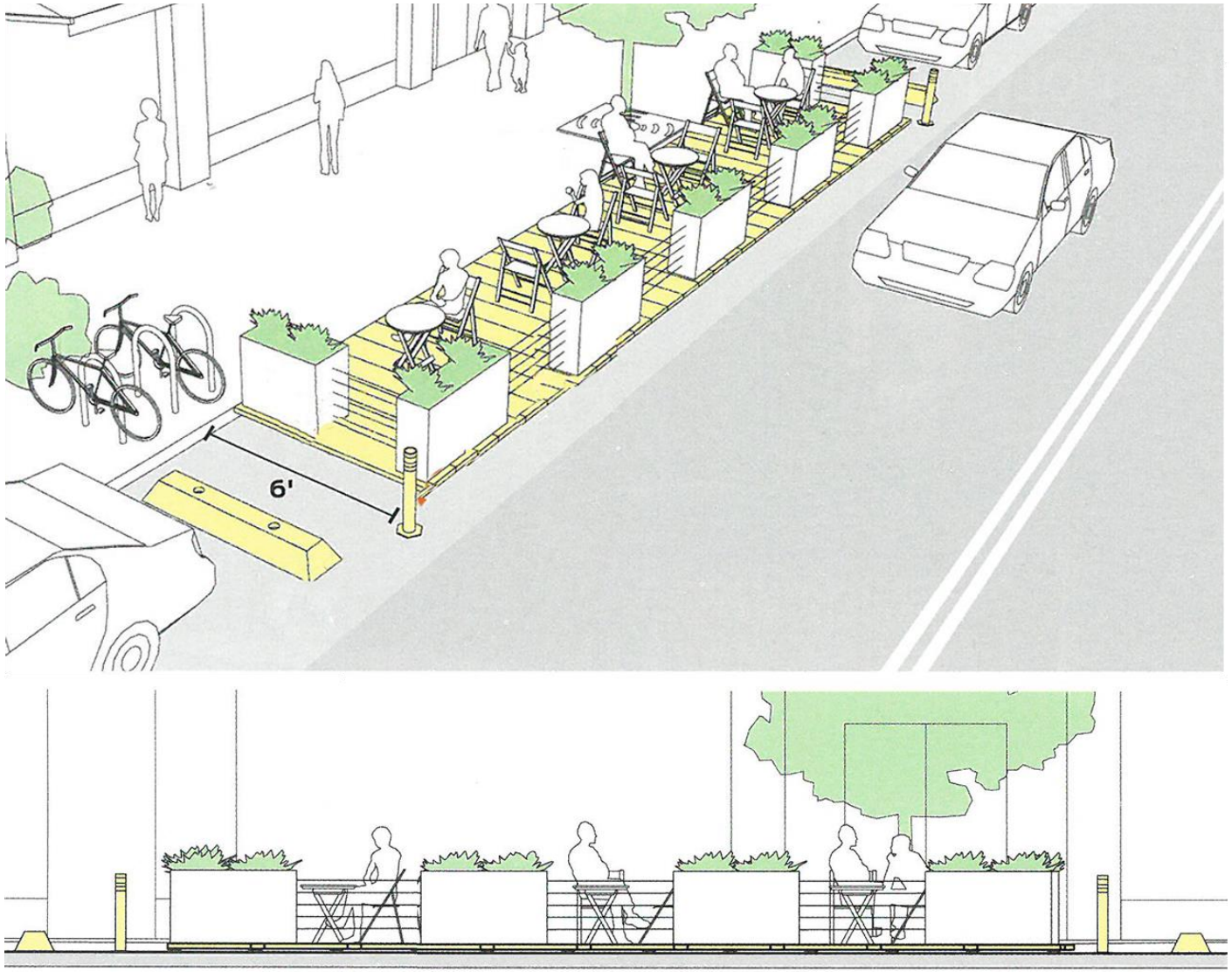
Non-profits at 7th Street transit center, special event street closure farmer's market, and outdoor service and sales

On-Street Parklets

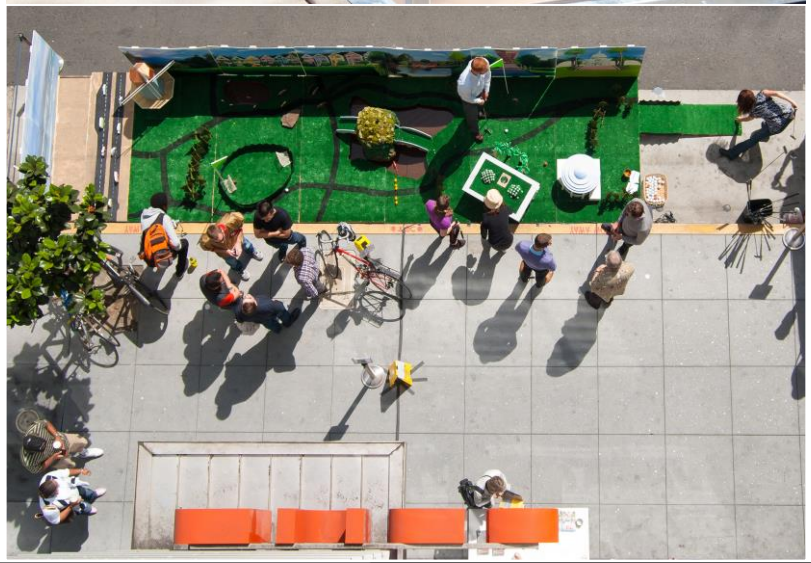
- One (1) space allowed per parcel (if available)
- Must be 20 feet from an intersection or street corner (site lines)
- Structure can be temporary or semi-permanent
- Seating at least three (3) feet from traffic
- Only allowed on street with speed limits up to 40 mph
- Constructed to Nation Association of City Transportation Officials (NACTO) standards



On-Street Parklet Gallery







Outdoor Taverns

- Must comply with all Kansas ABC regulations
- Outdoor taverns must cease after 10:00PM
- Must comply with all noise ordinance regulations
- Must stay within the ABC designated areas of sale and consumption



On-Street Mobile Food Vending

- NO sales allowed on streets with a speed limit greater than 40 mph
- Must feed the meter if applicable, but does not need to conform to posted time limits
- Not allowed to park on residential streets unless invited to block party, open street or special event
- Queues must be a least five (5) feet from passing traffic
- Cannot be located in one location for more than four (4) hours at one time
- Cannot park in front of existing brick-and-mortar restaurant (unless directly associated with said business)





Farmers Markets

- Allowed in any zoning category
- Must submit a site plan for an administrative review
- Farmer's markets must occur on improved parking lot (food trucks allowed)
- 4 times a week no more than 3 consecutive days
- Allowed from 6:00AM to 8:00PM, but no longer than 6 hours at a time



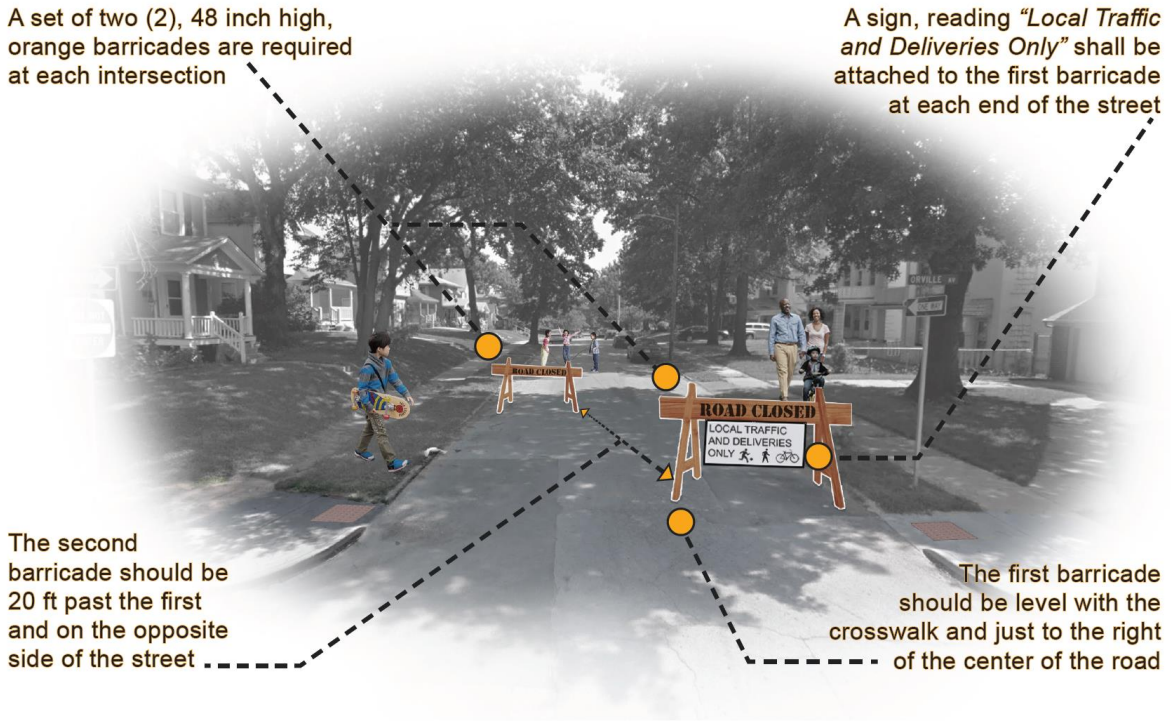


Top: Rosedale Farmers Market

Bottom: Downtown Farmers Market

Open Streets

- Provide an expanded public realm for safe recreation
- Streets must be designated as residential, neighborhood, or local to be eligible
- Allows local traffic only
- Barricades must be easily moved to allow emergency vehicle and delivery access
- Open Street Block Captain is responsible for all maintenance and administration
- Application process and barricade standards enumerated



Conclusion

- Support local businesses, expand vibrancy of our commercial corridors, and enhance public health
- Cleaned up accessory use, outdoor vending, collection facility and donation bin sections
- Will continue to monitor and enforce standards
- Will continue to conduct outreach to business community and public



BIKE WALK KC
1106 E. 30th STREET, SUITE G, KANSAS CITY, MO 64109 816-205-7056
www.BikeWalkKC.org

June 16, 2022

Mr. Gunnar Hand
Director of Planning and Urban Design
Unified Government of Wyandotte County/KCK
City Hall
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Dear Director Hand:

On behalf of BikeWalkKC, I have drafted the following letter to express our organization's **support** for the proposed changes regarding outdoor sales and use of right-of-way.

BikeWalkKC supports this measure because it aligns with our mission to create places for people to build a culture of active living. Part of making that vision a reality is taking steps to bring more of the community amenities closer to pedestrians, people with disabilities and other users of active transportation. The measures in question were instituted on a temporary basis in part to determine what impact it would have on businesses and the pedestrian experience. Because these measures appear to support both, it makes sense to make the changes permanent.

It's also important to look closer at the economic aspect of this. Research has shown that people who walk, bike, and ride the bus tend to spend more money at businesses over time than those who drive. It makes economic sense why we would extend measures which allow businesses to better cater to those customers. Furthermore, these measures were put in place because of the economic uncertainty of COVID-19. Given some warnings from economists that we may be heading for a recession, it makes sense for the UG to take steps now to shore up businesses for the possible economic uncertainty to come.

In conclusion, these measures (and the proposed changes to these measures) support the multimodal transportation user experience and help businesses in the process. We **support** the proposed legislation to make these changes permanent.

Respectfully,



Michael Kelley
Policy Director
BikeWalkKC

Staff Request for Commission Action

Tracking No. 211718

Full Commission Meeting Date: 6/30

Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Option contract for real estate purchase agreement between KDG, LLC and the Unified Government for the real estate at 742 Minnesota Ave., Kansas City, KS for plans to raise and create surface parking to benefit the residential to be constructed as part of the Brotherhood Bank Building renovation.

Action Requested:
Approve and move to FC 6/30

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:
Option Agreement - 742 Minnesota Ave - final

OPTION CONTRACT FOR REAL ESTATE PURCHASE AGREEMENT

THIS OPTION CONTRACT FOR REAL ESTATE PURCHASE AGREEMENT (the "Agreement"), made and entered into as of the Effective Date by and between **KDG, LLC,** a Kansas limited liability company ("Buyer"), and **Unified Government of Wyandotte County/Kansas City, Kansas**, a municipal corporation ("Seller")(collectively the "Parties").

WITNESSETH:

WHEREAS, Seller is the legal owner of that certain real estate, commonly known as 742 Minnesota Ave., Kansas City, Kansas, Parcel 087608, depicted on Exhibit A attached hereto and incorporated herein by reference (collectively referred to as the "Property"); and

WHEREAS, it is the policy of Seller that it should dispose of surplus real property in a manner that will provide the best and highest return to the government and its taxpayers; and

WHEREAS, Seller has adopted procedures for the disposal of real property as authorized and provided for in K.S.A. 19-211(b) and as authorized by Seller's home rule power; and

WHEREAS, Buyer desires to purchase, and Seller desires to provide an option to Buyer to purchase the Property upon the terms and conditions hereinafter set forth; and

WHEREAS, the Parties acknowledge and agree that the timely redevelopment of the Property is of utmost concern and importance and is in the best interests of the Parties and the health, safety, and welfare of Seller's residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the adequacy, sufficiency and receipt of which are hereby acknowledged, the Parties hereto, hereby agree as follows:

Section 1 – Definitions

1.1 (a) "Closing Date" shall mean the last day of the Closing Period or such other date during the Closing Period selected by Purchaser.

(b) "Closing Period" shall mean two (2) years after the Effective Date, or as extended by mutual agreement of the Parties.

(c) "Effective Date" shall mean the date that the Agreement is executed by the Seller.

(d) "Due Diligence/Option Period" shall mean two (2) years after the Effective Date, or as extended by mutual agreement of the Parties.

Section 2 - Property

2.1 Seller agrees to provide an option to purchase to Buyer, upon the terms, conditions and provisions hereinafter set forth, (i) the Property, together with all improvements thereon and all appurtenances, rights, permits, privileges, licenses, easements and rights of way incident thereto, and (ii) to the extent assignable, all right, title and interest of Seller in any plans, building permits, surveys and certificates of occupancy relating to the Property, and all licenses, permits and warranties relating to the ownership, occupancy and operation thereof (the "Personalty"). Consideration for all of the above items shall be included as the Purchase Price.

Section 3 – Purchase Price

3.1 The purchase price for the Property shall be One Hundred Eighty Two Thousand Six Hundred Ninety Two Dollars and 64/100 ($182,692.64)(the "Purchase Price") which shall be paid in full on the Closing Date and shall be applied to any back taxes due on the Property at the time of Closing. The Parties agree that payment of the Purchase Price is adequate consideration for the purchase of the Property.

Section 4 – Due Diligence/Option Period

4.1 For a period of two (2) years from execution of this Contract (the "Due Diligence/Option Period"), Sellers agrees to provide Buyer with the exclusive option to purchase, upon completion of the terms, conditions and provisions hereinafter set forth in Section 11, (i) the Property, together with all improvements thereon and all appurtenances, rights, permits, privileges, licenses, easements and rights of way incident thereto, and (ii) to the extent assignable, all right, title and interest of Sellers in any plans, building permits, surveys and certificates of occupancy relating to the Property, and all licenses, permits and warranties relating to the ownership, occupancy and operation thereof (the "Personalty"). Consideration for all of the above items shall be included as the Purchase Price.

Section 5 - Buyer's Right to Inspect the Property

5.1 Buyer and its authorized representatives shall have the right, during the Due Diligence/Option Period, to enter upon the Property to make test borings, drainage tests, surveys, engineering and architectural studies, to perform site inspections of any improvements including structural, HVAC, roof, electrical, plumbing, mechanical, and parking plan, and for other purposes commensurate with ascertaining the suitability of the Property for Buyer's purposes. Such test and studies may be invasive, and Buyer agrees to return the Property to its previous condition should this transaction fail to close.

5.2 Buyer acknowledges that Buyer is responsible for all due diligence in connection with the Property, that on the Closing Date Buyer shall accept the Property in its current "as is" condition, and the Seller shall have no liability to Buyer for any matters discovered or which could have been discovered by Buyer in performing its due diligence.

5.3 To the extent such documents are not already in the possession of Buyer, within thirty (30) days of the Effective Date, Seller shall deliver to Buyer copies of any and all agreements, contracts, plans, building permits, surveys, studies, reports, certificates of occupancy, licenses, and permits relating to the ownership, occupancy and operation of the Property, to the extent Seller is a party thereto and Seller is in possession or control thereof.

5.4 Seller further agrees to provide to Buyer any environmental surveys or related documents in their possession or to which they have access, within thirty (30) days of the Effective Date of this Agreement.

5.5 If at any time during the Due Diligence/Option Period, prior to the Closing Date, Buyer has determined in its sole discretion that the condition of the Property is unacceptable, Buyer may cancel this Agreement by a written notice to Seller and neither party shall have any further rights or obligations to the other.

Section 6 – Closing Date

6.1 The Closing Date shall be no later than two (2) years after the Effective Date of this Agreement, unless extended by mutual agreement of the Parties.

Section 7 - Title to Property

7.1 At Buyer's option and cost, Buyer may order an ALTA form title commitment from Escrow Agent (the "Title Commitment"), and may arrange to have an existing survey updated or a new survey prepared (the "Survey"). At any time prior to the Closing Date, Buyer may provide written objections to Seller regarding matters shown on the Title Commitment or the Survey.

7.2 Within ten (10) days of such written objections, Seller shall respond in writing as to whether such objections will be cured by the Closing Date. If Seller does not cure the objections or commit to do so by Closing, Buyer may either waive the objections not cured and proceed to Closing or Buyer may cancel this Agreement within three (3) days of Seller's written response by a written notice to Seller and neither party shall have further rights or obligations to the other. Any title encumbrances or exceptions which are set forth in the Title Commitment and the Survey, and to which Buyer does not object or waives any objection shall be deemed to be permitted exceptions to the status of Seller's title (the "Permitted Exceptions").

7.3 Seller shall convey the Property to Buyer by special warranty deed (the "Deed").

Section 8 - Taxes and Assessments

8.1 To the extent applicable, Buyer shall be responsible for all real estate taxes and assessments, both general and special, after the Closing Date.

Section 9 - Escrow Agent and Escrow Instructions

9.1 A copy of this Agreement shall be deposited by Seller into escrow with such title company as Seller may chose in its complete discretion (the "Escrow Agent") within fourteen **(14)** days of the Effective Date. All other funds and documents required hereunder shall be deposited with the Escrow Agent on or before the Closing Date. A copy of this Agreement shall serve as escrow instructions, subject to receipt by Escrow Agent of further written instructions by either party.

Section 10 - Closing and Escrow Charges; Closing Documents

10.1 At such time as the Escrow Agent (i) has in its possession all funds representing the balance of the Purchase Price due hereunder, (ii) has in its possession all executed documents required hereunder in recordable form, where applicable, including all documents necessary to satisfy and discharge delinquent taxes, judgments, mortgages, liens and assessments against the Property, (iii) is committed to issuing an ALTA owner's title insurance policy insuring fee simple title in Buyer subject only to the Permitted Exceptions (the "Owner's Policy"), and (iv) has received written authorization from Buyer and Seller, or their respective authorized parties, it shall file the Deed for record transferring title to Buyer and shall issue the Owner's Policy to the Buyer as hereinabove provided. The Escrow Agent shall deliver to Buyer the recorded Deed and the Owner's Policy.

10.2 Each party shall bear its own legal costs and expenses. All other costs of Closing shall be borne by Buyer, including but not limited to, (i) real estate taxes due but not delinquent; (ii) closing costs and escrow fees; (iii) the cost of recording the Deed; (iv) the cost of the Owner's Policy; (v) the cost of any Survey; and (vi) any costs of the title examination and Title Commitment.

10.3 At Closing, in addition to the Deed, Seller shall deliver (i) a seller's affidavit in the form required by the Title Company, (ii) a bill of sale conveying any Personalty to Buyer, (iii) an affidavit confirming that Seller is neither a "foreign person" nor a "foreign corporation" (as those terms are defined in Section 1445 of the Internal Revenue Code of 1986, as amended), (iv) a closing statement, reflecting the adjustments contemplated hereunder, and (v) all such other documents and instruments as may reasonably be required by Buyer and/or Escrow Agent to close the sale in accordance with this Agreement. At Closing, Buyer shall deliver (i) a closing statement, reflecting the adjustments contemplated hereunder, and (ii) all such other documents and instruments as may reasonably be required by Seller and/or Escrow Agent to close the sale in accordance with this Agreement.

Section 11 – Conditions Pertaining to the Development Site

11.1 Buyer and Seller agree that the following conditions must be met by Buyer no later than two (2) years after the Effective Date of this Agreement, or else Buyer shall have no right to exercise its option to purchase the Property and Seller shall have no obligation to sell the Property to Buyer:

a. Buyer must submit development plans for a first-class multi-family residential development project within a portion of the building immediately west of the Property,

753 State Avenue (the "Brotherhood Bank Building"), either to the Planning Department, the Building Inspection Division, or both, as appropriate. (the "Development Plans").

b. The Development Plans and any other entitlements (including but not limited to a change of zone, special use permit, or master plan amendment) required for redevelopment of the Brotherhood Bank Building must be approved by the Unified Government Board of Commissioners.

c. Buyer must have obtained a demolition permit for the Property, as well as any other approvals necessary by the Landmarks Commission, the Unified Government Board of Commissioners, and any State or Federal agency that are necessary for demolition of the building located on the Property.

11.2 After completion of the conditions set forth in Section 11.1, Buyer shall provide written notice to Seller prior to the end of the Due Diligence/Option Period stating Buyer's intent to exercise the option and providing all necessary documentation evidencing Buyer's completion of the conditions set forth in Section 11.1.

Section 12 - Representations and Warranties of Seller

12.1 Seller represents and warrants to Buyer as follows:

(i) Organization. Seller is a municipality organized under the laws of the State of Kansas.

(ii) Authority. The execution, delivery and performance by Seller of this Agreement are within such party's powers and have been duly authorized by all necessary action of such party.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transaction herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of Seller or the laws of the State of Kansas, or to any judgment, decree, license, order, or permit applicable to Seller, or will conflict or be inconsistent with, or will result in any breach of any of the terms of these covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which the Seller is a party, by which the Unified Government or any of its assets is bound, or by which Seller or any of its assets is subject.

(iv) No Consent. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court of Government Authority or regulatory body or third party is required for the due execution and delivery by the Seller of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by the Seller of this Agreement or the consummation of the transactions contemplated hereby.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Seller, enforceable against the Seller in accordance with its terms, except as may be limited by bankruptcy, reorganization, insolvency, receivership, fraudulent conveyance, moratorium or other similar laws relating to or affecting creditors' rights generally and the enforcement thereof, and subject to general principles of law and equity and the availability of specific legal and equitable remedies, including but not limited to the remedy of specific performance or similar relief, and the discretion of the court (regardless of whether enforcement is sought in equity or at law), and subject to standards of commercial reasonableness.

Section 13 - Representations and Warranties of Buyer

13.1 Buyer represents and warrants to the Unified Government as follows:

(i) Organization. Buyer is a corporation duly formed and validly existing under the laws of the State of Kansas. Buyer is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or activities requires such authorization. Buyer shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence, and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where the nature of its properties or activities requires such authorization.

(ii) Authority. The execution, delivery and performance by Buyer of this Agreement are within such party's powers and have been duly authorized by all necessary action of such party.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Buyer or any provision of law, statute, rule or regulation to which Buyer is subject, or to any judgment, decree, license, order or permit applicable to Buyer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Buyer is a party, by which Buyer or any of its assets is bound, or to which the Buyer or any of its assets is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by Buyer of this Agreement.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Buyer enforceable against Buyer in accordance with its terms, except as may be limited by bankruptcy, reorganization, insolvency, receivership, fraudulent conveyance, moratorium or other similar laws relating to or affecting creditors' rights generally and the enforcement thereof, and subject to general principles of law and equity and the availability of specific legal and equitable remedies, including but not limited to

the remedy of specific performance or similar relief, and the discretion of the court (regardless of whether enforcement is sought in equity or at law), and subject to standards of commercial reasonableness.

Section 14 – Indemnity and Responsibility

14.1 Buyer agrees to accept the Property in its current condition and further agrees to indemnify, defend and hold Seller harmless from all claims, loss, injury or damage arising on the Property during the inspection process and at any time after the Closing Date. Buyer's obligations under this Section shall survive: (i) closing, or (ii) termination of this Agreement with respect to liability arising on the Property during the inspection process.

Section 15 – Intentionally Omitted

Section 16 - Notices

16.1 All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) facsimile (with follow up within one (1) business day by United States Mail); or (iii) delivered in person, in each case if addressed to the parties set forth below:

To Seller:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Room 323
Kansas City, Kansas 66101

with a copy to:

Economic Development Director
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th St.
Kansas City, KS 66101

And to Buyer at:

KDG, LLC
745 State Avenue
Kansas City, KS 66101

Any party may change the address to which notices are to be addressed by giving the other parties notice in the manner set forth above.

Section 17 - Casualty; Condemnation

17.1 If prior to the Closing Date the Property or any part thereof is damaged or destroyed by fire or by any other cause, this Agreement shall become null and void at Buyer's option, and upon delivery to Seller of written notice of an election by Buyer to treat this Agreement as null and void delivered by Buyer within ten (10) days of its knowledge of the casualty, this Agreement shall terminate and neither party shall have any further rights or obligations hereunder. If Buyer elects to proceed and to consummate the purchase despite said damage or destruction, Seller will assign to Buyer its interest in and to any insurance policies and proceeds thereof payable as a result of such damage or destruction, less such portion thereof as shall first be reimbursed to Seller for the costs of any restoration work incurred by Seller prior to Closing.

Section 18 – Default

18.1 Default Provisions. Buyer shall be in default under this Agreement if:

(a) Buyer fails to make any of the payments of money required by the terms of this Agreement, and Buyer fails to cure or remedy the same within thirty (30) days of written notice of such failure from Seller;

(b) Buyer fails in a material manner to keep or perform any covenant or obligation herein contained on Buyer's part to be kept or performed, and Buyer fails to remedy the same within thirty (30) days after Buyer's receipt of written notice specifying such failure and that Seller considers such failure to be material and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot reasonably be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Buyer within such period and diligently pursued until the default is corrected; or

(c) Buyer shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against Buyer in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Buyer generally is not paying its debts as such debts become due; or Buyer makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Buyer and such appointment is not dismissed within sixty (60) days;

(d) Buyer breaches its representations and warranties set forth in this Agreement and Buyer fails to remedy the same within thirty (30) days after Buyer's receipt of written notice from Seller specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot reasonably be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Buyer within such period and diligently pursued until the default is corrected.

(e) In the event of any default, Seller may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Buyer covenants to pay and indemnify Seller against all reasonable costs and charges, including reasonable attorneys' fees, lawfully and reasonably incurred by or on behalf of Seller in connection with the enforcement of such actions or remedies. Without limiting the generality of the foregoing, and in addition to and not to the exclusion of any other rights or remedies of Seller hereunder, in the event of such default which occurs prior to

Closing which is not cured within the applicable cure period, the Seller may terminate this Agreement. Buyer agrees that it shall have no other claim or action against Seller as a result of such termination of the Agreement.

18.2 Rights and Remedies. The rights and remedies reserved by Seller hereunder and those provide by law or equity shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Buyer occurs under this Agreement and is continuing and is not cured within the applicable cure period, Seller may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Buyer of any provision of this Agreement. Seller shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Failure of Seller to enforce any such rights shall not be deemed a waiver thereof.

18.3 Default by Seller. Seller shall be in default under this Agreement if:

(a) Seller fails to make any of the payments of money required by the terms of this Agreement, and Seller fails to cure or remedy the same within thirty (30) days of written notice of such failure from Buyer;

(b) Seller fails in a material manner to keep or perform any covenant or obligation herein contained on Seller's part to be kept or performed, and Seller fails to remedy the same within thirty (30) days after Seller's receipt of written notice specifying such failure and that Buyer considers such failure to be material and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot reasonably be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Seller within such period and diligently pursued until the default is corrected; or

(c) Seller breaches its representations and warranties set forth in this Agreement and Seller fails to remedy the same within thirty (30) days after Seller's receipt of written notice from Buyer specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot reasonably be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the Seller within such period and diligently pursued until the default is corrected.

(d) In the event of any default, Buyer may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity. Without limiting the generality of the foregoing, and in addition to and not to the exclusion of any other rights or remedies of the Seller hereunder, in the event of such default which is not cured within the applicable cure period, Buyer may terminate this Agreement.

18.4 Rights and Remedies. The rights and remedies reserved by Buyer hereunder and those provide by law or equity shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Seller occurs under this Agreement and is continuing and is not

cured within the applicable cure period, Buyer may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Seller of any provision of this Agreement. Buyer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Failure of Buyer to enforce any such rights shall not be deemed a waiver thereof.

Section 19 -- Miscellaneous

19.1 Assignment. Seller shall not assign its rights and interests hereunder without the express written approval of Seller.

19.2 Cash Basis Law. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto. This Agreement shall be construed and interpreted so as to ensure that Seller shall at all times stay in conformity with such laws and, as a condition of this Agreement, Seller reserves the right to unilaterally terminate this Agreement if the Agreement is deemed to violate the terms of such law. Seller is obligated only to make payments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during the Seller's current budget year; or (b) funds made available from any lawfully operated revenue producing source.

19.3 Entire Agreement. This Agreement, together with all the Exhibits attached hereto and incorporated by reference herein, constitutes the entire undertaking between the parties hereto, and supersedes any and all prior agreements, arrangements and understandings between the parties. This Agreement shall not be modified or amended unless such amendment is set forth in writing and executed by both Seller and Buyer.

19.4 Force Majeure. In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of Seller to make timely approvals with regard to the Improvements (if applicable), war, terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

19.5 Provisions Surviving Closing. The provisions of Sections 14 shall survive Closing.

19.6 Counterparts. This Agreement may be executed in counterparts, which together shall constitute the agreement of the Parties.

19.7 Authority. By executing this Agreement the signatory represents that they possess the required authority of their respective party.

19.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

19.9 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the Effective Date.

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Interim County Administrator

Date: _____

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

On this _____day of _____, 2022, before me personally appeared Cheryl Harrison-Lee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same in his capacity as Interim County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

_____
Notary Public

My term expires:

KDG, LLC

By: _____

Date: _____

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____day of _____, 2023, before me personally appeared _____ to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same in his capacity as _____ of _KDG, LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

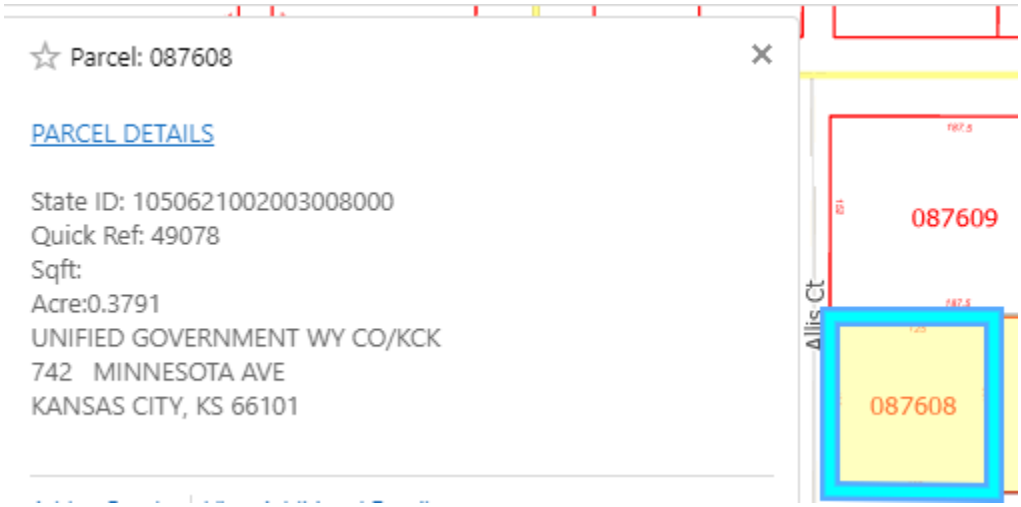
_____
Notary Public

My term expires:

EXHIBIT A

Property Legal Description

B117 L28 to L32



Staff Request for Commission Action

Tracking No. 211727

Full Commission Meeting Date: 6/9/22
Committee: Full Commission

Date of Standing Committee Action: 4/4/22
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Greg Talkin	x8628	gtalkin@wycokck.org	Neighborhood Resource Center

Item Description:

The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

2018 International Building Code (IBC)
2017 NFPA 70 - National Electrical Code (NEC)
2018 International Mechanical Code (IMC)
2018 Uniform Plumbing Code (UPC)
2018 International Property Maintenance Code
2018 International Energy Conservation Code (IECC)
2018 International Existing Building Code (IEBC)

This item was previously before the full Commission on May 26, 2022.

Action Requested:

To review and approve the seven codes listed above.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

RFA 1 IBCs FINAL, 211727.Request to adopt New Codes Part 1- 2018 Suite Set 6.6.22

(Published _____)

ORDINANCE NO. _____

ORDINANCE relating to adoption of the updated suite of international building codes contained in Chapter 8, Articles II (2018 International Building Code), III (2017 NFPA 70 Electrical Code), V (2018 International Mechanical Code), VI (2018 Uniform Plumbing Code), VIII (2018 International Property Maintenance Code), XVI (2018 International Energy Conservation Code), and XVII (2018 International Existing Building Code), and amending original Sections 8-23, 8-24, 8-58, 8-125, 8-126, 8-281, 8-282, 8-350, 8-351, 8-431, 8-432, 8-653, 8-654, 8-655, and creating new sections 8-656, 8-657, and 8-658 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 8, Article II, section 8-23, of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-23. - Violations and penalty.

Any person who shall violate a provision of this article, fail to comply with any of the requirements of this article, erect, construct, alter, or repair a building or structure in violation of the approved construction documents or directive of the building official or fire chief, or act in violation of a permit or certificate issued under the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than $100.00 nor more than $2,500.00, by imprisonment not exceeding six months, or by both such fine and imprisonment, in addition to any other penalties prescribed by law, including civil penalties in accordance with unified government code Chapter 2, Article IX. The office of chief counsel shall, at the request of the board or the building official, render such legal assistance as may be necessary in carrying out the provisions of this article. Upon the request of the building official, the office of chief counsel shall institute, in the name of the unified government, the proper proceedings against any person regarding whom a complaint has been made charging the violation of any provisions of this article. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1964, § 7-27; Code 1988, § 8-16; Ord. No. 64936, § 7, 12-19-1985; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 3, 9-16-2004; Ord. No. O-44-11, § 3, 10-20-2011; Ord. No. O-29-12, § 3, 5-3-2012)

Section 2. That Chapter 8, Article II, section 8-24, of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-24. - ~~2012~~ 2018 International Building Code—Adopted.

(a) *Building code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter, and fixing of penalties for violations thereof, the ~~2012~~ 2018 International Building Code and referenced standards and specified appendices C, H and J, dated ~~May 2011~~ August 2017, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked ~~copies~~ copy of code on file.* There shall be ~~not fewer than three copies~~ one copy of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the incorporating ordinance from which this section is derived, and which shall be marked or stamped "Official ~~Copies~~ Copy as Incorporated by Ordinance No. O-_____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, ~~Code Enforcement Division, Rental Inspections Division and Building Inspection Division~~ Property Maintenance Compliance Division, Building Inspection Division and Administrative Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-1, 7-2; Code 1988, § 8-17; Ord. No. 64936, §§ 4, 5, 12-19-1985; Ord. No. 65407, § 1, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 4, 9-16-2004; Ord. No. O-44-11, § 4, 10-20-2011; Ord. No. O-29-12, § 4, 5-3-2012; Ord. No. O-43-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 3. That Chapter 8, Article II, section 8-25, of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-25. - Same—Amendments.

The ~~2012~~ 2018 International Building Code is amended in the following respects: *Sections 101.1—116* are hereby deleted.

Sections 100—176 Administration are hereby added as follows:

Section 100 Title. The ~~2012~~ 2018 International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Unified Government Code, chapter 8, sections 8-1 through 8-351, shall be known as the Building Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code" or "the building code."

Section 101 Scope. This Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Detached one- and two-family dwellings not more than three stories in height with separate means of egress shall comply with article VIII (International Residential Code) of this chapter.

Section 102 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, property maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

Section 103 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 104 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

Section 105 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

Section 106 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference to the ICC Electrical Code in the International Building Code, International Residential Code, International Mechanical Code, International Existing Buildings Code, International Property Maintenance Code or Uniform Plumbing Code shall be replaced with the NFPA 70 National Electric Code, 2011 Edition.

Section 107 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Section 108 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 109 Duties and powers of building official. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The building official shall be known as public officer, and such term shall include his/her authorized representatives. Further, whenever the term or title "administrative authority," "responsible official," "codes administrator," "codes director," or other similar designation is used in any of the codes adopted by reference by this code, it shall be construed to mean the building official.

Section 110 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition or moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 111 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

Section 112 Inspections. The building official shall make all of the required inspections or shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible

individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 113 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 114 Records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Section 115 Liability. The building official, member of the building and fire code board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suit or [proceeding] that is instituted in pursuance of the provisions of this code.

Section 116 Approved materials and equipment. Materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

Section 117 Used materials and equipment. The use of used materials, which meet the requirements of this code for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Section 118 Sanitary facilities for construction workers. The contractor, builder, or other person having the management and control of construction work shall prevent the commission of any nuisance by the workers on the premises connected

therewith and if a temporary privy is located on the premises it shall be properly screened and maintained in a sanitary manner.

Section 119 Excavations. Any excavation for foundations and/or footings of buildings and structures shall be backfilled within 28 days from the date of permit issuance unless otherwise approved by the building official.

Section 120 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of inspection services.

Section 121 Alternative materials, design, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Section 122 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Section 123 Permits. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, or elevator system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition, a hazardous materials permit may be required based upon the type and quantities of materials proposed to be used or stored. When required by the fire chief, a

hazardous materials permit application must be submitted prior to the issuance of the building permit.

Section 124 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) *Building.*

(1) Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and type of wall to be installed.

(2) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(3) Temporary motion picture, television, and theater stage sets and scenery.

(4) Swings and other playground equipment.

(5) Window awnings supported by an exterior wall of group R-3 and group U occupancies.

(6) Movable cases, counters and partitions not over five feet, nine inches (1,753 mm) in height.

(7) One-story detached accessory structures <u>associated with one- and two-family dwellings,</u> used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.

(8) Fences not over six feet <u>(1829 mm)</u> high.

(9) Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above grade.

(10) Oil derricks.

(11) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

(12) Reinstalling roof coverings on existing buildings when no structural elements are being repaired or replaced.

(13) Detached pergolas and other detached structures associated with one- and two-family dwellings, which do not exceed 400 square feet, are entirely open, and do not have solid roofs.

(14) Sidewalks, driveways, decks, and platforms not more than 30 inches (762 mm) above grade and not over any basement or story below and which is not part of an accessible route.

(b) *Electrical.*

(1) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(2) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

(3) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) *Gas.*

(1) Portable heating appliance.

(2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(3) The repair, replacement or installation of less than six feet of gas piping.

(d) *Mechanical.*

(1) Portable heating appliance;

(2) Portable ventilation equipment;

(3) Portable cooling unit;

(4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;

(5) Replacement of any part which does not alter its approval or make it unsafe;

(6) Portable evaporative cooler;

(7) Self-contained refrigeration system containing ten pound (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(e) *Plumbing.*

(1) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(f) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.

(g) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drain, drain, leader, gas, soil, waste, vent or similar piping, electric wiring, electrical system, mechanical system, or other work affecting public health or general safety.

(h) *Public service agencies.* A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 125 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose.

Section 126 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not

conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

Section 127 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 128 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Section 129 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work progress must be documented by a routine inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. Permit extensions shall be charged a fee at one half the original permit fee provided no changes have been made or will be made in the original plans and specifications for such work. The extension shall be requested in writing and justifiable cause demonstrated upon finding by the same that substantial progress has been made toward completion. Substantial progress is to mean that the project is over 50 percent complete and, in the opinion of the building official, the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the building official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, before the granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this code.

Section 130 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete

information, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 131 Placement of permit. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.
Exceptions:

1) Permits for the construction of one- and two-family dwellings are not required to be posted on the site when the property address is clearly identified and visible from the street.
2) Permits for other than one- and two-family dwellings are not required to be visible from the street when kept on the site in a location accessible to the building official. Whenever permits are not visible from the street, the property address must be clearly identified. Failure to clearly identify the address or display permits may result in inspections not being performed.

Section 132 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. A registered design professional licensed by the State of Kansas shall prepare the construction documents. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional licensed by the State of Kansas.
Exceptions:

1) Plans for the construction of one- and two-family dwellings using conventional construction techniques prescribed by the codes are not required to be prepared by a registered design professional licensed by the State of Kansas.
2) The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to verify compliance with this code.

Section 133 Information on construction documents. Construction documents shall be dimensioned and drawn to scale upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The construction documents shall show in sufficient detail the location, construction, size, occupancy classification, construction type and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code.

Section 134 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved before the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this code.

Section 135 Site plan. There shall be a site plan, showing to scale, the size and location of all the new construction and all existing structures on the site including easements, distances from lot lines, established street grades, existing and proposed finished grades, sewer elevations. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of partial demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

Section 136 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Section 137 Approval of construction documents. When the building official issues a permit, the construction documents shall be stamped "Approved." The building official shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative. Failure to maintain city-stamped construction documents on site may result in inspections not being performed.

Section 138 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Section 139 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Section 140 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phrased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by this code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

Section 141 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the building official has approved their design and submittal documents.

Section 142 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Section 143 Establishment of fees. Permit and building inspection administrative fee schedule shall be established by the unified government county administrators' office and may be reviewed on an annual basis.

Section 144 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 145 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid prior to issuance of said permit, in accordance with the unified government fee schedule.

Section 146 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including current market value of materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the valuation shall be determined by using the most current building valuation data provided by the International Codes Council.

Section 147 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the permit as established by the unified government fee schedule. The payment of such fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. Work that has commenced on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits constitutes a violation of this code.

Section 148 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Section 149 Inspections general. Construction or work for which a permit is required shall be subject to inspection by the building official or his designee and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval because of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 150 Preliminary inspection. Before issuing a permit, the building official or his designee is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. A fee shall be charged for such examination of an existing building called a "status report," and a fee shall be charged according to the fee schedule established by the county administrator.

Section 151 Required inspections. The building official or his designee, upon notification, shall make the inspections set forth in this code and the policies and procedures for required inspections.

A. *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place before inspection. Materials for the foundation shall be on the job, except that where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

B. *Under-floor inspection.* Under-floor inspections shall be made after under-floor building service equipment, wiring, conduit, piping accessories and other ancillary equipment items are in place, but before floor sheathing is installed, including the sub floor. This inspection is for areas such as crawlspaces where access is very limited or impossible at a latter date.

C. *Under-slab plumbing inspection.* Under-slab plumbing inspections shall be made when all under-floor plumbing pipes are in place, but before the installation is covered with gravel or concrete.

D. *Sewer line inspection.* The sewer line from the building out to the property line shall not be concealed from view until inspected and approved. There are separate requirements for the tap into the sewer main by the unified government water pollution control department.

E. *Elevations.* Elevation certification may be required when determined necessary by the building official to confirm compliance with provisions prescribed by law.

F. *Rough-in inspections.* All rough-in inspections for R-1, R-2 and R-3 occupancies will be done at the same time.

    1. *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete.

    2. *Electrical.* Rough electrical inspection shall be made when all wiring, boxes, and/or conduits have been installed. All metal box devices must be grounded at this time.

    3. *Plumbing.* Rough plumbing inspection shall be made when all water, drain, waste and vent piping has been completed.

    4. *HVAC.* Rough mechanical inspection shall be made when all duct and flue installations have been completed. This also includes the completion of ducts for ventilation fans and devices.

5. *Fireplace.* Inspection of fireplace installations shall be made before any work is concealed. All factory-built fireplaces shall be listed by a testing agency recognized by the codes adopted by the unified government.

6. *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

G. *Lath or gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
Exceptions:
1. Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

H. *Electrical service inspection.* This inspection shall be done when the meter base, overhead or underground riser, panel/switchgear, main breaker, grounding and at least on load circuit is installed. No new electrical service shall be energized without first receiving the approval of the building official. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.

I. *Complete gas.* This inspection shall be done when all interior gas piping is installed and at least one appliance connected. The test shall be in accordance with the plumbing code adopted by the unified government. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.

J. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.

K. *Special inspections.* Special inspections, as required by this code and the building official.

L. *Fire protection inspections.* Inspection of all fire protection systems. The fire chief or his designee conducts this inspection.

M. *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

Section 152 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Section 153 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code. Inspection requests shall be made in advance and in accordance with the most current written policies of the inspection services division.

Section 154 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. The provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, not having the address clearly posted and visible from the street, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application thereof in writing upon a form furnished for that purpose, and pay the reinspection fee as established by the unified government fee schedule. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 155 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Section 156 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of any other ordinance.

Section 157 Changes in uses. Changes in the character or use of an existing structure shall not be made except as specified in this code. The building official may require a design professional registered within the state to perform a code analysis and submit plans and/or other information as deemed necessary to determine the proposed use will be in compliance with this code.

Section 158 Certificate issued. It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this code or other ordinances of the unified government, the building official shall issue a certificate of occupancy.

Section 159 Posting the certificate of occupancy. The certificate of occupancy, or a copy, shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.
Exception: R-1, R-2 and R-3 occupancies.

Section 160 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance of a temporary certificate of occupancy in accordance with the unified governments fee schedule.

Section 161 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 162 Connection of service utilities. No person shall make new connections from any source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

Section 163 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the source of energy, fuel, or power.

Section 164 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system, of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 165 Board of Code Appeals. Effective December 1, 2016, any prior board authorized by this section is abolished, and the term of any member is terminated. After December 1, 2016, in order to hear and decide appeals of orders, decisions or determinations made by the building official and fire chief relative to the application and interpretation of this code, there shall be and is hereby created The Board of Code Appeals. The Board of Code Appeals shall consist of three members with one member appointed by the mayor, one member appointed by the at large district 1 commissioner, and one member appointed by the at large district 2 commissioner. The board shall convene to hear any appeal properly before it. After the board has rendered its decision for any appeal properly before it, it shall be dissolved and re-constituted for any subsequent appeal.

A. *Qualifications.* The members of the board of appeals shall consist of persons qualified by experience and training to pass on matters pertaining to building construction, skilled in diversified building or construction trades or professions such as architect, engineer, builder, general contractor, licensed master contractor and one layman to represent the general public. Employees of the unified government are prohibited from being members of the board.

B. *Limitations on authority.* An application for appeal to the board of appeals shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, that the provisions of this code do not fully apply, or that an equally good or better form of construction is proposed. The board of appeals shall have no authority to waive requirements of this code or the fire code.

C. *Fee for appeal.* Any person who appeals an order, decision, or determination made by the building official or fire chief, relative to the application and interpretation of this code, shall file an application and pay a fee in accordance with the unified government fee schedule.

Section 166 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 167 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or systems in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 168 Prosecution of violation. If the notice of violation is not complied with within the established abatement period, the code official is authorized to

request the office of chief counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 169 Stop work order. Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or other ordinance in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

Section 170 Issuance of stop work orders. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, to the person doing the work or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease or as otherwise determined by the building official. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any violation of a stop work order will constitute a violation of this code.

Section 171 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 172 Unsafe structures and equipment conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, which constitute a fire hazard, which are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.

A vacant structure that is not secured against entry shall be deemed unsafe.

Section 173 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 174 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

Section 175 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by state and local law or posted upon the property. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 176 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this code.

Section 406.3.2.1 Dwelling unit separation is amended to read as follows:

Section 406.3.2.1 Dwelling unit separation. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than ⅝ inch (15.9 mm) type X gypsum board and ⅝ inch (15.9 mm) type X gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1⅜ inches (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

Section 420.11 Group R-1 and R-2 hotel and motel cooking facilities is added to read as follows:

Section 420.11 Group R-1 and R-2 hotel and motel cooking facilities. Domestic cooking appliances within guest rooms of Group R-1 and R-2 hotels and motels shall be provided with timers limiting unattended operation to 175 minutes and protection in accordance with Section 904.13.1.2 as adopted and amended. Exception: Coffee makers and microwave ovens are not required to comply with Section 904.13.1.2. of the IBC as adopted and amended.

Section 901.3 is amended to read as follows:

Section 901.3 Modifications. No person shall remove or modify any fire protection system installed or maintained under the provisions of this code or the International Fire Code without approval of the fire chief.

Section 904.13 Domestic cooking systems is amended to read as follows:

(4) In Group R-1 and R-2 hotels and motels where domestic cooking facilities are installed in accordance with Section 420.11.

Section ~~1013.1~~ 1015.2 Guards is amended to read as follows:

Section ~~1013.1~~ 1015.2 Guards. Where required, guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with section 1607.7. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in section 1607.7. In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section 1030.2 Minimum size is amended to read as follows*:*

Section 1030.2 Minimum size: Exception is deleted.

Section 1209.2.2 walls and partitions is amended to read as follows:
Section 1209.2.2 walls and partitions. Walls and partitions within 2 feet (610 mm) service sinks, lavatories, urinals, and water closets shall have a smooth hard, nonabsorbent surface to a height of not less than 4 feet (1219mm) above the floor shall be of a type that is not adversely affected by moister other than masonry/concrete, tile/frp. Exceptions shall remain.

(Code 1988, § 8-17.5; Ord. No. O-57-04, § 4, 9-16-2004; Ord. No. O-44-11, § 5, 10-20-2011; Ord. No. O-29-12, § 5, 5-3-2012; Ord. No. O-43-16 , § 1, 7-28-2016; Ord. No. O-65-16 , § 1, 11-17-2016)

Section 4. That Chapter 8, Article II, section 8-58, of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows

Sec. 8-58. - Permit, etc.

(a) No sign structure or sign surface shall be erected, altered, rebuilt, or refaced without first obtaining a building permit; provided, however, that the sign surface of an outdoor advertising sign may be repainted or reposted without obtaining a new permit. Permits shall be issued only to licensed and bonded sign hangers as provided hereinafter for all signs except wall bulletins and monument signs. Any owner or authorized person may be issued a permit for wall bulletins and monument signs. No permit shall be issued without first filing a written application with the building official. The application shall include proposed plans showing dimensions, materials, details of construction, site location, illumination, and any other information, including site plans and specifications that shall be requested by the building official.

(b) Only those signs permitted in chapter 27, article VIII, division 11, shall be granted a sign permit.

(c) No sign surface or sign structure shall be rebuilt, refaced, altered, or relocated which does not meet the requirements of section 27-388(5) and chapter 27, article VIII, division 11.

(d) No sign shall be erected without the prior written consent of the owner or authorized agent of the tract upon which the sign is to be placed being filed with the building official at the time an application for a building permit is filed.

(e) All persons shall plainly show the name and building permit number of the persons erecting and/or maintaining the sign.

(f) At the time the application is submitted, the applicant shall deposit with the unified government director of revenue an application fee in the amount established by the county administrator, no portion of which shall be returned. If the building permit expires before the sign for which it was issued is erected, the building official may issue a renewal of the building permit issued pursuant to this section upon the expiration thereof or within 30 days thereafter, upon payment by the applicant of a renewal fee in the amount established by the county administrator and surrender of the old permit, accompanied by satisfactory proof that the sign is the sign for which the permit was originally issued.

(Code 1964, § 7-25(7-58.1, 7-58.21, 7-58.22); Code 1988, § 8-53; Ord. No. 64702, § 1, 9-6-1984; Ord. No. 64861, § 1, 8-29-1985)

Section 5. That Chapter 8, Article III, section 8-125 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-125. - NFPA 70 Electrical Code, ~~2011~~ 2017 Edition—Adopted.

(a) *Electrical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, ~~2011~~ 2017 Edition, approved as an American National Standard on August ~~25, 2010~~ 24, 2016, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in this chapter. Further, that if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the ordinance from which this section is derived, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all

reasonable hours. The Neighborhood Resource Center, Code Enforcement Division, Rental Inspections Division, Building Inspection Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 12-41, 12-42; Code 1988, § 8-98; Ord. No. 64721, §§ 15, 16, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 13, 9-16-2004; Ord. No. O-44-11, § 10, 10-20-2011; Ord. No. O-29-12, § 10, 5-3-2012; Ord. No. O-42-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 5. That Chapter 8, Article III, section 8-126 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-126. - Same—Amendments.

The ~~2011~~ 2017 NFPA 70 National Electric Code is amended in the following respects:

Section 230.70.A.1. is amended to read as follows:

Section 230.70.A.1. Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of the building or structure or inside within ten feet nearest the point of entrance of the service conductors. The ten foot distance is measured along the path of the service conductors.

(Code 1964, §§ 12-43, 12-44; Code 1988, § 8-100; Ord. No. 64721, §§ 17, 18, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 65407, § 4, 3-23-1989; Ord. No. O-57-04, § 15, 9-16-2004; Ord. No. O-44-11, § 11, 10-20-2011; Ord. No. O- 29-12, § 11, 5-3-2012; Ord. No. O-42-16 , § 1, 7-28-2016)

Section 6. That Chapter 8, Article V, section 8-281 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-281. - ~~2012~~ 2018 International Mechanical Code—Adopted.

(a) *Mechanical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the ~~2012~~ 2018 International Mechanical Code, dated ~~April 2011~~ August 2017,

as published by the International Code Council Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one (1) copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. ~~O-57-04~~ _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-71, 7-72; Code 1988, § 8-218; Ord. No. 64937, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 12, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 18, 9-16-2004; Ord. No. O-44-11, § 15, 10-20-2011; Ord. No. O-29-12, § 15, 5-3-2012; Ord. No. O-44-16 , § 1, 7-28-2016)

Section 7. That Chapter 8, Article V, section 8-282 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-282. - Same—Amendments.

The ~~2012~~ 2018 International Mechanical Code, incorporated by reference in section 8-281(a), is amended in the following respects:

Sections 101.1—110 of Chapter 1, Administration are hereby deleted. See Administration provisions in section 8-25 of this chapter.

Section 301.7. is amended to read as follows:

Section 301.10. Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the NFPA 70 National Electrical Code, ~~2011~~ 2017, as adopted in section 8-125 of this chapter.

(Code 1964, §§ 7-73, 7-74; Code 1988, § 8-219; Ord. No. 64937, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 13, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 20, 9-16-2004; Ord. No. O-44-11, § 16, 10-20-2011; Ord. No. O-29-12, § 16, 5-3-2012; Ord. No. O-44-16 , § 1, 7-28-2016)

Section 8. That Chapter 8, Article VI, section 8-350 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-350. - ~~2012~~ 2018 Uniform Plumbing Code—Adopted.

(a) *Plumbing code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations thereof, the ~~2012~~ 2018 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be not less than one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copy as Incorporated by Ordinance No. ~~O-57-04~~ _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 28-21, 28-22; Code 1988, § 8-278; Ord. No. 64938, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 19, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 22, 9-16-2004; Ord. No. O-44-11, § 20, 10-20-2011; Ord. No. O-29-12, § 20, 5-3-2012; Ord. No. O-45-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 9. That Chapter 8, Article VI, section 8-351 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-351. - Same—Amendments.

The ~~2012~~ 2018 Uniform Plumbing Code, adopted by reference in section 8-350, is amended in the following respects:

Sections 101.0—103.8.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25.

Section 204.0 is amended to read as follows:

Section 204.0 Definitions. Building supply definition has been revised:

Building Supply—The pipe carrying potable water from the water main or other source of potable water supply to the first shutoff valve downstream of all of the following (as applicable):

1. The point of entrance into the building;

2. The water meter; and

3. The service backflow prevention device.

Section 603.2 is amended to read as follows:

Section 603.2 Approval of devices or assemblies. Approval, inspection and testing of backflow prevention assemblies shall be in accordance with the policies prescribed by the Board of Public Utilities Kansas City, Kansas, Water Department.

Sections 422.1—422.4.1 and Table 422.1 are hereby deleted. (See section 8-25 of this chapter.)

Section ~~601.3~~ 601.4 is added to read as follows:

Section ~~601.3~~ 601.4 Reference to building supply piping. References in this code to building supply (water service) piping shall apply only to building supply piping connected to a private source of water supply. All building supply piping connected to the public water supply is under the jurisdiction of the Board of Public Utilities (BPU).

Section 801.2(A) is amended to read as follows:

Section 801.2(A) Food Utensils, Dishes, Pots and Pans Sinks. Sinks used for the washing, rinsing or sanitizing of utensils, dishes, pots, pans or service ware used in the preparation, serving or eating of food shall discharge indirectly through an air gap or an air break to the drainage system.

Section 807.4 is amended to read as follows:

Section 807.4 Appliances. Dishwashing machines shall discharge separately into a trap or trapped fixture. Domestic dishwashing machines may discharge into the tailpiece of the kitchen sink or the dishwasher connection of a food waste grinder.

Section 901.3 is ~~amended~~ added to read as follows:

Section 901.3 Floor drain vents. A floor drain (where used as such) need not be vented, provided it is within 25 feet of a three-inch stack or horizontal drain which has at least a three-inch-diameter vent extension through the roof.

Section 901.4 is ~~amended~~ added to read as follows:

Section 901.4 Automatic clothes washer venting. A standpipe for an automatic clothes washer need not be separately vented provided all the following criteria apply:

(1) The standpipe is used with an approved "P" trap.

(2) The "P" trap is within 25 feet of a three-inch stack that extends through the roof.

Section 1202.1.1 is added to read as follows:

Section 1202.1.1 Liquefied gas piping. Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section ~~1201.0 (C)~~ 1202.3 is amended to read as follows:

Section ~~1201.0 (C)~~ ~~Fuel piping.~~ (17) *1202.3 Applications. (21)* Fuel piping in one- and two-family dwellings shall comply with section 8-411 of this chapter (International Residential Code).

Section 1210.1.5. is amended to read as follows:

Section 1210.1.5. Piping Through Foundation Walls. No gas piping shall be installed underground through the foundation wall. Piping shall rise outside of the structure a minimum of 6 inches prior to entering the structure. The piping shall be sealed to prevent the entrance of water and insects.

Section ~~1211.3.6~~ 1210.1.6 is amended to read as follows:

Section ~~1211.3.6 Gas piping~~ 1210.1.6 Piping Underground Beneath Buildings. No gas piping shall be installed in or on the ground under any building or structure unless installed in gas tight conduit and approved by the administrative authority, and all exposed gas piping shall be kept at least six inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit

shall be not less than one-half inch (12.7 mm) larger than the outside diameter of the gas piping.

The conduit shall extend to a point at least 12 inches (305 mm) beyond any area where it is required to be installed or to the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be readily accessible, and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Concealed unprotected gas piping may be installed above grade in approved recesses or channels.
Exception: When necessary due to structural conditions, approved type gas piping may be installed in other locations, when permission has first been obtained from the administrative authority.

~~*Section 1213.0* is amended to read as follows:~~

~~*Section 1213.0 Liquefied gas piping.* Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.~~

(Code 1964, §§ 28-23, 28-24; Code 1988, § 8-279; Ord. No. 64938, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 20, 3-23-1989; Ord. No. 65456, § 7, 8-17-1989; Ord. No. O-57-04, § 23, 9-16-2004; Ord. No. O-44-11, § 21, 10-20-2011; Ord. No. O-29-12, § 21, 5-3-2012; Ord. No. O-45-16, § 1, 7-28-2016)

Section 10. That Chapter 8, Article VIII, section 8-431 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-431. - ~~2012~~ 2018 International Property Maintenance Code—Adopted; purpose.

(a) *Property maintenance code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the ~~2012~~ 2018 International Property Maintenance Code, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended by ordinance. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of

the united government clerk, to which shall be attached a copy of Ordinance No. O-29-12, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-29-12," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(c) *Penalty for violation.* Any person who shall violate any of the provisions of this article or the ~~2012~~ 2018 International Property Maintenance Code herein adopted shall be guilty of a violation of this article, and shall upon conviction, be sentenced to pay a fine of not less than $100.00 nor more than $2,500.00, be imprisoned for not exceeding six months, or both. The office of chief counsel shall, at the request of the public officer, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1988, § 8-336; Ord. No. 65300, §§ 1, 2, 8, 4-7-1988; Ord. No. 66075, § 1, 1-4-1996; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 26, 9-16-2004; Ord. No. O-44-11, § 26, 10-20-2011; Ord. No. O-29-12, § 26, 5-3-2012; Ord. No. O-46-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 11. That Chapter 8, Article VIII, section 8-432 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-432. - Same—Statement of purpose, definitions, amendments, etc.

(a) *Statement of purpose.* It is the intent of the code adopted in section 8-431 to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all real properties of all types, including buildings and structures within this jurisdiction.

(b) *Code official changed to public officer.* All references responsibilities, duties, powers and obligations referred and conveyed upon the "code official" in the ~~2012~~ 2018 International Property Maintenance Code is hereby amended to and designated upon the "public officer."

(c) *Amendments.* The ~~2012~~ 2018 International Property Maintenance Code is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code."

Section 102.3 is amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, NFPA 70, International Residential Code and as referenced the International Existing Building Code. Nothing in this code shall be construed to cause, modify or set aside any provision in the Code of Ordinances for Kansas City, Kansas. Nothing in this code shall be construed to cancel, modify or set aside any provision in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 102.7 is amended to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in this chapter and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Section 102.7.1 and 102.7.2 is added to read as follows:

102.7.1 Electrical Code. The ICC Electrical Code referenced in chapter 6 has been deleted and replaced with NFPA 70 (National Electrical Code.) Wherever the term ICC Electrical Code has been used in this code, it shall be used synonymously with the term "NFPA 70" listed in chapter 6.

102.7.2 Plumbing Code. The ICC Plumbing Code referenced in chapters 5 and 6 has been deleted and replaced with the 2018 Uniform Plumbing Code. Wherever the term ICC Plumbing Code has been used in this code it shall be used synonymously with the term 2018 Uniform Plumbing Code listed in chapters 5 and 6.

Section 103.1 is amended to read as follows:

Section 103.1 General. The public officer and his/her designees are hereby authorized to enforce the provisions of this code.

Section 103.2 is amended to read as follows:

Section 103.2 Appointment. The public officer shall be appointed by the county administrator.

Section 103.3 is amended to read as follows:

Section 103.3 Deputies. In accordance with the prescribed procedures of the unified government and with the concurrence of the appointing authority, the public officer shall have the authority to appoint his or her designees. Such employees shall have the authority as delegated by the Public Officer. Such Employees shall have the authority as delegated by the Public Officer.

Section 103.5 is amended to read as follows:

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the county administrator.

Section 104.3 is amended to read as follows:

Section 104.3 Right of entry. The public officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the public officer is authorized to pursue recourse as provided by law. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the public officer shall take whatever acts are necessary to protect the public health and safety.

Section 106.2.1 is hereby added to read as follows:

Notice of violation. The public officer shall serve a notice of violation or order in accordance with Section 107.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of section 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 106.3 is amended to read as follows:

Section 106.3 Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any real property, building or structure or cause or permit the same to be done in violation of this code.

Section 106.4 is amended to read as follows:

Section 106.4 Violation; penalties. The violation of any provision of this code or failure to comply therewith or with any of the requirements thereof, shall be a public offense, and any person convicted thereof shall be sentenced to a fine of not less than $100.00 nor more than $2,500.00, be imprisoned for a term not exceeding six months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the unified government.

Section 106.5 is amended to read as follows:

Section 106.5 Abatement of violations. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.1 is amended to read as follows:

Section 107.1 Notice. Whenever the public officer determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the person responsible for the violations as specified in this code. Notices for unfit procedures shall also comply with section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of sections 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 107.2 is amended to read as follows:

Section 107.2 Form. Such notice prescribed in section 107.1 shall be in accordance with all of the following:

(a) Be in writing.
(b) Include a description of the real estate sufficient for identification.
(c) Include a statement of the violation or violations and why the notice is being issued.
(d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
(e) Inform the property owner of the right to appeal abatement proceedings.
(f) Include a statement of the right to file a lien in accordance with section 106.5 in abatement proceedings.

Section 107.3 is amended to read as follows:

Section 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(a) Delivered personally;
(b) Sent by certified or first-class mail addressed to the last known address; or
(c) In abatement proceedings, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the public officer may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided in subsections (2) and (3). Except as specifically provided in this subsection, the public officer may provide notice of the order to abate a nuisance by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Section 108.1 is amended to read as follows:

Section 108.1 General. When a structure or equipment is found by the public officer to be unsafe or when a structure is found unfit for human use, occupancy or habitation or is found unlawful, such structure shall be deemed unfit pursuant to the provisions of this code.

Section 108.1.4 is amended to read as follows:

Section 108.1.4 Unlawful structure. An unlawful structure is one that is found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered, occupied or is being maintained in violation of the Code of Ordinances for Kansas City, Kansas, or any other applicable laws, statutes, rules or regulations.

Section 108.2 is amended to read as follows:

Section 108.2 Closing of vacant structures - permit required. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the public officer is authorized to post the structure as unfit for human use, habitation and/or occupancy and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the public officer may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charge against the real estate upon which the structure is located, shall be a lien upon such real estate, and may be collected by any other legal recourse.

(a) For purposes of this section, "board," "boarding," or "boarded," shall mean to limit, restrict, or otherwise interfere with the means of ingress or egress, natural light or ventilation of a structure, as required by applicable code, by the placement of wood, metal or other material.

(b) It shall be unlawful to board any structure without first obtaining a permit from the public officer. The public officer may designate another to administer the provisions of this ordinance.

(c) To obtain a permit, the applicant must have the authority of the property owner, complete an application, and pay the required fee as established by the county administrator. The application shall be in the form approved by the public officer and shall include the applicant's detailed proposal to return the structure to habitability during the term of the permit. The structure must be boarded within 14 calendar days of issuance of permit. A permit shall be valid for a period of six months from the date of issuance. Subsequent permits may be issued for the structure upon a showing of good cause, as determined by the public officer. If no detailed proposal for rehabilitation is included with the permit application, an inspection of the property is a prerequisite to issuing a permit.

(d) Unless otherwise required or authorized by the public officer, a structure that is permitted to be boarded pursuant to this ordinance shall comply with the boarding procedures and specifications in effect at the time. Such

procedures and specifications will be available at the Neighborhood Resource Center.

(e) The provisions of this ordinance shall not apply to structures that are boarded by order of the public officer in the exercise of the police powers to protect the health, welfare, and safety of the public, or pursuant to any applicable ordinance or statute.

Section 108.3 is amended to read as follows:

Section 108.3 Notice. Whenever a complaint is filed with the public officer by a resident of the municipality charging that any structure is unfit for human use, habitation or occupancy, or whenever the public officer, on the officer's own motion, has deemed a structure unfit under the provisions of this section, the public officer shall, if the preliminary investigation discloses a basis for such charges, cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a notice and placard in a conspicuous place on the structure. If the notice pertains to equipment, it may also be placed on the condemned equipment. The notice shall be served in accordance with the provision in section 8-451 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 108.4 is hereby deleted.

Section 108.4.1 is amended to read as follows:

Section 108.4.1 Placard removal. The public officer shall remove the unfit placard or shall authorize removal of the unfit placard by the owner of the property whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes an unfit placard without the approval of the public officer shall be subject to the penalties provided by this code.

Section 108.5 is amended to read as follows:

Section 108.5 Prohibited occupancy. Any occupied structure deemed unfit for human use or habitation and placarded by the public officer shall be vacated as ordered by the public officer. Any person who shall occupy an unfit placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.

Section 109.1 is amended to read as follows:

Section 109.1 Imminent danger. When, in the opinion of the public officer or chief building inspector, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the public officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The public officer shall cause to be

posted at each entrance to such structure a notice reading as follows: "Dangerous Structure." It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

Section 109.2 is amended to read as follows:

Section 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the public officer, there is imminent danger due to an unsafe condition, the public officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the public officer deems necessary to meet such emergency.

Section 110.1 is amended to read as follows:

110.1 General. The public officer shall order the owner of any premises upon which is located any structure, which in the public officer's judgment is so old, dilapidated or has become so out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option, or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section 110.2 is amended to read as follows:

Section 110.2 Notices and orders. All notices and orders shall comply with section 107 of this code and section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Section 111.1 is amended to read as follows:

Section 111.1 Application for appeal. Effective December 1, 2016, any prior board authorized by this section is abolished, and the term of any member is terminated. After December 1, 2016, any person directly affected by a decision of the public officer or order issued under this code shall have the right to appeal to The Board of Code Appeals, provided that written application for appeal is filed within 20 days after the day the decision, or order was served and an appeal fee is paid. The application for appeal shall be accompanied by a fee set by the county administrator. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 is amended to read as follows:

Section 111.2 Membership of board. Appointment to the Board of Code Appeals shall consist of three members with one member appointed by the mayor,

one member appointed by the at large district 1 commissioner, and one member appointed by the at large district 2 commissioner. The board shall convene to hear any appeal properly before it. After the board has rendered its decision for any appeal properly before it, it shall be dissolved and re-constituted for any subsequent appeal.

Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2 and 111.7 are hereby deleted.

Section 112.4 is amended to read as follows:

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation an unsafe condition, shall be liable to a fine of not less than $100.00 or more than $2,500.00.

Section 201.3 is amended to read as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Residential Code or the NFPA 70 National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

Section 201.5 is amended to read as follows:

Section 201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 202 is amended to read as follows:

Section 202 General definitions. The definitions for "condemn," "housekeeping unit," "person," "rooming house," and "rooming unit" are hereby deleted, and any references to these terms in this code are hereby deleted. The term "rubbish" shall also mean trash. A definition for tarpaulin/tarp has been added.

The term "nuisance" is added to read as follows:

"Nuisance" means any of the following:

1. Any public nuisance known at common law or in equity jurisprudence. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, scrapping materials, salvage, or vegetation which may prove a hazard for inquisitive minors.
2. Whatever is dangerous to human life or is detrimental to health, as determined by the health official.
3. Overcrowding a room with occupants.

4. Insufficient ventilation or illumination.
5. Inadequate or unsanitary sewage or plumbing facilities.
6. Uncleanliness, as determined by the health officer.
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

The term "person" is amended to read as follows:

"Person" means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

The term "tarpaulin"/"tarp" means the following:

1. A heavy hard-wearing waterproof material such as canvas, coated canvas or polyester coated with urethane or made of plastics, such as polyethylene, which is used as an outdoor protective covering to guard against moisture or sun damage.
2. Construction tarp is a tarp between 5-16 mils, 0.14-0.41 mm, thick. (1 mil is equal to one (1) one thousand (1,000) of an inch.)

Section 302.3.1 is added to read as follows:

All parking, loading or maneuvering areas installed on residential property in 1988 or before, which were originally constructed of gravel, must be maintained at a minimum four-inch depth.

Section 302.4 is hereby deleted.

Section 302.5 is amended to read as follows:

Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Rodent harborages shall include the placement and/or storage of any furniture outside that is intended for interior use, or any other nuisance conditions. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 302.7.1 is added to read as follows:

Storage containers. The use of storage pods, ~~and~~ similar metal shipping containers, roll off dumpsters and similar containers used for the storage or disposal of materials, possessions, products, or other items, may be permitted, subject to one container per business or residence for no more than two non-consecutive months in any twelve month period. The one month periods that the storage containers are positioned or located on a property must be separated by a minimum of one month before the second month in a twelve month period may occur. Containers must be positioned or located on private property, not in the public right

of way or easements, and must be positioned or located on a driveway or other improved surface. Storage containers shall not be positioned or located in the yard or in other landscaped surface areas.

Exception: These time constraints shall not apply to properties with an active building permit conducting work that constitutes the use of such containers.

Section 302.8 is amended to read as follows:

Motor vehicles. Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

The following vehicles and equipment shall not be kept, parked or stored or allowed to be kept, parked or stored, in a residential area: tow trucks, dump trucks, semi-tractors, semi-trailers, backhoes, skid loaders, high loaders, other types of heavy construction equipment, as well as trailers used to transport said equipment, and any truck which has a greater than 10,000 pounds gross vehicle weight registered, as shown by information indicating title registration. Vehicles and/or equipment kept, parked or stored in violation of this section are hereby declared a public nuisance.

Section 302.10 is added to read as follows:

Nuisance conditions. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.

Section 302.11 is hereby added to read as follows:

Clotheslines. Clotheslines in front yards or those that are not in good working order are prohibited. The drying of laundry or routinely washed articles on front porch or stair railings or placing on fences, hedges or other supporting structures is prohibited because it substantially detracts from the overall appearance of adjacent properties and/or is detrimental to properties or property values.

Section 302.12 is hereby added to read as follows:

No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit, allow, or suffer to remain on any porch, balcony, roof, yard or any other exterior property area, unless it is specifically allowed by the parcel's zoning designation, any:

(1) Lumber or other building materials except those related to a project for which a current building permit has been issued and is posted on the premises and except firewood for the personal use of the resident.
(2) Motor vehicle, airplane, boat or trailer except as provided for in other sections of this code.
(3) Parts of any item listed in (2) above including tires.
(4) Equipment or materials used in the construction trade.
(5) Machinery or household appliance.
(6) Junk.
(7) Salvage/Scrapping material; or
(8) Upholstered furniture, mattresses, materials, and other similar products not designed, built and manufactured for outdoor use unless such is an enclosed porch or balcony.

Section 302.13 is added as follows:

Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

(1) Tarps may be utilized to protect cars, trucks, RVs and boats provided that;
  (a) The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
  (b) The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
(2) Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as: patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
(3) Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days in order to protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
(4) Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose of protecting it from moisture.

Tarps may not be used in any of the following manners:

(1) To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling, any

accumulation of household goods, or any other items not allowed to be kept on the property according to other ordinances of the code.

(2) To be used as a screen from view, either permanent or temporary.

(3) To be hung from carports as walls, doors or roofing.

(4) To be used as any shelter or tent, either permanent or temporary.

All tarps must be maintained in good condition without holes, rips, tears, excessive wear, stains or other wise be defective in any way.

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1,828 mm) in height above the finished ground level measure on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 304.7 is amended to read as follows:

Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Additionally, roofing materials shall be of consistent type, style, and appearance. Variations in type, style, color or appearance of roofing materials shall be permitted only if part of a comprehensive and integrated design of the entire structure.

Section 304.14 is amended to read as follows:

Section 304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Section 304.19 is hereby added to read as follows:

Exterior surfaces. Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials and shall be maintained in a weather resistant and water tight condition. Screens, if installed, shall be intact and in frames which are not bent or are otherwise secure to the window unit. Cracks or

holes in mortar between bricks or stone shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the designated public officer. All existing painted, exterior surfaces, including any one side of a structure or any one identifiable component (i.e., door, garage door, window trim, etc.), having areas of chipping, peeling, scaling or missing paint greater than 25 percent of the painted area, except on an exempt structure, shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the designated public officer. The following structures shall be exempt from the requirement to strip and repaint or seal coat or re-side or cover: any structure constructed of a material that is naturally resistant to weather, such as concrete, located in an area zoned MP-3 where the closest residential area is 500 or more feet away and there is no concern of deterioration or risk of harm because of peeling, flaking, or chipped paint. Doors and windows shall be maintained in operable condition. Appurtenances such as awnings and shutters likewise shall be kept in workable condition if designed to roll, fold or otherwise be raised, lowered, opened or closed. Hinges shall be kept in operable condition in keeping with original tolerances set for such hardware.

Section 304.20 is hereby added to read as follows:

Appurtenances. Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the exterior surface standard as set forth in section 304.19. Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the designated public officer. Such exterior structures which may be exposed to public view shall be kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use. Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses.

Section 308.2 is amended to read as follows:

Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 308.3 is amended to read as follows:

Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage

facility or approved garbage container. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 308.3.1 is amended to read as follows:

Section 308.3.1 Garbage facilities. The owner or occupant of every dwelling shall be required to maintain on the premises one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

Section 310 is added as follows:

Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

1. Tarps may be utilized to protect cars, trucks, RVs and boats provided that;
    a. The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
    b. The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
2. Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as:
    a. Patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
3. Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days;
    a. To protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
4. Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose protecting it from moisture.

Tarps may not be used in any of the following manners:

1. To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling or any accumulation of household goods.
2. To be used as a screen from view, either permanent or temporary.
3. To be hung from carports as walls, doors or roofing.
4. To be used as any shelter or tent, either permanent or temporary.

All tarps must be, and remain in, "good condition". Good condition shall mean; without holes, rips, tears, excessively worn, stained or defective in any way.

This ordinance shall pertain to residentially zoned properties.

Section 403.3 is hereby deleted.

Section 404.3 is amended to read as follows:

Section 404.3 Minimum ceiling heights.

Exception: Basement rooms in one- and two-family dwellings occupied as habitable space, having a ceiling height of not less than six feet, six inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than six feet, measured to the lowest projection from the ceiling. Where exposed ceiling members are spaced at less than 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than six feet above the floor. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than six feet, six inches.

Section 502.5 is amended to read as follows:

Section 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

Section 505.1 is amended to read as follows:

Section 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to a public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the 2012 Uniform Plumbing Code.

Section 602.3 is amended to read as follows:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

Section 602.4 is amended to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.2 is amended to read as follows:

Section 605.2 Receptacles. Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(Code 1988, § 8-337; Ord. No. 65300, §§ 3—7, 4-7-1988; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-16-00, § 1, 2-17-2000; Ord. No. O-46-00, § 1, 5-18-2000; Ord. No. O-57-04, § 26, 9-16-2004; Ord. o. O-87-07, § 2, 11-1-2007; Ord. No. O-44-11, § 27, 10-20-2011; Ord. No. O-29-12, § 27, 5-3-2012; Ord. No. O-46-16, § 1, 7-28-2016; Ord. No. O-65-16, § 1, 11-17-2016; Ord. No. O-42-19, § 1, 6-13-2019.

Section 12. That Chapter 8, Article XVI, section 8-653 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-653. - ~~2009~~ 2018 International Energy Conservation Code—Adopted.

(a) *Energy code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the ~~2009~~ 2018 International Energy Conservation Code, dated ~~January 2009~~ August 2017, as published by the International Code Council Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one (1) copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this article, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. ~~O-29-12~~ _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said

code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Ord. No. O-44-11, § 25, 10-20-2011; Ord. No. O-29-12, § 25, 5-3-2012)

Section 13. That Chapter 8, Article XVI, section 8-654 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-654. - Same—Amendments.

The ~~2009~~ 2018 International Energy Conservation Code, incorporated by reference in section 8-281(a), is amended in the following respects:

Sections R101.2 Scope is amended to add the following exception:

Exception: The energy efficiency of detached one- and two-family dwellings, and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height shall be governed by the provisions contained in the International Residential Code as adopted and amended by the Unified Government of Wyandotte County/Kansas City, Kansas.

Table R402.1.2. Under Climate Zone 4, the following item is amended:

'Wood Frame Wall R-Value' — 13

(Remainder of table unamended.)

Table R402.1.4 Under Climate Zone 4, the following item is amended:

'Wood Frame Wall U-Factor' — 0.082

(Remainder of table unamended

Section R402.4.1.2. Testing is amended to read as follows:

Section R402.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall

be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures.

2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.

3. Interior doors, if installed at the time of the test, shall be open.

4. Exterior or interior terminations for continuous ventilation systems shall be sealed.

5. Heating and cooling systems, where installed at the time of the test, shall be turned off; and,

6. Supply and return registers, where installed at the time of the test, shall be fully open.

Section R402.4.4 Rooms containing fuel-burning appliances is deleted.

Section R403.3.2.1 Sealed Air Handler is deleted.

Section R403.3.3 Duct Testing (Mandatory) is amended to read as follows:

R403.3.3 Duct Testing (Mandatory). Where required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pascals) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough - in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m2) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pascals) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m2) of conditioned floor area.

EXCEPTIONS:

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.

2. On the post construction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage." Leakage to the outdoors shall be less than or equal to 8 cfm (226.5 L/min) per 100 square feet (9.29 m2) of conditioned floor area.

Section R403.3.5 Building Cavities (mandatory) is deleted.

Section R403.3.3 Duct Testing (Mandatory) is amended to read as follows:

Section R406.2 Mandatory Requirements. Compliance with this section requires that the provisions identified in Sections 401 through 404 indicated as "mandatory" be met. The building thermal envelope shall be greater than or equal to the levels of efficiency and Solar Heat Gain Coefficients in Tables R402.1.2 and R402.1.4.

EXCEPTIONS:

1. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.

2. Section R403.5.1 shall not be "mandatory".

Table R406 Maximum Energy Rating Index) is amended to read as follows:

Climate zone 4: Energy rating index: 68

(Ord. No. O-44-11, § 25, 10-20-2011; Ord. No. O-29-12, § 25, 5-3-2012)

Section 14. That Chapter 8, Article XVII, section 8-655 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-655 – Purpose

The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to or relocation of existing buildings.

Exception: Detached one and two-family dwellings and townhouses shall comply with this code or the International Residential Code.

Section 15. That Chapter 8, Article XVII, section 8-656 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-656 – 2018 International Existing Building Code – Adopted

(a) *Building code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan

reviews, the enforcement of this chapter, and fixing of penalties for violations thereof, the 2018 International Existing Building Code and referenced standards and specified appendices A and C dated August 2017, as published by the International Code Council, Inc, excepting only such parts or portions thereof as are specifically deleted or amended by this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked* copy *of code on file.* There shall be one copy of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the incorporating ordinance from which this section is derived, and which shall be marked or stamped "Official Copy as Incorporated by Ordinance No. O-_____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Building Inspection Division and Administrative Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

Section 16. That Chapter 8, Article XVII, section 8-657 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-657 – Same-Amendments

The International Existing Building Code (2018), promulgated by the International Code Council, is adopted and incorporated in this article by reference as if fully set forth, except as it is amended by the following provisions of this section. Provisions of this article are in addition to the provisions of the International Existing Building Code. The following provisions coinciding with provisions of the International Existing Building Code supersede, or delete, when indicated, the corresponding provisions of the International Existing Building Code.

All references within the model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, elevator, energy conservation, or existing building code specifically adopted by reference in articles II through XIV of this chapter.

Chapter 1, Scope and Administration — This chapter is deleted

(see Article I of this chapter):

Section 401.3 Flood hazard areas is deleted. See Code of Ordinances chapter 27, floodplain management.

Section 502.3 Flood hazard areas is deleted. See Code of Ordinances chapter 27, floodplain management.

Section 505.2 Replacement window opening control devices is hereby deleted.

Section 701.3 Flood hazard areas is deleted. See Code of Ordinances chapter 27, floodplain management.

Section 702.4 Replacement window opening control devices is hereby deleted.

Section 803.2 Automatic sprinkler systems is amended to read as follows:

Section 803.2 Automatic sprinkler systems. Automatic sprinkler systems, related monitoring and notification shall be provided throughout buildings undergoing Level 2 alterations that include exits or corridors shared by more the one tenant or that serve an occupant load greater than 30 where all the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction.

2. The work area exceeds 50 percent of the floor area of the building.

Exception: If the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Section 907.4 907.5 and 907.6 of the International Building Code. Section 803.2.1 Windowless stories. Work located in a windowless story, as determined in accordance with the International Building Code, shall be sprinklered where the work area is required to be sprinkled under the provisions of the International Building Code for newly constructed buildings and the buildings have sufficient municipal water supply without installation of a new fire pump.

Section 1011.7.2.1 Stairways is amended to read as follows:

Section 1011.7.2.1 Stairways. Means of egress stairways shall be enclosed as required by the International Building Code or in accordance with Section 1011.4.

Section 1103.3 Flood hazard areas is deleted. See Code of Ordinances chapter 27, floodplain management.

Section 1201.4 Flood hazard areas is deleted. See Code of Ordinances chapter 27, floodplain management.

Section 17. That Chapter 8, Article XVII, section 8-658 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

- Sec. 8-658 - Violations and penalty.

Any person who shall violate a provision of this article, fail to comply with any of the requirements of this article, erect, construct, alter, or repair a building or structure in

violation of the approved construction documents or directive of the building official or fire chief, or act in violation of a permit or certificate issued under the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than $100.00 nor more than $2,500.00, by imprisonment not exceeding six months, or by both such fine and imprisonment, in addition to any other penalties prescribed by law, including civil penalties in accordance with unified government code Chapter 2, Article IX. The office of chief counsel shall, at the request of the board or the building official, render such legal assistance as may be necessary in carrying out the provisions of this article. Upon the request of the building official, the office of chief counsel shall institute, in the name of the unified government, the proper proceedings against any person regarding whom a complaint has been made charging the violation of any provisions of this article. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**Section 18.** These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____

Tyrone Garner, Mayor/CEO

Attest:

_____

Unified Government Clerk

Approved as to form:

_____

SueZanne M. Bishop, Assistant Counsel

Neighborhood Resource Center
Unified Government of Wyandotte County/ Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8731 | www.wycokck.org/NRC

To: Unified Government of WYCO/KCK Board of Commissioners

From: Greg Talkin, Neighborhood Resource Center G.T.

Date: June 6, 2022

RE: Proposed Adoption of 2017/2018 Codes and Amendments to Chapter 8 -Building and Building Regulations (1 of 3 requests)

The most recent building and safety code adoptions for the City of Kansas City, KS occurred in 2016 with the 2012 International Codes and the 2009 Energy Code. The International Code Council (ICC) and the National Fire Protection Association (NFPA) are both developers and publishers of model codes, that are updated on a 3-year cycle. The City of Kansas City, KS has opted in the past to adopt the ICC and NFPA Codes, every other cycle, which equates to every 6 years. The 2018 set of building and safety codes is the next round in the 6-year cycle. The following codes will be adopted under a single ordinance:

2018 International Building Code (IBC)
2018 International Existing Building Code (IEBC)
2018 International Mechanical Code (IMC)
2018 International Energy Conservation Code (IECC)
2018 Uniform Plumbing Code (UPC)
2017 NFPA 70 - National Electrical Code (NEC)
2018 International Property Maintenance Code (IPMC)

The Importance of Updating Codes:

- Updated codes promote safe, resilient, efficient, and cost-effective construction.
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace.
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life.
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development.
- Current building codes also create a demand for new jobs including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents.

Financial Impact:

The Commission's adoption of these 2018 Codes and Amendments to Chapter 8 -Building and Building Regulations will not have a financial or budgetary impact on the organization. There could be a positive or negative impact to the consumer depending on type and size of project.

Background/History:

A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code. A local government can choose to adopt a model

building code as their own. This saves them the expense and trouble of developing their own codes. Model codes are intended to be adopted in accordance with the laws and procedures of a governmental jurisdiction. When adopting a model code, some jurisdictions amend the code in the process to reflect local practices and laws.
Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions, which are subject to change to meet other local regulations regarding implementation of ordinances. Engineering provisions are among the least amended, with a common reason for amendments related to unique site conditions that affect foundation design or applied wind and snow loads. The International Building Code and International Residential Code are generally considered more comprehensive codes while the rest are considered specialty codes.

Our Amendments to these Codes:

Amendments to these proposed set of codes are:

- Administrative provisions that put us in line with other UG ordinances (ex: fees charged)
- Administrative provisions to meet State of Kansas requirements (ex: notice requirements)
- Amendments that had been approved in prior Code Adoptions (ex: expanded definitions)

Local-Regional Adoptions:

City/County	IBC	IRC	IPC/UPC	IMC	NEC	IECC	IFC	NFPA 101	IEBC	IPMC
	International Building Code	International Residential Code	International/Uniform Plumbing Code	International Mechanical Code	National Electric Code	International Energy Conservation Code	International Fire Code	Life Safety Code	International Existing Building Code	International Property Maintence Code
KCK - current	2012	2012	2012	2012	2011	2009	2012	2003	n/a	2012
KCK - proposed	2018	2018	2018	2018	2017	2018	2018	2018	2018	2018
Bonner Springs	2015	2015	2015	2015	2014	n/a	2015	n/a	n/a	2015
Edwardsville	2012	n/a	n/a	n/a	n/a	n/a	2012	n/a	n/a	n/a
Shawnee	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	n/a
Lenexa	2018	2018	2018	2018	2017	2012	2018	n/a	n/a	2108
Overland Park	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	2018
Prairie Village	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Leawood	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Olathe	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Gardner	2018	2018	2018	2018	2017	n/a	2018	n/a	n/a	2018
Johnson County	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Kansas City Mo	2018	2018	2018	2018	2017	2012	2018	2018	2018	n/a
Spring Hill	2006	2006	2006	2006	2005	n/a	2006	n/a	n/a	2006

- Try to be similar/ consistent with surrounding jurisdictions
    - Easier for designers and contractors to design and build
    - Easier to educate contractors
    - Easier for us to enforce

Community Benefits and Considerations:

- Protect public health, safety, and welfare

- Keep construction costs down
- Provide consistent minimum standards in construction
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums by providing the insurance industry with a baseline for mitigating risk.

Note: The City of Kansas City, KS is currently under an audit with the Insurance Service Office (ISO) to determine its current Building Code Effectiveness Rating Schedule where a lower score, on a scale from 1 to 10, indicates exemplary commitment to code enforcement. The current building codes adopted affect this rating.

Community Outreach:

- Posted on the UG website 90 days, May-June 2021, and comments were received during that period.
- The target audience for public outreach included the design community, contractors, property owners and community members.
- Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions
- Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.

Items we Heard/Learned about from Community Outreach:

- Design professionals prefer new updated standards
    - Provides them more options
    - Assists when working in multiple jurisdictions
- International Plumbing Code (IPC) vs. Uniform Plumbing Code (UPC)
    - Ongoing support for UPC from larger organized plumbing contractors
    - From past experiences requesting 2018 UPC with this code update

Upon Approval -Timeline of Implementation

- New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body
- If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under
- If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under codes in place at the time of resubmittal.

Staff Request for Commission Action

Tracking No. 211728

Full Commission Meeting Date: 6/9/22
Committee: Full Commission

Date of Standing Committee Action: 4/4/22
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Greg Talkin	x8628	gtalkin@wycokck.org	Neighborhood Resource Center

Item Description:
The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

2018 Life Safety Code
2018 International Fire Code

This item was previously before the full Commission on May 26, 2022.

Action Requested:
To review and approve the two codes listed above.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
RFA 2 IBCs FINAL, 211728.Request to adopt 2018 Fire Life Safety Codes. Chapter 15

(Published _____)

ORDINANCE NO. _____

ORDINANCE relating to adoption of the updated suite of life safety and international fire codes contained in Chapter 15, Articles II (2018 Life Safety Code) and III (2018 International Fire Code), and amending original Sections 15-21, 15-52, and 15-54 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 15, Article II, section 15-21 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 15-21. - Adopted.

(a) *Life Safety Code adopted.* The NFPA 101 Life Safety Code, ~~2003~~ 2018 edition, and referenced standards and all appendices, dated ~~May 2004~~ September 2017, as published by the National Fire Protection Association, Inc., is hereby adopted and incorporated by reference, excepting only such portions as are specifically deleted or amended in this article. If there exists or arises any conflict between the provisions of the Life Safety Code and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* Not less than three copies of the Life Safety Code, adopted by reference in subsection (a) of this section, shall be kept on file in the office of the unified government clerk and shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-90-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and shall be open to inspection and available to the public at all reasonable hours. A copy of this article shall be attached to each copy of the Life Safety Code. The city fire department, municipal judges, and all administrative departments of the united government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 15-16; Ord. No. 65006, §§ 1, 2, 5-22-1986; Ord. No. 65545, § 1, 6-21-1990; Ord. No. O-90-04, § 1, 12-2-2004)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq

Section 2. That Chapter 15, Article III, sections 15-52 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 15-52. - Adopted.

(a) *International Fire Code adopted.* The ~~2012~~ 2018 International Fire Code, including referenced standards, and specified appendices B, C, D, E, F, G, H and I, dated ~~April 2014~~ August 2017, as published by the International Code Council, Inc., is hereby adopted and incorporated by reference, excepting only such portions thereof as are specifically deleted or amended in this section and sections 15-53 and 15-54. Further, if there exists or arises any conflict between the provisions of the International Fire Code and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* Not less than three copies of the International Fire Code, adopted by reference in subsection (a) of this section, shall be kept on file in the office of the unified government clerk and be marked or stamped "Official Copies as Incorporated by [Ordinance No. O-45-11]," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and shall be open to inspection and available to the public at all reasonable hours. A copy of this article shall be attached to each copy of the International Fire Code. The city fire department, municipal judges, and all administrative departments of the united government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Ord. No. O-45-11, § 2, 10-20-2011; Ord. No. O-47-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 3. That Chapter 15, Article III, sections 15-54 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 15-54. - Amendments and additions.

The ~~2012~~ 2018 International Fire Code adopted by reference in section 15-52 is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this Code."

Section 101.2.1 is hereby deleted.

Section 102.3 is amended to read as follows:

Section 102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this Code and the International Building Code and/or NFPA 101 Life Safety Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this Code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Section 102.4 is amended to read as follows:

Section 102.4 Application of building code. The design and construction of new structures shall comply with the International Building Code, and any alterations, additions, changes in use or changes in structures required by this Code, which are within the scope of the International Building Code, and/or NFPA 101 Life Safety Code, shall be made in accordance therewith.

Section ~~108.~~1 109.1 is hereby deleted.

See administrative provision chapter 8-25 Code of Ordinance, section 167 Board of Appeals.

Section ~~111.4~~ 112.4 is amended to read as follows:

Section ~~111.4~~ 112.4 Failure to comply. Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $2,500.00.

Section 310.7.1 is amended/added to read as follows:

Section 310.7.1 Smoking receptacles required. Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarded smoking material in locations approved by authority having jurisdiction.

Section 403.6 is amended/added to read as follows:

Section 403.6 Group F and S1 Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing Group F or S1 occupancies where any of the following conditions apply:

1. The Group F or S1 occupancy has an occupant load of 500 or more persons.
2. The Group F or S1 occupancy has an occupant load of more than 100 persons above or below the level of exit discharge.

3. Group F pallet manufacturing and recycling facilities as required by section 2810.

Section 403.6.1 Employee training. Employees shall be periodically instructed and kept informed of their duties and responsibilities under the plan. Records of instruction shall be maintained. Such instruction shall be reviewed by employees at intervals not exceeding 3 months. A copy of the plan shall be readily available at all times within the facility.

Section 403.6.2 Drill frequency. Employees of S1 occupancies meeting the conditions of Section 406.3 shall participate in drills according to Section 405.2 under the Group F requirements.

Section 503.3 is amended to read as follows:

Section 503.3 Marking. Where required by the fire code official, approved signs and painted curb, or pavement if a curb is absent, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. The curb, or pavement if a curb is absent, shall be painted red, 4-inch wide stripes when pavement is marked, with white 3 inch letters indicating "NO PARKING FIRE LANE". Lettering shall occur every 25 feet of the fire lane. Signs used to indicate fire lanes shall meet the requirements of section D103.6 of the 2018 International Fire Code

Section 503.4.2 is amended/added to read as follows:

Section 503.4.2 Authority to tow vehicles. The Fire Code Official shall have the authority to issue a municipal summons and/or tow illegal parked vehicles in designated fire apparatus access lanes and parked within 15-feet of a fire hydrant, at the owner's expense.

Section 603.3.3.2 is amended/added to read as follows:

Section 607.3.3.3.2 Fusible link replacement verification. When a commercial kitchen hood or duct system is inspected, the fusible links that were replaced shall be secured along the conduit leading to the manual pull station that initiates the suppression system.

Section ~~901.6.2.1~~ 901.6.3.1 is amended to read as follows:

Section ~~901.6.2.1~~ 901.6.3.1 Records information. Initial records shall include the name of the installation contractor, type, of components installed, manufacturer of the components, location and number of components installed per floor. Records shall also include the manufacturers' operation and maintenance instruction manuals. A record of the periodic inspections, tests, servicing, and other operations and maintenance shall be maintained on the premises or other approved location for ~~a minimum of 3 years~~ the life of the installation. Records shall be made available for inspection by the fire code official, and a copy of the records shall be provided to the

fire code official upon request. The fire code official has the authority to prescribe the form and format of such recordkeeping. The fire code official has the authority to require that certain required records including but not limited to automatic fire sprinkler systems, fire alarm systems, commercial kitchen hood suppression systems, commercial hood cleaning, active smoke control systems private fire hydrant systems, fire pumps, spray booths, special suppression systems, foam systems, and standpipes be filed with the fire code official.

Section 912.3 is amended to read as follows*:*

Section 912.3 Fire hose threads. Fire hose threads used in conjunction with standpipe systems and/or fire department connections shall be *approved* and shall be a 5-inch Storz connection on a 30-degree downward extension.

~~*Section 3206.6.1* is amended to read as follows:~~

~~*Section 3206.6.1 Access doors.* Where building access is required by Table 3206.2, fire department access doors shall be provided in accordance with this section. Access doors shall be accessible without the use of a ladder.~~

~~*3206.6.1.1 Number of doors required.* A minimum of one access door shall be provided in each 110 lineal feet (33,528 mm), or fraction thereof, of the exterior walls that face required fire apparatus access roads. The required access doors shall be distributed such that the lineal distances between adjacent access doors does not exceed 110 feet (33,528 mm).~~

Section 5608.3 is amended to read as follows:

Section 5608.3 Approved fireworks displays. Approved fireworks displays shall include only the *approved* fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G, which shall be handled by a minimum of 2 *approved*, competent operators. The *approved* fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Appendix D, section D 107.1 is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 75 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. This requirement does not affect development plated prior to the effective date of this Code adoption.

Exceptions:

(1) Where there are 75 or more dwelling units on a single public or private fire apparatus access road ~~access way~~ and all dwelling units are equipped throughout with an ~~protected by~~ approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, ~~residential sprinkler systems~~, access from two directions shall not be required.

(2) The number of dwelling units on a single fire access road shall not be increased unless fire apparatus roads will connect with future development as determined by the fire code official.

(Ord. No. O-45-11, § 2, 10-20-2011; Ord. No. O-47-16 , § 1, 7-28-2016; Ord. No. O-16-19 , § 1, 3-7-2019)

Section 4. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to form:

_____
SueZanne M. Bishop, Assistant Counsel

Neighborhood Resource Center
Unified Government of Wyandotte County/ Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8731 | www.wycokck.org/NRC

To: Unified Government of WYCO/KCK Board of Commissioners

From: Greg Talkin, Neighborhood Resource Center G.T.

Date: December 21, 2021

RE: Proposed Adoption of the 2018 Life Safety Code, International Fire Code and amendments to Chapter 15 – Fire Prevention and Protection (2 of 3 requests)

The most recent Fire and Life Safety Code adoptions for the City of Kansas City, KS occurred in 2016 with the 2012 International Fire Code and the 2012 NFPA Life Safety Code. The International Code Council (ICC) and the National Fire Protection Association (NFPA) are both developers and publishers of model codes, that are updated on a 3-year cycle. The City of Kansas City, KS has opted in the past to adopt the ICC and NFPA Codes, every other cycle, which equates to every 6 years. The 2018 fire and life safety codes are the next round in the 6-year cycle. The following codes will be adopted under a single ordinance:

2018 International Fire Code (IBC)

2018 Life Safety Code NFPA 101

The Importance of ICC:

- Updated codes promote safe, resilient, efficient, and cost-effective construction.
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace.
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life.
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development.
- Current building codes also create a demand for new jobs including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents.

Financial Impact:

The Commission's adoption of the 2018 International Fire Code, NFPA 101 Life Safety Code and Amendments to Chapter 15 – Fire Prevention and Protection, will not have a financial or budgetary impact on the organization. There could be a positive or negative impact to the consumer depending on type and size of project.

Background/History:

A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code. A local government can choose to adopt a model building code as their own. This saves them the expense and trouble of developing their own codes. Model codes are intended to be adopted in accordance with the laws and procedures of a governmental

jurisdiction. When adopting a model code, some jurisdictions amend the code in the process to reflect local practices and laws.
Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions, which are subject to change to meet other local regulations regarding implementation of ordinances. Engineering provisions are among the least amended, with a common reason for amendments related to unique site conditions that affect foundation design or applied wind and snow loads. The International Building Code and International Residential Code are generally considered more comprehensive codes while the rest are considered specialty codes.

Our Amendments to these Codes:

- Developments of 1 or 2 family dwellings where the number of dwelling units exceeds 75 (increased from 30) shall have separate approved fire apparatus access roads
- The Fire Code Official shall have the authority to issue a municipal summons and/or tow illegal parked vehicles in designated fire apparatus access lanes and parked within 15-feet of a fire hydrant, at the owner's expense.
- Administrative provisions that put us in line with other UG ordinances
- Administrative provisions to meet State of Kansas requirements

Where are the International Codes (I-Codes) Adopted?

- The *International Fire Code* (IFC) is in use in 41 states and the District of Columbia.

Local-Regional Adoptions:

City/County	IBC	IRC	IPC/UPC	IMC	NEC	IECC	IFC	NFPA 101	IEBC	IPMC
	International Building Code	International Residential Code	International/Uniform Plumbing Code	International Mechanical Code	National Electric Code	International Energy Conservation Code	International Fire Code	Life Safety Code	International Existing Building Code	International Property Maintence Code
KCK - current	2012	2012	2012	2012	2011	2009	2012	2003	n/a	2012
KCK - proposed	2018	2018	2018	2018	2017	2018	2018	2018	2018	2018
Bonner Springs	2015	2015	2015	2015	2014	n/a	2015	n/a	n/a	2015
Edwardsville	2012	n/a	n/a	n/a	n/a	n/a	2012	n/a	n/a	n/a
Shawnee	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	n/a
Lenexa	2018	2018	2018	2018	2017	2012	2018	n/a	n/a	2108
Overland Park	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	2018
Prairie Village	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Leawood	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Olathe	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Gardner	2018	2018	2018	2018	2017	n/a	2018	n/a	n/a	2018
Johnson County	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Kansas City Mo	2018	2018	2018	2018	2017	2012	2018	2018	2018	n/a
Spring Hill	2006	2006	2006	2006	2005	n/a	2006	n/a	n/a	2006

- Try to be similar/ consistent with surrounding jurisdictions
    - Easier for designers and contractors to design and build
    - Easier to educate contractors
    - Easier for us to enforce

Community Benefits and Considerations:

- Protect public health, safety, and welfare
- Keep construction costs down
- Provide consistent minimum standards in construction
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums by providing the insurance industry with a baseline for mitigating risk.

Community Outreach:

- Posted on the UG website 90 days, May-June 2021, and comments were received during that period.
- The target audience for public outreach included the design community, contractors, property owners and community members.
- Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions
- Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.

Items we Heard/Learned about from Community Outreach:

- Design professionals prefer new updated standards
    - Provides them more options
    - Assists when working in multiple jurisdictions

Upon Approval -Timeline of Implementation

- New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body.
- If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under. If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under codes in place at the time of resubmittal.

Staff Request for Commission Action

Tracking No. 211729

Full Commission Meeting Date: 6/9/22
Committee: Full Commission

Date of Standing Committee Action: 4/4/22
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Greg Talkin	x8628	gtalkin@wycokck.org	Neighborhood Resource Center

Item Description:
The most recent building and safety code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle, submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The International Residential Code for One- and Two-Family Dwellings is presented with three options from which the Commission may choose and will be adopted under a single ordinance:

2018 International Residential Code for One- and Two-Family Dwellings (IRC), Option A (staff recommendation)
2018 IRC, Option B
2018 IRC, Option C (unamended energy provisions)

This item was previously before the full Commission on May 26, 2022.

Action Requested:
To review and approve Option A, B, or C of the 2018 International Residential Code for One-andTwo-Family Dwellings.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
RFA 3 IRC Opt A FINAL, RFA 3 IRC Opt B FINAL, RFA 3 IRC Opt C FINAL, 211729.Request to adopt 2018 IRC

(Published _____)

ORDINANCE NO. _____

ORDINANCE relating to adoption of the updated international residential code for one- and two-family dwellings contained in Chapter 8, Article VII, and amending original Sections 8-411 and 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the most recent adoption of the international residential code for one- and two-family dwellings (IRC) for the City of Kansas City, Kansas, occurred in 2016, adopting the 2012 IRC; and

WHEREAS, the International Code Council, a developer and publisher of model codes, is on a three-year update cycle; and

WHEREAS, the City of Kansas City, Kansas has opted in the past to adopt the International Codes (I-Codes) every other cycle, or every six years; and

WHEREAS, it is now time in the six-year cycle to consider adoption of the 2018 I-Codes; and

WHEREAS, updated codes promote safe, resilient, efficient, and cost-effective construction; protect the building owner's investment, enhance safety, and foster innovation in the marketplace; provide for lower maintenance costs, energy and water bills, less mechanical noise, and an overall higher quality of life; incentivize manufacturers to invest in product development; and create demand for new jobs, including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents; and

WHEREAS, the Neighborhood and Community Development Standing Committee (the Standing Committee) has heard the recommendations of staff and the concerns of citizens and groups regarding the energy provisions of the IRC, and has considered Options A, B, and C of the IRC, each with differing energy provisions; and

WHEREAS, the Standing Committee has determined it appropriate to forward all three options of the IRC to the Full Commission for consideration;

WHEREAS, this ordinance represents Option A, amending 1102.1.2 (R402.1.2), wood frame wall cavity insulation at R-13; amending N1102.4.1.2, building leakage rate to 5 air changes per hour and eliminating climate zones outside our area, with testing required; deleting N1102.4.4; amending N1103.3.5 as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed

per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope; and amending Table N1106.4 to an ERI of 80.

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

Section 1. That Chapter 8, Article VII, section 8-411 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—Adopted.

(a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 2. That Chapter 8, Article VII, section 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-412. - Same—Amendments.

The ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE-GORY [f]	SUBJECT TO DAMAGE FROM		
	Wind Speed [d] (MPH)	Topographic Effects [k]		Weathering [a]	Frost Line Depth [b]	Termite [c]
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP [e]	ICE BARRIER UNDER-LAYMENT RE-QUIRED [h]	FLOOD HAZARD S [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.l(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4~~-~~6 Structural independence.

R302.2.4~~-~~6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: ~~Dwelling units stacked upon each other.~~

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:
R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:
Section R309~~2~~.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.
Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.
Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or

	equivalent materials approved for 1 hour fire resistive construction.

~~*Section R303.3* Bathrooms is amended to read as follows:~~

~~*Section R303.3 Bathrooms.* Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M^2), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

Section R303.4 of the ~~2012~~ 2018 International Residential Code is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section ~~M1507.3~~ M1505.4. (History: Ord. BC-2936 §36, 2012)

Section R306.5 is added to read as follows:

Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.

R309.2 Carports is added to read as follows:

R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exceptions:

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following

methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot × 1 foot × 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

~~*Section R311.7.5.1* Riser height is amended to read as follows:~~

~~*Section R311.7.5.1 Riser height.* The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.~~
~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

~~*Section R311.5.3.2* Tread depth is amended to read as follows:~~

~~*Section R311.5.3.2 Tread depth.* The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.~~

~~Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open- sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.
In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 ~~Townhouse automatic fire sprinkler systems.~~ An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904~~.

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. Fire sprinkler system design for 1 and 2 family dwellings ~~shall comply with section P2904 or NFPA 13D~~.

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPSC, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1,1 *Barrier Height and Clearance*: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

*R402.*1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is ~~amended~~ added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed t ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar

sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~*R501.3* Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~*Part IV Energy Conservation* is deleted.~~

Part IV Energy Conservation ~~is added~~.

~~*Part IV Energy Conservation.*~~

~~*Chapter 11. ENERGY EFFICIENCY*~~

~~*SECTION N1101 GENERAL*~~

~~*N1101.1 Scope.* This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.~~

~~Exception: Portions of the building envelope that do not enclose *conditioned space*.~~

~~*N1101.2 Compliance.* Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.~~

~~Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY~~

~~Key:~~

~~A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.~~

~~Asterisk (*) indicates a warm humid location.~~

~~Kansas - Wyandotte - Zone 4A~~

~~*N1101.3 Identification.* Materials, systems and *equipment* shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.~~

N1101.4 Building thermal envelope insulation. An *R*-value identification *mark* shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope.* For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and R-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures R-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. U-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	**SINGLE PANE**	**DOUBLE PANE**	**SKYLIGHT**	
			Single	**Double**
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1
Nonmetal or metal clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of h · ft^2 · °F/Btu at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and *equipment* shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels.* The certificate shall be completed by the builder or registered *design professional.* The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment.* Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT[b] U-	GLAZED FENESTRATION SHGC	CEILING R-	WOOD FRAME	MASS WALL R-	FLOOR R-	BASEMENT[c] WALL	SLAB[d] R-VAL	CRAWL SPACE[c]

		FACTOR		VALUE	WALL R-VALUE	VALUE [k]	VALUE	R-VALUE	UE AND DEPTH	WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13 + 5 [h]	13/17	30 [f]	10/13	10, 2 ft	10/13

a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.

~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~

~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

~~Table N1102.1.2 EQUIVALENT *U*-FACTORS [a]~~

~~CLIMATE ZONE~~	~~FENESTRATION *U*-FACTOR~~	~~SKYLIGHT *U*-FACTOR~~	~~CEILING *U*-FACTOR~~	~~FRAME WALL *U*-FACTOR~~	~~MASS WALL *U*-FACTOR [b]~~	~~FLOOR *U*-FACTOR~~	~~BASEMENT WALL *U*-FACTOR~~	~~CRAWL SPACE WALL *U*-FACTOR~~
~~4 except Marine~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.082~~	~~0.141~~	~~0.047~~	~~0.059~~	~~0.065~~
~~5 and Marine 4~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.060~~	~~0.082~~	~~0.033~~	~~0.059~~	~~0.065~~

~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~

~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1,0.14 in zone 2,0.12 in zone 3,0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

~~c. Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.~~

~~*N1102.2 Specific insulation requirements.*~~

~~*N1102.2.1 Ceilings with attic spaces.* When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.~~

~~*N1102.2.2 Ceilings without attic spaces.* Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m^2) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3~~

~~*N1102.2.3 Access hatches and doors.* Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.~~

~~*N1102.2.4 Mass walls.* Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.~~

~~*N1102.2.5 Steel-frame ceilings, walls and floors.* Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.~~

~~Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.~~

Table N1102.1.2 (R402.1.2) is hereby amended to read as follows:

TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

Climate Zone	Fenestration U-Factor[b]	Skylight U-Factor[b]	Glazed Fenestration SHGC[b]	Ceiling R-Value[g]	Wood Frame Wall R-Value	Mass Wall R-Value[f]	Floor R-Value[e]	Basement Wall R-Value[c]	Slab R-Value & Depth[d]	Crawl Space Wall R-Value[c]
4	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2ft	10/13

For SI: 1 foot – 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less that the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the slab edge.

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 sq ft”. Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.

~~Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (*R*-VALUE)~~

~~WOOD FRAMER-VALUE REQUIREMENT~~	**~~COLD-FORMED STEEL EQUIVALENT R-VALUE~~ [a]**
~~Steel Truss Ceilings~~[a]	
~~R-30~~	~~R-38 or R-30 + 3 or R-26 + 5~~
~~R-38~~	~~R-49 or R-38 + 3~~
~~R-49~~	~~R-38 + 5~~
~~Steel Joist Ceilings~~[b]	
~~R-30~~	~~R-38 in 2 × 4 or 2 × 6 or 2 × 8~~ ~~R-49 in any framing~~
~~R-38~~	~~R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 ×10~~

Steel Framed Wall	
R-13	R-13 + 5 or R15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

For SI: 1 inch = 25.4 mm.

a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.

b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below *grade* or to the *basement* floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall.* Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m^2) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m^2) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

~~*N1102.4.1 Building thermal envelope.* The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.~~

~~1. All joints, seams and penetrations.~~

~~2. Site-built windows, doors and skylights.~~

~~3. Openings between window and door assemblies and their respective jambs and framing.~~

~~4. Utility penetrations.~~

~~5. Dropped ceilings or chases adjacent to the thermal envelope.~~

~~6. Knee walls.~~

~~7. Walls and ceilings separating the garage from *conditioned spaces.*~~

~~8. Behind tubs and showers on *exterior walls.*~~

~~9. Common walls between *dwelling units.*~~

~~10. Attic access openings.~~

~~11. Rim joists junction.~~

~~12. Other sources of infiltration.~~

~~*N1102.4.2 Air sealing and insulation.* Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.~~

~~Table N1102.4~~1~~.2 AIR BARRIER AND INSULATION INSPECTION~~ Under Climate Zone 4, amend the flowing item:

~~**COMPONENT**~~	~~**CRITERIA**~~
~~Air barrier and thermal barrier~~	~~Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier.~~ ~~Breaks or joints in the air barrier are filled or repaired.~~ ~~Air-permeable insulation is not used as a sealing material.~~
~~Ceiling/attic~~	~~Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed~~ ~~Attic access (except unvented attic), knee wall door, or drop down stair is sealed.~~

~~Walls~~	~~Corners and headers are insulated.~~ ~~Junction of foundation and sill plate is sealed.~~
~~Windows and doors~~	~~Space between window/door jambs and framing is sealed.~~
~~Rim joists~~	~~Rim joists are insulated and include an air barrier.~~
~~Floors (including above garage and cantilevered floors)~~	~~Insulation is installed to maintain permanent contact with underside of subfloor decking.~~ ~~Air barrier is installed at any exposed edge of floor.~~
~~Crawlspace walls~~	~~Insulation is permanently attached to walls.~~ ~~Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.~~
~~Shafts, penetrations~~	~~Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.~~
~~Narrow cavities~~	~~Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.~~
~~Garage separation~~	~~Air sealing is provided between the garage and conditioned spaces.~~
~~Recessed lighting~~	~~Recessed light fixtures are airtight, IC rated and sealed to drywall.~~ ~~Exception-fixtures in conditioned space.~~
~~Plumbing and wiring~~	~~Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.~~
~~Shower/tub on exterior wall~~	~~Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.~~
~~Electrical/phone box on exterior wall~~	~~Air barrier extends behind boxes or air sealed type boxes are installed.~~
~~Common wall~~	~~Air barrier is installed in common wall between dwelling units.~~
~~HVAC register boots~~	~~HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.~~

~~Fireplace~~	~~Fireplace walls include an air barrier.~~

~~*N1102.4.2.1 Testing option.* Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.~~

Section N1102.4.1.2. Testing is amended to read as follows:

Section N1102.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers ~~shall be closed, but not sealed;~~ including exhaust, intake, makeup air, back draft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior or interior terminations ~~openings~~ for continuous ventilation systems ~~and heat recovery ventilators~~ shall be ~~closed and~~ sealed;
5. Heating and cooling system(s), where installed at the time of the test, shall be turned off; and
6. ~~HVAC ducts shall not be sealed; and~~
7. ~~7.~~ Supply and return registers, where installed at the time of the test shall ~~not be sealed~~ be fully open.

~~*N1102.4.2.2 Visual inspection option.* The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an *approved* party independent from the installer of the insulation, shall inspect the air barrier and insulation.~~

~~*Section N 1102.4. Fireplaces.* Is amended.~~

~~*N1102.4.3 Fireplaces.* New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).~~

~~*N1102.4.4 Fenestration air leakage.* Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m2], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m^2], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and *labeled* by the manufacturer.~~
~~Exception: Site-built windows, skylights and doors.~~

Section N1102.4.4 Rooms containing fuel-burning appliances is deleted.

~~*N1102.4.5 Recessed lighting.* Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.~~

~~*SECTION N1103 SYSTEMS.*~~

~~*N1103.1 Controls.* At least one thermostat shall be installed for each separate heating and cooling system.~~

~~*N1103.1.1 Programmable thermostat.* Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).~~

~~*N1103.1.2 Heat pump supplementary heat.* Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.~~

~~*N1103.2 Ducts.*~~

~~*N1103.2.1* Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.~~
~~Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.~~

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

Section N1103.3.5 Building Cavities is amended to read as follows:

N1103.3.5 Building cavities. Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope.

N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

N1103.6 Equipment sizing. Heating and cooling *equipment* shall be sized as specified in Section M1401.3.

N1103.7 Snow melt system controls. Snow- and ice-melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).

N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.

~~*N1103.8.1 Pool heaters.* All pool heaters shall be equipped with a *readily accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.~~

~~*N1103.8.2 Time switches.* Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.~~

~~Exceptions:~~

~~1. Where public health standards require 24-hour pump operation.~~

~~2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.~~

~~*N1103.8.3 Pool covers.* Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.~~

~~*N1104.1 Lighting equipment.* A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be *high-efficacy lamps*.~~

Table N1106.4 (R406.4) is amended to read as follows:

Table N1106.4 (R406.4)

MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX a
4	80

a. Where on-site renewable energy is included for compliance using ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section 1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

~~*Section M1201.1-M1202.3, Chapter 12* is hereby deleted.~~

~~*Section M1201.1-M1202.3, Chapter 12 Mechanical administration* is deleted in its entirety. See Administration provisions in section 8-25.~~

Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might

collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO2, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

~~*Section P2501.1—P2503.9 Chapter 25* is hereby deleted.~~

~~*Section P2501.1—P2503.9, Chapter 25 Plumbing administration* is hereby deleted in its entirety. See administration provisions in section 8-25.~~

Part VII, Chapter 25, Plumbing Administration, is deleted.

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.
Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section ~~P2905.4~~ P2906.4 is amended to read as follows:

Section ~~P2905.4~~ P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section ~~P2905.4.2~~ P2906.4.2 is amended to read as follows:

Section ~~P2905.4.2~~ P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence

that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. O-48-16 , § 1, 7-28-2016)

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to form:

_____
SueZanne M. Bishop, Assistant Counsel

(Published _____)

ORDINANCE NO. _____

ORDINANCE relating to adoption of the updated international residential code for one- and two-family dwellings contained in Chapter 8, Article VII, and amending original Sections 8-411 and 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the most recent adoption of the international residential code for one- and two-family dwellings (IRC) for the City of Kansas City, Kansas, occurred in 2016, adopting the 2012 IRC; and

WHEREAS, the International Code Council, a developer and publisher of model codes, is on a three-year update cycle; and

WHEREAS, the City of Kansas City, Kansas has opted in the past to adopt the International Codes (I-Codes) every other cycle, or every six years; and

WHEREAS, it is now time in the six-year cycle to consider adoption of the 2018 I-Codes; and

WHEREAS, updated codes promote safe, resilient, efficient, and cost-effective construction; protect the building owner's investment, enhance safety, and foster innovation in the marketplace; provide for lower maintenance costs, energy and water bills, less mechanical noise, and an overall higher quality of life; incentivize manufacturers to invest in product development; and create demand for new jobs, including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents; and

WHEREAS, the Neighborhood and Community Development Standing Committee (the Standing Committee) has heard the recommendations of staff and the concerns of citizens and groups regarding the energy provisions of the IRC, and has considered Options A, B, and C of the IRC, each with differing energy provisions; and

WHEREAS, the Standing Committee has determined it appropriate to forward all three options of the IRC to the Full Commission for consideration; and

WHEREAS, this ordinance represents Option B, amending 1102.1.2 (R402.1.2), wood frame wall cavity insulation at R-15; amending N1102.4.1.2, building leakage rate to 5 air changes per hour and eliminating climate zones outside our area, with testing required; deleting N1102.4.4; amending N1103.3.5 as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed

per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope; and amending Table N1106.4 to an ERI of 75.

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

Section 1. That Chapter 8, Article VII, sections 8-411 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—Adopted.

(a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 2. That Chapter 8, Article VII, sections 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-412. - Same—Amendments.

The ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE-GORY [f]	SUBJECT TO DAMAGE FROM		
	Wind Speed [d] (MPH)	Topographic Effects [k]		Weathering [a]	Frost Line Depth [b]	Termite [c]
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP [e]	ICE BARRIER UNDER-LAYMENT RE-QUIRED [h]	FLOOD HAZARD S [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.l(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4~~-~~6 Structural independence.

R302.2.4~~-~~6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: ~~Dwelling units stacked upon each other.~~

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:
R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:
Section R309~~2~~.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.
Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.
Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or

	equivalent materials approved for 1 hour fire resistive construction.

~~*Section R303.3* Bathrooms is amended to read as follows:~~

~~*Section R303.3 Bathrooms.* Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M^2), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

Section R303.4 of the ~~2012~~ 2018 International Residential Code is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section ~~M1507.3~~ M1505.4. (History: Ord. BC-2936 §36, 2012)

Section R306.5 is added to read as follows:

Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.

R309.2 Carports is added to read as follows:

R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exceptions:

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following

methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot × 1 foot × 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

~~*Section R311.7.5.1* Riser height is amended to read as follows:~~

~~*Section R311.7.5.1 Riser height.* The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.~~
~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

~~*Section R311.5.3.2* Tread depth is amended to read as follows:~~

~~*Section R311.5.3.2 Tread depth.* The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.~~

~~Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open- sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.
In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 ~~Townhouse automatic fire sprinkler systems.~~ An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904~~.

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. Fire sprinkler system design for 1 and 2 family dwellings ~~shall comply with section P2904 or NFPA 13D~~.

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPSC, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1,1 *Barrier Height and Clearance*: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

*R402.*1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is ~~amended~~ added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed t ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar

sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~*R501.3* Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~*Part IV Energy Conservation* is deleted.~~

Part IV Energy Conservation ~~is added~~.

~~*Part IV Energy Conservation.*~~

~~*Chapter 11. ENERGY EFFICIENCY*~~

~~*SECTION N1101 GENERAL*~~

~~*N1101.1 Scope.* This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.~~

~~Exception: Portions of the building envelope that do not enclose *conditioned space*.~~

~~*N1101.2 Compliance.* Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.~~

~~Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY~~

~~Key:~~

~~A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.~~

~~Asterisk (*) indicates a warm humid location.~~

~~Kansas - Wyandotte - Zone 4A~~

~~*N1101.3 Identification.* Materials, systems and *equipment* shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.~~

N1101.4 Building thermal envelope insulation. An *R*-value identification *mark* shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope.* For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and R-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures R-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. U-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	**SINGLE PANE**	**DOUBLE PANE**	**SKYLIGHT**	
			Single	**Double**
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1
Nonmetal or metal clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of h · ft^2 · °F/Btu at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and *equipment* shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels.* The certificate shall be completed by the builder or registered *design professional.* The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment.* Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT[b] U-	GLAZED FENESTRATION SHGC	CEILING R-	WOOD FRAME	MASS WALL R-	FLOOR R-	BASEMENT[c] WALL	SLAB[d] R-VAL	CRAWL SPACE[c]

		FACTOR		VALUE	WALL R-VALUE	VALUE [k]	VALUE	R-VALUE	UE AND DEPTH	WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13 + 5 [h]	13/17	30 [f]	10/13	10, 2 ft	10/13

a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.

~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~

~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

~~Table N1102.1.2 EQUIVALENT *U*-FACTORS [a]~~

~~CLIMATE ZONE~~	~~FENESTRATION *U*-FACTOR~~	~~SKYLIGHT *U*-FACTOR~~	~~CEILING *U*-FACTOR~~	~~FRAME WALL *U*-FACTOR~~	~~MASS WALL *U*-FACTOR [b]~~	~~FLOOR *U*-FACTOR~~	~~BASEMENT WALL *U*-FACTOR~~	~~CRAWL SPACE WALL *U*-FACTOR~~
~~4 except Marine~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.082~~	~~0.141~~	~~0.047~~	~~0.059~~	~~0.065~~
~~5 and Marine 4~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.060~~	~~0.082~~	~~0.033~~	~~0.059~~	~~0.065~~

~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~

~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1,0.14 in zone 2,0.12 in zone 3,0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

~~c. Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.~~

~~*N1102.2 Specific insulation requirements.*~~

~~*N1102.2.1 Ceilings with attic spaces.* When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.~~

~~*N1102.2.2 Ceilings without attic spaces.* Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m^2) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3~~

~~*N1102.2.3 Access hatches and doors.* Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.~~

~~*N1102.2.4 Mass walls.* Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.~~

~~*N1102.2.5 Steel-frame ceilings, walls and floors.* Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.~~

~~Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.~~

Table N1102.1.2 (R402.1.2) is hereby amended to read as follows:

TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

Climate Zone	Fenestration U-Factor[b]	Skylight U-Factor[b]	Glazed Fenestration SHGC[b]	Ceiling R-Value[g]	Wood Frame Wall R-Value	Mass Wall R-Value[f]	Floor R-Value[e]	Basement Wall R-Value[c]	Slab R-Value & Depth[d]	Crawl Space Wall R-Value[c]
4	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2ft	10/13

For SI: 1 foot – 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less that the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the slab edge.

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 sq ft”. Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.

~~Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (*R*-VALUE)~~

~~WOOD FRAMER-VALUE REQUIREMENT~~	**~~COLD-FORMED STEEL EQUIVALENT R-VALUE~~ [a]**
~~Steel Truss Ceilings~~[a]	
~~R-30~~	~~R-38 or R-30 + 3 or R-26 + 5~~
~~R-38~~	~~R-49 or R-38 + 3~~
~~R-49~~	~~R-38 + 5~~
~~Steel Joist Ceilings~~[b]	
~~R-30~~	~~R-38 in 2 × 4 or 2 × 6 or 2 × 8~~ ~~R-49 in any framing~~
~~R-38~~	~~R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 ×10~~

Steel Framed Wall	
R-13	R-13 + 5 or R15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

For SI: 1 inch = 25.4 mm.

a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.

b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below *grade* or to the *basement* floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall.* Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m^2) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m^2) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

~~*N1102.4.1 Building thermal envelope.* The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.~~

~~1. All joints, seams and penetrations.~~

~~2. Site-built windows, doors and skylights.~~

~~3. Openings between window and door assemblies and their respective jambs and framing.~~

~~4. Utility penetrations.~~

~~5. Dropped ceilings or chases adjacent to the thermal envelope.~~

~~6. Knee walls.~~

~~7. Walls and ceilings separating the garage from *conditioned spaces.*~~

~~8. Behind tubs and showers on *exterior walls.*~~

~~9. Common walls between *dwelling units.*~~

~~10. Attic access openings.~~

~~11. Rim joists junction.~~

~~12. Other sources of infiltration.~~

~~*N1102.4.2 Air sealing and insulation.* Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.~~

~~Table N1102.4~~1~~.2 AIR BARRIER AND INSULATION INSPECTION~~ Under Climate Zone 4, amend the flowing item:

~~**COMPONENT**~~	~~**CRITERIA**~~
~~Air barrier and thermal barrier~~	~~Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier.~~ ~~Breaks or joints in the air barrier are filled or repaired.~~ ~~Air-permeable insulation is not used as a sealing material.~~
~~Ceiling/attic~~	~~Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed~~ ~~Attic access (except unvented attic), knee wall door, or drop down stair is sealed.~~

~~Walls~~	~~Corners and headers are insulated.~~ ~~Junction of foundation and sill plate is sealed.~~
~~Windows and doors~~	~~Space between window/door jambs and framing is sealed.~~
~~Rim joists~~	~~Rim joists are insulated and include an air barrier.~~
~~Floors (including above garage and cantilevered floors)~~	~~Insulation is installed to maintain permanent contact with underside of subfloor decking.~~ ~~Air barrier is installed at any exposed edge of floor.~~
~~Crawlspace walls~~	~~Insulation is permanently attached to walls.~~ ~~Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.~~
~~Shafts, penetrations~~	~~Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.~~
~~Narrow cavities~~	~~Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.~~
~~Garage separation~~	~~Air sealing is provided between the garage and conditioned spaces.~~
~~Recessed lighting~~	~~Recessed light fixtures are airtight, IC rated and sealed to drywall.~~ ~~Exception-fixtures in conditioned space.~~
~~Plumbing and wiring~~	~~Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.~~
~~Shower/tub on exterior wall~~	~~Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.~~
~~Electrical/phone box on exterior wall~~	~~Air barrier extends behind boxes or air sealed type boxes are installed.~~
~~Common wall~~	~~Air barrier is installed in common wall between dwelling units.~~
~~HVAC register boots~~	~~HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.~~

~~Fireplace~~	~~Fireplace walls include an air barrier.~~

~~*N1102.4.2.1 Testing option.* Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.~~

Section N1102.4.1.2. Testing is amended to read as follows:

Section N1102.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers ~~shall be closed, but not sealed;~~ including exhaust, intake, makeup air, back draft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior or interior terminations ~~openings~~ for continuous ventilation systems ~~and heat recovery ventilators~~ shall be ~~closed and~~ sealed;
5. Heating and cooling system(s), where installed at the time of the test, shall be turned off; and
6. ~~HVAC ducts shall not be sealed; and~~
7. ~~7.~~ Supply and return registers, where installed at the time of the test shall ~~not be sealed~~ be fully open.

~~*N1102.4.2.2 Visual inspection option.* The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an *approved* party independent from the installer of the insulation, shall inspect the air barrier and insulation.~~

~~*Section N 1102.4. Fireplaces.* Is amended.~~

~~*N1102.4.3 Fireplaces.* New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).~~

~~*N1102.4.4 Fenestration air leakage.* Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m2], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m^2], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and *labeled* by the manufacturer.~~
~~Exception: Site-built windows, skylights and doors.~~

Section N1102.4.4 Rooms containing fuel-burning appliances is deleted.

~~*N1102.4.5 Recessed lighting.* Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.~~

~~*SECTION N1103 SYSTEMS.*~~

~~*N1103.1 Controls.* At least one thermostat shall be installed for each separate heating and cooling system.~~

~~*N1103.1.1 Programmable thermostat.* Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).~~

~~*N1103.1.2 Heat pump supplementary heat.* Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.~~

~~*N1103.2 Ducts.*~~

~~*N1103.2.1* Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.~~
~~Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.~~

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

Section N1103.3.5 Building Cavities is amended to read as follows:

N1103.3.5 Building cavities. Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope.

N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

N1103.6 Equipment sizing. Heating and cooling *equipment* shall be sized as specified in Section M1401.3.

N1103.7 Snow melt system controls. Snow- and ice-melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).

N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.

~~*N1103.8.1 Pool heaters.* All pool heaters shall be equipped with a *readily accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.~~

~~*N1103.8.2 Time switches.* Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.~~

~~Exceptions:~~

~~1. Where public health standards require 24-hour pump operation.~~

~~2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.~~

~~*N1103.8.3 Pool covers.* Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.~~

~~*N1104.1 Lighting equipment.* A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be *high-efficacy lamps*.~~

Table N1106.4 (R406.4) is amended to read as follows:

Table N1106.4 (R406.4)

MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX a
4	75

a. Where on-site renewable energy is included for compliance using ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section 1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

~~*Section M1201.1-M1202.3, Chapter 12* is hereby deleted.~~

~~*Section M1201.1-M1202.3, Chapter 12 Mechanical administration* is deleted in its entirety. See Administration provisions in section 8-25.~~

Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might

collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO2, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

~~*Section P2501.1—P2503.9 Chapter 25* is hereby deleted.~~

~~*Section P2501.1—P2503.9, Chapter 25 Plumbing administration* is hereby deleted in its entirety. See administration provisions in section 8-25.~~

Part VII, Chapter 25, Plumbing Administration, is deleted.

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.
Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section ~~P2905.4~~ P2906.4 is amended to read as follows:

Section ~~P2905.4~~ P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section ~~P2905.4.2~~ P2906.4.2 is amended to read as follows:

Section ~~P2905.4.2~~ P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence

that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. O-48-16 , § 1, 7-28-2016)

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to form:

_____
SueZanne M. Bishop, Assistant Counsel

(Published _____)

ORDINANCE NO. _____

ORDINANCE relating to adoption of the updated international residential code for one- and two-family dwellings contained in Chapter 8, Article VII, and amending original Sections 8-411 and 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the most recent adoption of the international residential code for one- and two-family dwellings (IRC) for the City of Kansas City, Kansas, occurred in 2016, adopting the 2012 IRC; and

WHEREAS, the International Code Council, a developer and publisher of model codes, is on a three-year update cycle; and

WHEREAS, the City of Kansas City, Kansas has opted in the past to adopt the International Codes (I-Codes) every other cycle, or every six years; and

WHEREAS, it is now time in the six-year cycle to consider adoption of the 2018 I-Codes; and

WHEREAS, updated codes promote safe, resilient, efficient, and cost-effective construction; protect the building owner's investment, enhance safety, and foster innovation in the marketplace; provide for lower maintenance costs, energy and water bills, less mechanical noise, and an overall higher quality of life; incentivize manufacturers to invest in product development; and create demand for new jobs, including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents; and

WHEREAS, the Neighborhood and Community Development Standing Committee (the Standing Committee) has heard the recommendations of staff and the concerns of citizens and groups regarding the energy provisions of the IRC, and has considered Options A, B, and C of the IRC, each with differing energy provisions; and

WHEREAS, the Standing Committee has determined it appropriate to forward all three options of the IRC to the Full Commission for consideration; and

WHEREAS, this ordinance represents Option C, adopting the 2018 IRC and leaving the energy provisions in 1102.1.2 (R402.1.2), N1102.4.1.2, N1102.4.4, N1103.3.5, and Table N1106.4 as written in the model code.

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

Section 1. That Chapter 8, Article VII, sections 8-411 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—Adopted.

(a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

(b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16 , § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 2. That Chapter 8, Article VII, sections 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

Sec. 8-412. - Same—Amendments.

The ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE-GORY [f]	SUBJECT TO DAMAGE FROM		
	Wind Speed [d] (MPH)	Topographic Effects [k]		Weathering [a]	Frost Line Depth [b]	Termite [c]
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP [e]	ICE BARRIER UNDER-LAYMENT RE-QUIRED [h]	FLOOD HAZARD S [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.l(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4~~-~~6 Structural independence.

R302.2.4~~-~~6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: ~~Dwelling units stacked upon each other.~~

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:
R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:
Section R309~~2~~.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.
Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.
Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or

	equivalent materials approved for 1 hour fire resistive construction.

~~*Section R303.3* Bathrooms is amended to read as follows:~~

~~*Section R303.3 Bathrooms.* Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M^2), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

Section R303.4 of the ~~2012~~ 2018 International Residential Code is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section ~~M1507.3~~ M1505.4. (History: Ord. BC-2936 §36, 2012)

Section R306.5 is added to read as follows:

Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.

R309.2 Carports is added to read as follows:

R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exceptions:

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following

methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot × 1 foot × 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

~~*Section R311.7.5.1* Riser height is amended to read as follows:~~

~~*Section R311.7.5.1 Riser height.* The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.~~
~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

~~*Section R311.5.3.2* Tread depth is amended to read as follows:~~

~~*Section R311.5.3.2 Tread depth.* The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.~~

~~Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.~~

~~Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.~~

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open- sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.
In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 ~~Townhouse automatic fire sprinkler systems.~~ An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904~~.

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. Fire sprinkler system design for 1 and 2 family dwellings ~~shall comply with section P2904 or NFPA 13D~~.

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPSC, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1,1 *Barrier Height and Clearance*: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

*R402.*1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is ~~amended~~ added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed t ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar

sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~*R501.3* Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~*Part IV Energy Conservation* is deleted.~~

Part IV Energy Conservation ~~is added~~.

~~*Part IV Energy Conservation.*~~

~~*Chapter 11. ENERGY EFFICIENCY*~~

~~*SECTION N1101 GENERAL*~~

~~*N1101.1 Scope.* This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.~~

~~Exception: Portions of the building envelope that do not enclose *conditioned space*.~~

~~*N1101.2 Compliance.* Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.~~

~~Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY~~

~~Key:~~

~~A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.~~

~~Asterisk (*) indicates a warm humid location.~~

~~Kansas - Wyandotte - Zone 4A~~

~~*N1101.3 Identification.* Materials, systems and *equipment* shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.~~

N1101.4 Building thermal envelope insulation. An *R*-value identification *mark* shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope.* For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and R-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures R-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. U-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	**SINGLE PANE**	**DOUBLE PANE**	**SKYLIGHT**	
			Single	**Double**
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1
Nonmetal or metal clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of h · ft^2 · °F/Btu at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and *equipment* shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels.* The certificate shall be completed by the builder or registered *design professional.* The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment.* Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT[b] U-	GLAZED FENESTRATION SHGC	CEILING R-	WOOD FRAME	MASS WALL R-	FLOOR R-	BASEMENT[c] WALL	SLAB[d] R-VAL	CRAWL SPACE[c]

		FACTOR		VALUE	WALL R-VALUE	VALUE [k]	VALUE	R-VALUE	UE AND DEPTH	WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13 + 5 [h]	13/17	30 [f]	10/13	10, 2 ft	10/13

a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.

~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~

~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

~~Table N1102.1.2 EQUIVALENT *U*-FACTORS [a]~~

~~CLIMATE ZONE~~	~~FENESTRATION *U*-FACTOR~~	~~SKYLIGHT *U*-FACTOR~~	~~CEILING *U*-FACTOR~~	~~FRAME WALL *U*-FACTOR~~	~~MASS WALL *U*-FACTOR [b]~~	~~FLOOR *U*-FACTOR~~	~~BASEMENT WALL *U*-FACTOR~~	~~CRAWL SPACE WALL *U*-FACTOR~~
~~4 except Marine~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.082~~	~~0.141~~	~~0.047~~	~~0.059~~	~~0.065~~
~~5 and Marine 4~~	~~0.35~~	~~0.60~~	~~0.030~~	~~0.060~~	~~0.082~~	~~0.033~~	~~0.059~~	~~0.065~~

~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~

~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1,0.14 in zone 2,0.12 in zone 3,0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

~~c. Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.~~

~~*N1102.2 Specific insulation requirements.*~~

~~*N1102.2.1 Ceilings with attic spaces.* When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.~~

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m^2) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.2.3 Access hatches and doors. Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

N1102.2.4 Mass walls. Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

N1102.2.5 Steel-frame ceilings, walls and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (*R*-*VALUE)*

WOOD FRAMER-VALUE REQUIREMENT	**COLD-FORMED STEEL EQUIVALENT R-VALUE [a]**
Steel Truss Ceilings[a]	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings[b]	

R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 ×10
Steel Framed Wall	
R-13	R-13 + 5 or R15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

For SI: 1 inch = 25.4 mm.

a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.

b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below *grade* or to the *basement* floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a

minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall.* Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m^2) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m^2) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and

glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

N1102.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating the garage from *conditioned spaces.*
8. Behind tubs and showers on *exterior walls.*
9. Common walls between *dwelling units.*
10. Attic access openings.
11. Rim joists junction.
12. Other sources of infiltration.

N1102.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.

Table N1102.41.2 AIR BARRIER AND INSULATION INSPECTION Under Climate Zone 4, amend the flowing item:

COMPONENT	**CRITERIA**
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed

	~~Attic access (except unvented attic), knee wall door, or drop down stair is sealed.~~
~~Walls~~	~~Corners and headers are insulated.~~ ~~Junction of foundation and sill plate is sealed.~~
~~Windows and doors~~	~~Space between window/door jambs and framing is sealed.~~
~~Rim joists~~	~~Rim joists are insulated and include an air barrier.~~
~~Floors (including above garage and cantilevered floors)~~	~~Insulation is installed to maintain permanent contact with underside of subfloor decking.~~ ~~Air barrier is installed at any exposed edge of floor.~~
~~Crawlspace walls~~	~~Insulation is permanently attached to walls.~~ ~~Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.~~
~~Shafts, penetrations~~	~~Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.~~
~~Narrow cavities~~	~~Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.~~
~~Garage separation~~	~~Air sealing is provided between the garage and conditioned spaces.~~
~~Recessed lighting~~	~~Recessed light fixtures are airtight, IC rated and sealed to drywall.~~ ~~Exception-fixtures in conditioned space.~~
~~Plumbing and wiring~~	~~Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.~~
~~Shower/tub on exterior wall~~	~~Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.~~
~~Electrical/phone box on exterior wall~~	~~Air barrier extends behind boxes or air sealed type boxes are installed.~~
~~Common wall~~	~~Air barrier is installed in common wall between dwelling units.~~

HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

N1102.4.2.1 Testing option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

N1102.4.2.2 Visual inspection option. The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an *approved* party independent from the installer of the insulation, shall inspect the air barrier and insulation.

Section N 1102.4. Fireplaces. Is amended.

N1102.4.3 Fireplaces. New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).

N1102.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m2], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m^2], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and *labeled* by the manufacturer.
Exception: Site-built windows, skylights and doors.

N1102.4.5 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

SECTION N1103 SYSTEMS.

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 Programmable thermostat. Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different

temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

N1103.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

N1103.2 Ducts.

N1103.2.1 Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.
Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

~~*N1103.5 Mechanical ventilation.* Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.~~

~~*N1103.6 Equipment sizing.* Heating and cooling *equipment* shall be sized as specified in Section M1401.3.~~

~~*N1103.7 Snow melt system controls.* Snow- and ice-melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).~~

~~*N1103.8 Pools.* Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.~~

~~*N1103.8.1 Pool heaters.* All pool heaters shall be equipped with a *readily accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.~~

~~*N1103.8.2 Time switches.* Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.~~

~~Exceptions:~~

~~1. Where public health standards require 24-hour pump operation.~~

~~2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.~~

~~*N1103.8.3 Pool covers.* Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.~~

~~*N1104.1 Lighting equipment.* A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be *high-efficacy lamps*.~~

~~*Section M1201.1-M1202.3, Chapter 12* is hereby deleted.~~

~~*Section M1201.1-M1202.3, Chapter 12 Mechanical administration* is deleted in its entirety. See Administration provisions in section 8-25.~~

Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO2, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

~~*Section P2501.1—P2503.9 Chapter 25* is hereby deleted.~~

~~*Section P2501.1—P2503.9, Chapter 25 Plumbing administration* is hereby deleted in its entirety. See administration provisions in section 8-25.~~

Part VII, Chapter 25, Plumbing Administration, is deleted.

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.
Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section ~~P2905.4~~ P2906.4 is amended to read as follows:

Section ~~P2905.4~~ P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section ~~P2905.4.2~~ P2906.4.2 is amended to read as follows:

Section ~~P2905.4.2~~ P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a

building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.

4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. O-48-16, § 1, 7-28-2016)

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

SueZanne M. Bishop, Assistant Counsel

Neighborhood Resource Center
Unified Government of Wyandotte County/ Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8731 | www.wycokck.org/NRC

To: Neighborhood and Community Development Standing Committee

From: Greg Talkin, Neighborhood Resource Center G.T.

Date: June 7, 2022

RE: Proposed Adoption of the 2018 IRC and Amendments to Chapter 8 -Building and Building Regulations (3 of 3 requests)

The most recent International Residential Code (IRC) adoption for the City of Kansas City, KS occurred in 2016 with the 2012 IRC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 IRC is the next round in the 6-year cycle. This code is identified as follows:

2018 International Residential Code (IRC)

The Importance of ICC:

- Updated codes promote safe, resilient, efficient, and cost-effective construction.
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace.
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life.
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development.
- Current building codes also create a demand for new jobs including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents.

Background/History:

A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code. A local government can choose to adopt a model building code as their own. This saves them the expense and trouble of developing their own codes. Model codes are intended to be adopted in accordance with the laws and procedures of a governmental jurisdiction. When adopting a model code, some jurisdictions amend the code in the process to reflect local practices and laws.

Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions, which are subject to change to meet other local regulations regarding implementation of ordinances. Engineering provisions are among the least amended, with a common reason for amendments related to unique site conditions that affect foundation design or applied wind and snow loads. The International Building Code and International Residential Code are generally considered more comprehensive codes while the rest are considered specialty codes.

Community Benefits and Considerations:

- Protect public health, safety, and welfare
- Keep construction costs down
- Provide consistent minimum standards in construction
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums by providing the insurance industry with a baseline for mitigating risk.

The City of Kansas City, KS is currently under an audit with the Insurance Service Office (ISO) to determine its current Building Code Effectiveness Rating Schedule where a lower score, on a scale from 1 to 10, indicates exemplary commitment to code enforcement. The current building codes adopted affect this rating.

Community Outreach:

- Posted on the UG website 90 days, May-June 2021, and comments were received during that period.
- The target audience for public outreach included the design community, contractors, property owners and community members.
- Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions
- Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.
- Reached out to those that had questions or concerns associate with the proposed adoption
    - Met with the KCHBA
    - Virtual conversation with Metropolitan Energy and email communications

Items we Heard/Learned about from Community Outreach:

- IRC/Energy Conservation Provisions
    - There is a growing push for increases in energy conservation. Metropolitan Energy Center has been an organization involved in this push.
    - Can be a significant upfront construction cost for many of the new Energy Codes
    - Proposing some amendments to balance construction cost vs energy conservation
    - KCHBA concerns with increased cost vs. benefits on some of the changes.
- Design professionals prefer new updated standards
    - Provides them more options
    - Assists when working in multiple jurisdictions

Financial Impact:
The Commission's adoption of 2018 International Residential Code and Amendments to Chapter 8 - Building and Building will not have a financial or budgetary impact on the organization. There could be a positive or negative impact to the consumer depending on type and size of project.

Where is the International Residential Code Adopted?

- The *International Residential Code* (IRC) is in use in 49 states and the District of Columbia.

Local-Regional Adoptions:

City/County	Codes Adopted	IECC		City/County	Codes Adopted	IECC
	International Residential Code	International Energy Conservation Code			International Residential Code	International Energy Conservation Code
KCK - current	**2012**	**2009**		**Leawood**	**2018**	**2018**
KCK - proposed	**2018**	**2018**		**Olathe**	**2018**	**2018**
Bonner Springs	**2015**	**n/a**		**Gardner**	**2018**	**n/a**
Edwardsville	**2012**	**n/a**		**Fairway**	**2012**	**2012**
De Soto	**2018**	**2018**		**Spring Hill**	**2006**	**n/a**
Mission Hills	**2018**	**2018**		**Johnson County**	**2018**	**2018**
Shawnee	**2018**	**2018**		**Douglas County**	**2012**	**n/a**
Lenexa	**2018**	**2012**		**Lees Summit Mo**	**2018**	**n/a**
Overland Park	**2018**	**2018**		**Kansas City Mo**	**2018**	**2012**
Prairie Village	**2018**	**2018**		**Gladstone Mo**	**2021**	**2021**

Staff Approach:

- Try to be similar/ consistent with an average of surrounding jurisdictions
    - Easier for designers and contractors to design and build
    - Easier to educate contractors
    - Easier for us to enforce

Previous Standing Committee and Full Commission Meetings

- NCD Standing Committee
    - January 3, 2022- For Information Only
    - February 7, 2022
    - April 4, 2022
    - May 9, 2022- “Option B” Passed by Committee (5-1 vote)
- UG Full Commission Meeting
    - May 26, 2022- Held over

Concerns from Standing Committee Meetings:

- The item(s) of concern were around the amendments in the IRC-Energy amendments affecting the construction 1 and 2 family dwellings (3 stories or less)
- Original proposal from staff was an effort to be in line with majority of metropolitan jurisdictions
    - Concerns were that the proposed amendments weakened the energy provisions - in turn would result in higher energy costs for new owners vs. less restrictive energy requirements providing the benefit of lower cost of home purchase.
    - No options for Standing Committee/Commission to consider outside of staff recommendations - Three options are provided for consideration
    - Requested to provide an estimate of increase costs in meeting energy code requirements - Cost estimate information was provided by HBA and Metropolitan Energy Center

- Concerns we will fall behind – We are currently trying to adopt similar requirements of most of the local jurisdictions, With the exception of two local jurisdictions, KCMO and Gladstone, no one else we are aware of is adopting or considering adopting the 2021 Codes.
- Comparisons to other jurisdictions like Columbia MO. - Staffs effort was to be like majority of the KC Metro area jurisdictions. Also, different types of markets.

Our Amendments Proposed to this Code (Non-Energy):

- Administrative provisions that put us in line with other UG ordinances (ex: fees charged)
- Administrative/Technical provisions to meet State of Kansas requirements (ex: notice requirements, fire sprinklers)
- Amendments that had been approved in prior Code Adoptions (ex: expanded definitions)
- Exceptions provided for Ground Fault Circuit Interrupters (GFCI) requirements in Garages, Accessory Buildings and Unfinish Basements
- Exception provided for Arc Fault AFCI protection on smoke detector/fire alarm circuit.

Our Amendments Proposed to this Code (Energy Provisions):

Option A Amendments Proposed:

- 1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-13
- Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing **is** required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances -This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities ~~shall not be~~ are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- Table N1106.4 - This Table was amended to an ERI of 80.

Option B Amendments Proposed:

- ***Table 1102.1.2 (R402.1.2) -Wood frame wall cavity insulation amended to R-15***
- Section N1102.4.1.2 - Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing **is** required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities ~~shall not be~~ are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- ***Table N1106.4 -This Table was amended to an ERI of 75.***

Option C-2018 IRC (Energy sections) code as written – No Amendments

Upon Approval -Timeline of Implementation

- New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body.
- If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under. If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under codes in place at the time of resubmittal.

Staff Request for Commission Action

Tracking No. 211766

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Alley Porter	x5101	aporter@wycokck.org	Administrator's Office

Item Description:
Request approval to disburse 2022 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners, submitted by Alley Porter, County Administrator's Office.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Casino Grant Recommendations FINAL 6.28.22

UNIFIED GOVERNMENT/HOLLYWOOD CASINO/2022 GRANT DESIGNATIONS

Organization	Project Title	Request Amt.	Garner	Burroughs	Bynum	McKiernan	Markley	Ramirez	Johnson	Kane	Townsend	Davis	Stites	Recommended	%
Argentine Betterment Corporation	Argentine Strong	$85,000					$14,000	$15,000						***$29,000***	34%
ABC fiscal agent for American Legion 213	Youth Softball Field Renovation Project	$61,600												***$0***	0%
Avenue of Life	Impact KCK Health & Wellness Relief	$75,000			$1,500	$10,454					$3,000			***$14,954***	20%
Bethel Neighborhood Center	Bethel Health Education & Enrichment Program	$35,000	$5,000		$1,500	$2,500								***$9,000***	26%
Bike Walk KC	Safe Routes to School	$50,000												***$0***	0%
Bishop Ward High School	Cyclones Wellness	$27,500				$1,000			$1,000	$7,000				***$9,000***	33%
Blessed Sacrament Catholic Church	Fitness Program	$9,000			$1,000				$1,000					***$2,000***	22%
Bonner Springs/Edwardsville Education Foundation	Bonner Springs/Edwardsville Healthy Life Initiative: Promoting Healthy Communities	$42,000		$3,500									$11,409	***$14,909***	35%
Boston Daniels Urban Arts, Inc	Boston Daniels Park	$35,000	$5,000						$5,000					***$10,000***	29%
Boys & Girls Clubs of Greater Kansas City	Heathly Lifestyles Program	$21,000												***$0***	0%
Catholic Charities of Northeast Kansas	Fresh Foods for Better Health	$7,500												***$0***	0%
Central Avenue Betterment Association	Central Avenue Tree Planting Project	$16,500				$9,000								***$9,000***	55%
Central Avenue Betterment Association	Free Wheels for Kids (FW4K)	$30,000												***$0***	0%
Challenger Foundation dba Future Kids	Soccer in the Community	$5,000												***$0***	0%
Community Boxing & Fitness	Recharging Fitness: Mind & Body through Boxing	$10,000	$6,600	$2,500	$2,000						$4,000	$3,339		***$18,439***	184%
Community Garden Inc.	Community Garden Building	$56,500					$14,000							***$14,000***	25%
Community Housing of Wyandotte County Inc	CHWC Food & Urban Farming	$10,000	$5,000		$1,000	$2,000								***$8,000***	80%
Conerstones of Care	Food Assistance for Transition-Aged Foster Youth	$5,000												***$0***	0%
Cross-Lines Community Outreach	Cross-Lines Community Market	$35,000			$1,159	$7,000					$1,000			***$9,159***	26%
Cultivate KC	Juniper Gardens Training Farm	$7,500			$1,000	$1,000					$2,000	$3,339		***$7,339***	98%
El Centro	Promotora Cuidate! Project	$15,060	$5,000		$1,000	$1,500		$5,000				$3,339		***$15,839***	105%
Feed His Lambs Foundation	Hunger Relief - Meal Distribution	$40,000	$5,000										$8,000	***$13,000***	33%
First Baptist Church	Adventures in Historic Kansas Places	$10,000			$500				$1,000					***$1,500***	15%
First Tee of Greater Kansas City/Sunflower Hills Junior Golf Course	Sunflower-a safe and healthy place to grow up	$30,000												***$0***	0%
Food Equality Initiative	Nutrition Access & Education Program (NAEP)	$15,000												***$0***	0%
Friends of Yates	The Living Healthy & Well Domestic Violence (DV) Program	$60,000	$5,000	$5,000	$2,500				$5,000		$4,000			***$21,500***	36%
Gilda's Club Kansas City	Learning Series for Cancer Patients & Families	$1,020												***$0***	0%
Girl Scouts of NE Kansas & NW Missouri	Healthy Lifestyles	$25,000												***$0***	0%
Girls on the Run Serving Greater Kansas City	Active Living through Girls on the Run	$30,000												***$0***	0%
Giving the Basics	PAL Partership for Health & Dignity	$5,000				$1,000					$1,000			***$2,000***	40%
Grandview Park Presbyterian Church	ADA Door & Ramp	$5,000			$1,000									***$1,000***	20%
Harvesters - The Community Food Network	BackSnack	$10,000				$1,000					$1,000			***$2,000***	20%

UNIFIED GOVERNMENT/HOLLYWOOD CASINO/2022 GRANT DESIGNATIONS

Heart of America Council BSA	Kansas City, Kansas Scoutreach	$10,000								$3,909				***$3,909***	39%
Hillcrest Ministries of MidAmerica Inc, dba Hillcrest Transition Housing	Improving Health for Homeless Youth in Kansas City, Kansas	$20,000		$6,000	$2,000	$5,000		$10,000		$5,000	$1,000			***$29,000***	145%
Organization	**Project Title**	**Request Amt.**	**Garner**	**Burroughs**	**Bynum**	**McKiernan**	**Markley**	**Ramirez**	**Johnson**	**Kane**	**Townsend**	**Davis**	**Stites**	***Recommended***	**%**
Historic Northeast-Midtown Association, Inc. dba Groundwork NRG	Learn to Earn (LTE) 2022-2023	$24,000			$2,500				$5,000		$4,000			***$11,500***	48%
Historic Westheight Neighborhood Association	Dottes Let's Get Moving/Fruit for the Elders	$9,610			$1,000				$4,409					***$5,409***	56%
Jegna Klub	Connecting the Dottes	$435,789										$3,339		***$3,339***	1%
Junior Achievement of Greater KC	Financial & Physical Health at JA BizTown	$30,000												***$0***	0%
Justice for Wyandotte	The Healing Circle	$20,000										$3,339		***$3,339***	17%
Kansas City Ballet Association	Reach Out & Dance (R.O.A.D.) Increased Access to Dance in the Turner Unified School District	$5,000					$1,910							***$1,910***	38%
Kansas City Community Gardens	Helping Community Members Alleviate Economic Pressures by Growing their own Food	$7,500												***$0***	0%
Kansas City Kansas Baseball Association	KCKBA Northeast Jayhawk Youth Baseball League	$6,000									$3,000			***$3,000***	50%
Kansas City Kansas School Foundation for Excellence, Inc/WyCo Back to School Fair	Wyandotte County Back to School Fair	$10,000			$1,000							$3,339		***$4,339***	43%
KC Blind All-Stars Foundation	PE Needs & Water Supply for the Athletic Track at the Kansas State School for the Blind	$10,926	$5,310		$1,000				$2,000					***$8,310***	76%
KC United! Youth Sports & Education Initiative	#DREAM BIG 2022	$40,000			$2,000				$3,000		$1,409			***$6,409***	16%
KCK Farmers Market	Communications & Outreach for 2022 KCK Farmers Market	$8,100												***$0***	0%
Kiwanis Cub of Kansas City West	Kiwanis KCKS West Weekend Snack Packs	$17,154			$500					$2,000				***$2,500***	15%
Mercy & Truth Medical Missions	Moving Forward with Mercy & Truth	$95,000			$2,500				$2,500					***$5,000***	5%
Metropolitan Lutheran Ministry	Healthy Living for Wyandotte Families in Poverty	$20,000												***$0***	0%
Mt Carmel Redevelopment Corp, Inc	Healthy Eating & Living Program	$13,587			$1,000				$4,000			$3,339		***$8,339***	61%
Murals of Inspiration	Northeast Project	$60,000			$1,000					$5,000	$1,000	$3,339	$2,000	***$12,339***	21%
National Agriculture Center & Hall of Fame	Barnyard Babies & Sweet Corn Festival	$30,000			$2,000								$5,000	***$7,000***	23%
New Life Advocacy Inc	Community & Culture	$14,780												***$0***	0%
Oak Ridge Youth Development Corp	"Summer Enrichment Program"	$40,000	$5,000		$2,000					$3,500	$1,000	$3,339		***$14,839***	37%
Our Spot KC	Outreach on Wheels	$15,000										$3,339		***$3,339***	22%
Parkinson's Exercise & Wellness Center	Bringing Parkinson's Disease Resources & PD-Specific Exercise to KCKS	$42,500												***$0***	0%
Piper Soccer Club	Field Space	$25,000			$2,000					$11,000				***$13,000***	52%
Police Athletic League of KCKS	Police Athletic League of KCKS Prorgrams & Operating	$90,000	$5,000	$7,500	$2,500	$8,000				$5,000			$5,000	***$33,000***	37%

UNIFIED GOVERNMENT/HOLLYWOOD CASINO/2022 GRANT DESIGNATIONS

Organization	Project Title	Request Amt.	Garner	Burroughs	Bynum	McKiernan	Markley	Ramirez	Johnson	Kane	Townsend	Davis	Stites	*Recommended*	%
Quindaro Development Corporation	2022 QDC Summer Enrichment Program	$8,000			$1,000						$5,000			***$6,000***	75%
Rosedale Development Association	Advancing Rosedale Community Health (ARCH) Project	$20,000		$3,500				$10,000						***$13,500***	68%
Salvation Army-Kansas & Western Missouri Divisional Headquarters	The Salvation Army of KCK & KICK Ministries Partnership	$10,000			$3,000							$3,339		***$6,339***	63%
The Children's Campus of Kansas City, Inc	CCKC Playground	$30,000				$4,000	$2,000		$4,000					***$10,000***	33%
The Family Conservancy	Healthy Parents, Healthy Kids	$20,000				$3,000					$1,000			***$4,000***	20%
The Farm School at Gibbs Road	Let's Grow Wyandotte!	$15,725		$2,500	$2,000		$5,000							***$9,500***	60%
The Lutheran Mission of the Good Shephard of Kansas City/Immanuel Community Outreach Assoc.	Improving Life in Argentine	$20,000												***$0***	0%
The Village Initiative Inc	At-Risk Youth in Wyandotte County	$80,000	$5,000		$2,000				$2,500		$5,000	$3,341		***$17,841***	22%
The Wyandotte County Parks Foundation	Bridle Trail Restoration-Project 1	$22,600			$2,000					$3,000				***$5,000***	22%
Turner Community Connection Inc	Matney Park	$8,000			$1,000		$1,500							***$2,500***	31%
Turner Recreation Commission	TRC Fueling Station	$50,000					$5,000							***$5,000***	10%
United Way of Greater Kansas City	Community Health Improvement Plan	$50,000			$4,000	$4,000								***$8,000***	16%
Urban Scholastic Center	Urban Scholastic Center Free Food Pantry	$25,000	$5,000						$2,000					***$7,000***	28%
Vaughn-Trent Community Services Inc	Bonner Springs-Edwardsville Fresh Foods Program	$20,000	$5,000	$5,000									$10,000	***$20,000***	100%
Victory Hills Baptist Church	Building Healthy Communities	$10,000										$3,339		***$3,339***	33%
Working Families' Friend	Emergency Assistance	$20,000		$7,500						$3,000			$2,000	***$12,500***	63%
Young Men's Christian Association of Greater Kansas City	Addressing Food Inseurity in Wyandotte County	$22,417			$2,000									***$2,000***	9%
Young Women on the Move	Healthy KCK Teen Initiative	$30,000			$2,000				$1,000		$5,000			***$8,000***	27%
Youthfront	City Splash	$41,480												***$0***	0%
Totals			$66,910	$43,000	$56,159	$60,454	$43,410	$40,000	$43,409	$48,409	$43,409	$43,409	$43,409	***$531,978***	
														****formula rounded***	

Mayor Garner: Carryover funds of $23,500 for a total of $66,909.09 to designate.

Cmr. Bynum: Carryover funds of $12,750 for a total of $56,159.09 to designate.

Cmr. McKiernan: Carryover funds of $17,045 for a total of $60,454.09 to designate.

Cmr. Kane: Carryover funds of $5,000 for a total of $48,409.09 to designate.

Staff Request for Commission Action

Tracking No. 211787

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/24/2022	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

Item Description:
A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and LiUNA Union, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
22 06 27 LiUNA! Resolution, LiUna Signed Agreement, 8ED3445-Streets Addendum - 6 27 22 clean with TOC, 8ED2679-Parks Addendum - 6 27 22 clean with TOC, 8ED3070-Fleets Addendum - 6 27 22 clean with TOC, 8ED3509-Transit Addendum - 6 27 22 clean with TOC

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and LiUNA! Public Service Employees Local Union 1290 for the period from January 1, 2020 through December 31, 2023.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ___ DAY OF _____, 2022.

_____
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty S. Brown
Chief Counsel

MEMORANDUM OF AGREEMENT

Between

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

And

LiUNA!

Public Service Employees
LOCAL UNION 1290

2020-2023

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MEMORANDUM OF AGREEMENT

ARTICLE 1 - PREAMBLE

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter called "Employer" or "UG") and the Laborers' International Union of North America (LiUNA!), Local Union 1290, (hereinafter called "Union") desire to provide better employee services to UG, a better understanding between UG and its employees, and better working conditions for the affected UG employees; and

WHEREAS, the qualifications, tenure, compensation and working conditions of public employment can now become a matter of agreement between UG and Union to the extent permitted under K.S.A. 75-4321, et seq.; and

WHEREAS, the parties hereto desire to standardize salaries, hours of work, working conditions, health and safety measures and procedures for the settlement of differences for certain UG employees in the Street Maintenance and Fleet Services Division, the Park Maintenance Division for the Parks and Recreation Department, the Transit Department and Sunflower Hills Golf Course, according to the following Memorandum.

ARTICLE 2 - RECOGNITION

Section 2.1: The Employer agrees to recognize the Union as the sole and exclusive bargaining representative for the hourly employees in the Street Maintenance and Fleet Services Division, the Park Maintenance Division for the Parks and Recreation Department, the Transit Department and Sunflower Hills Golf Course.

Section 2.2: Only part-time employees employed within the bargaining unit positions defined as "Part-time A or B employees" by the UG's Human Resource Guide, shall be recognized as having rights created by the terms and conditions of this Agreement. Part-time A or B employees shall only be entitled to those employment benefits and to the extent set forth for them in the definition section of the UG's Human Resource Guide. Part-time employees shall not establish seniority for any purposes set forth in this Agreement, unless and until they become full-time employees and then their seniority commences from that date of full-time employment.

ARTICLE 3 - MANAGEMENT RIGHTS

Section 3.1: It is the intention of the parties hereto that the UG retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon.

The exclusive rights of the UG shall include, but are not limited to, its right to determine the qualifications of its employees; to establish or continue policies, practices and procedures for the conduct of the UG and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations or to discontinue their performance by employees; to select, determine and schedule the number and type of employees required; to assign work to such employees in accordance with the requirements determined by the UG; to establish and change work schedules; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to subcontract work; to discipline, suspend or discharge employees for just cause; to maintain the efficiency of the governmental operation; to lay

off employees; to take actions as may be necessary to carry out the mission of the UG in emergencies; to determine the methods, means and personnel by which operations are to be carried on; to develop Standard Operating Procedures, Rules of Discipline and Rules and Regulations not in conflict with this Memorandum, to establish and maintain reasonable standards for wearing apparel and personal grooming and all other prerogatives and responsibilities normally inherent in management of the UG which are not in conflict with the specific provisions of this Memorandum.

All management rights, power, authority and functions other than those relinquished by the UG in this Memorandum shall remain vested exclusively in the UG.

Section 3.2: The number of employees to be employed is at the sole discretion of the Employer. The fact that certain job classifications, salaries and wage rates are established, does not mean that the Employer must employ persons for any or all such classifications, or to staff any particular piece of equipment or vehicle that happens to be on the work, unless, in the sole opinion of the Employer, there is a need for such employee.

ARTICLE 4 - ENTIRE MEMORANDUM OF AGREEMENT

Section 4.1: This Memorandum of Agreement supersedes and cancels all previous agreements, oral or written, and all existing unwritten practices between the UG and the members of the Union or the Union itself and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein, which are subject to UG Ordinances existing at the date of this Memorandum. Any conflicts which may exist between existing UG Ordinances and provisions of this Memorandum of Agreement shall be determined in favor of this Memorandum. Any amendment or agreement supplemental hereto shall not be binding upon either party unless

executed in writing by the parties hereto.

Section 4.2: The parties further acknowledge that during the negotiations which resulted in this Memorandum of Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Section 4.3: Therefore, the UG and the Union for the life of this Memorandum, each agree that the other shall not be obligated to negotiate collectively, but may, if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 5 - MILITARY LEAVE

Section 5.1: Any employee who voluntarily or involuntarily enters the Military service, including all Guard and Reserve units of the Armed Forces of the United States, may be placed on military leave of absence without pay.

Section 5.2: Any employee who is a member of the National Guard or any other component of the Military Reserve may be granted a leave of absence without pay to meet his military obligation in accordance with Federal law. Military obligation means required summer camps and meetings, and may or may not, in accordance with Federal law, include camps and training sessions attended voluntarily.

In either case, such employee shall comply with existing Federal law and regulation and shall

comply with UG procedure in requesting such leave and upon his separation from the service he shall be entitled to such benefits accruing to him under existing Federal laws and regulations.

Section 5.3: Any employee on military leave shall report for duty with the UG within ninety (90) days of his separation from service on his initial tour of duty or the employee will be considered as having voluntarily resigned.

Section 5.4: An employee's paid leaves (e.g. sick leave, holiday, vacation, etc.) shall only accrue during military leave when required by law.

Section 5.5: Employees may request, and be allowed to use, any accrued vacation time for military service, provided, that the employee has requested and received permission from the Division Head.

ARTICLE 6 - UNION STEWARDS

Section 6.1: The Union shall appoint a Chief Steward, and stewards within Parks, Transit, Streets and Fleets to enable the timely processing of grievances. All Stewards shall be subject to the same terms and conditions of employment as any other employee, and they shall not be discriminated against by reason of the fact that they are serving as Stewards.

Section 6.2: Stewards shall be working employees who shall, in addition to their regular work to be permitted reasonable time to perform, during regular working hours, their duties as Stewards, including the adjustment of grievances, as cannot be performed at other times. All Stewards must request, and receive, their Supervisor's permission to perform Union work, and may not leave an assigned work area without such permission. The Union hereby agrees that all such duties shall be performed as expeditiously as possible.

The union may have no more than five (5) stewards designated as part of the Union negotiating team who may remain in pay status for negotiating with the UG during regular work hours. These Union team members will not be in pay status for time spent negotiating outside the specific team member's regular shift. For purposes of this agreement, negotiation includes caucuses held in conjunction with the negotiation sessions. The Union must designate up to and including the five (5) stewards no later than the first bargaining session and cannot substitute for the designated stewards unless a designated steward is no longer a bargaining unit member.

Section 6.3: In the absence of a duly authorized Steward, the Chief Steward shall handle all grievances at the particular location when called upon to do so. The Chief Steward shall receive full pay and benefits while in the process of conducting these duties. The Union hereby agrees that all such duties shall be performed as expeditiously as possible.

Section 6.4: The Employer shall notify the Union each time a Steward is transferred or discharged.

Section 6.5: The Union shall notify the Employer of any change in the status of Stewards. Such notification shall be in writing and shall be addressed to the Department Head.

ARTICLE 7 - HOLIDAYS

Section 7.1: The following days are to be recognized as paid holidays:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day

8. Labor Day
9. Veterans Day
10. Thanksgiving Day
11. Friday after Thanksgiving Day
12. Christmas Day

Section 7.2: In addition to the above enumerated holidays, employees covered by this Memorandum shall receive any additional days officially declared by the Unified Government Commission as paid holidays.

Section 7.3: To be eligible for any paid holidays, an employee must work his regularly scheduled shift preceding the holiday and the regularly scheduled shift immediately following the holiday or on paid leave which has been pre-approved at least twenty-four (24) hours before the scheduled day off. The time periods for all such holidays shall be 12:01 a.m. to 12:00 midnight.

ARTICLE 8 - SICK LEAVE

Section 8.1:

A. Entitlement

1. All permanent employees shall accumulate leave with pay on account of sickness or non-duty related injury at the rate of one and one-fourth (1/4) calendar day (ten equivalent hours) for each calendar month of full service by such employees.
2. Sick leaves shall not accumulate during general leaves of absence, extended military leave, suspension or layoff.
3. Employees must actually work or be credited with working at least twelve (12) days per month in order to accumulate the sick leave entitlement.
4. Employees who use accumulated sick should be compensated at their straight-time

wage rate.

B. Limitation of Accumulation

There shall be no limit on the number of sick days that the employee may accrue.

C. Termination and Retirement

All accumulated sick leave is abolished when the employee is separated from employment. However, if at retirement (or upon death while employed), the employee has sick leave on the books, he/she will receive a bonus: three (3) months pay is given as a reward to the employee who has at least ninety (90) working days of sick leave on the books; the reward for less than ninety (90) working days of sick leave is given by exchanging one (1) working day for one (1) calendar, and prorating at one-thirtieth (1/30) of a month for each calendar day.

D. Use Provisions

The payment to an employee of paid sick leave shall be subject to the following rules:

1. Sick leave must represent cases of bona fide sickness or disablement. Sick leave may only be used for the purpose for which it was intended, that being to provide an employee with protection against a loss of pay due to a bona fide illness or injury. Sick leave may be utilized for maternity leave, or physical or mental illness. If an employee is off more than two (2) consecutive assigned shifts he will be required to bring proof of a bona fide illness or injury.
2. The granting of sick leave shall be at the determination of the Director or his designee.

3. The employee shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness at least one (1) hour before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

4. If an employee within any twelve (12) consecutive month period has: (1) used more than seventy-two (72) hours of sick leave; ***or*** (2) used three (3) or more sick leave occasions immediately before or immediately after their regular days off, or any paid leave, he shall be classified as an "excessive user of sick leave." The employee shall be notified in writing when he is placed in this category. When an employee is so classified, he shall be subject to the following rules concerning use of sick leave:

   a. After an employee has been notified in writing that he has been classified as an excessive user of sick leave, on the next sick leave he shall furnish a statement from a physician to the Director or his designee. The statement shall contain the physician's report as to the probable length of time of the necessary sick leave and the physician's statement that the employee was unable to work on the day(s) that he was absent due to illness or injury.

   b. If the employee does not furnish a physician's statement as provided, he shall be subject to the following discipline:

      1. 1st offense - Three (3) work days suspension without pay.

      2. 2nd offense - Five (5) work days suspension without pay.

3. 3rd offense - Ten (10) work days suspension without pay.

4. 4th offense - Termination.

c. The "excessive user" employee may be subject to termination if within the twelve (12) months following their classification as an "excessive user":

1. Uses sick leave (or other paid time off or docked time in lieu of sick leave) on five or more occasions; or,

2. Uses two or more sick leaves (or other paid time off or docked time in lieu of sick leave) immediately before or immediately after their regular days off, vacation days, holidays, or any paid leave of absence.

d. Any sick leave hours used or any sick leave occasions prior to July 1, 2022 shall not be used for purposes of this Section 7.1(D)(4).

5. The UG will provide an account of sick leave used on a monthly basis with a copy also being provided to the union only at year end.

E. Dual Employment Prohibition:

Employees on sick leave are prohibited from being gainfully employed by any employer other than UG.

F. Holiday Pay:

Holiday pay will be applied in lieu of sick leave credit for an employee absent on a holiday because of illness, provided the employee has sick leave credits available.

G. Return to Work Release:

After any extended illness an employee shall be required to provide a release from a

hospital or physician that the employee is able to return to duty.

Section 8.2: SICK LEAVE BUY BACK

Beginning December 1, 1997 and each December thereafter, regular employees who have a minimum of two hundred and forty (240) hours of accrued and unused sick leave may, on an annual basis, elect to covert sick time to payment on a one to one conversion rate, at the employee's regular base rate of pay, based on the employee's utilization of sick leave since December 1 of the prior year.

The maximum conversion rates are listed below:

Maximum Number of Sick Days Sick Leave Hours Used	Maximum Number of Hours for Conversion	to convert
0-7.9	5	40
8.0-15.9	4	32
16.0-23.9	3	24
24.0-31.9	2	16
32.0-39.9	1	8
40 or more	Not Eligible	0

Section 8.2: SICK LEAVE DONATION

a. Employees may donate up to 40 hours of sick leave to employees who are off sick as a result of a catastrophic or life-threatening illness or injury or any other qualifying illness or injury, as determined by the Employer, and who have exhausted their sick

leave credits, vacation time, and compensatory time. Donating employees must have at least 100 hours of sick leave accrual remaining after their donation. The donating employee may specifically designate to whom the donated hours may be given.

b. Donated sick leave will not be converted into any other compensation. Donated sick leave will not be paid out upon separation. Once donated, sick leave cannot be returned to the donor.

c. Employees on workers' compensation leave or receiving disability payments from a UG sponsored disability policy are not eligible for donated sick leave. Employees disciplined for violation of the sick leave policy set forth in this contract during the previous twelve (12) months are not eligible to receive donated sick leave. Employee must have successfully completed their probationary period in order to be eligible to receive donated sick leave.

ARTICLE 9 - PROBATIONARY PERIODS

Section 9.1: All employees shall be subject to a probationary period of six (6) months duration from their date of hire. Upon completion of the probationary period, the employee shall be considered permanent and shall be accorded all rights and privileges available to all other employees. This section shall not apply to seasonal or summer employees.

Section 9.2: Any interruption of employment (leave, sickness, injury, etc.) in excess of five (5) working days, during the probationary period shall not be counted a part of the probationary period.

Section 9.3: Probationary employees may be discharged or disciplined at the sole discretion

of the UG without recourse to the provisions of this Memorandum. Probationary employees shall not accrue seniority until the completion of their probationary period, but upon completion of the probationary period shall be credited with seniority to their date of hire.

Section 9.4: No employee shall be allowed to avail himself of paid sick leave until he has completed his probationary period with the UG.

Section 9.5: Probationary employees shall accrue sick leave from their date of employment, but may not use such accrued sick leave until the successful completion of their probation. Probationary employees shall not have their probation extended beyond six months except where § 9.2 is applicable.

ARTICLE 10 - UNION DUES AND AUTHORIZATIONS AND UNION RIGHTS

Section 10.1: Upon delivery to the Employer of a proper written authorization and assignment, the UG agrees to deliver to the Union, as hereinafter provided, the regular dues, supplemental dues and initiation fees of those employees.

Section 10.2: The written authorizations and assignments, signed by the employee for whom the deductions are to be made, shall be on a form in compliance with law. Said authorization and assignment shall be effective until the employee gives written notice to both the Employer and the Union of said employee's desire to terminate the assignment. Such written notification to terminate the assignments will become effective only on the one year annual, recurring anniversary of the employee's execution of their authorization for representation card.

Section 10.3: Where the Employer has received from an employee covered by this Memorandum of Agreement an authorization and assignment, the Employer agrees to deduct from

the pay check of the employee such sums monthly as shall be from time to time established and certified by the Union to the UG.

Section 10.4: The Employer agrees to transmit the total amount of the initiation fees and dues to the Union on or before the end of each month.

Section 10.5: Each month the Employer shall furnish the Union a copy of the payroll deductions for Union dues of all employees covered by this Memorandum.

Section 10.6: The Union shall have reasonable access to the premises of the Employer for the reason of administration of this Agreement. Union representatives who are not employed by the UG may have access to non-work areas upon written or electronic request and upon approval of the Department Director, or his/her designee which request shall be responded to within one (1) business day.

Section 10.7: UG shall make every reasonable effort to provide new employees with an orientation program within a reasonable period of time after initial employment. New bargaining unit employees shall be informed of the Union's representation and the identity of the designated Union representative who may provide further information. UG shall also distribute to new bargaining unit employees informational packets about the Union, which packets shall be prepared, printed and delivered by the Union to the UG Human Resources Department.

ARTICLE 11 - WORKING RULES

Section 11.1: Any employee may be temporarily shifted by the Employer from one classification of work to another, from one piece of equipment to another, or from one shift to another, provided, that the employee is immediately capable of performing the work and is paid the

rate of pay of the higher classification, if different. The Unified Government shall provide employees ten (10) work days' notice of any temporary change in their work shifts. The employer may step employees up to a higher classification for a period of one-hundred twenty (120) work hours without being required to pay a step-up rate of pay, when the step up is for training purposes, once the employee has been fully trained and/or certified in that higher classification, he shall be compensated at the higher rate for each shift that he performs the duties of the higher classification when so directed by his supervisor.

Section 11.2: The Employer shall furnish clean, fresh drinking water and ice at work starting time, or just as soon as possible thereafter, on all jobs, as needed.

Section 11.2: In cases of snow removal or other emergency work, an employee shall not be required to work more than six (6) consecutive hours without a lunch period. In addition, no employee shall be required to work more than sixteen (16) consecutive hours in any twenty-four (24) hour period. Such twenty-four (24) hour period shall be deemed to have started as of the time the employee reported for duty.

Section 11.3: All employees required to operate vehicles in excess of 26,000 pounds, who transport hazardous materials and employees involved in vehicle maintenance and repair or employees involved in the transport of passengers shall be required to acquire and/or maintain a Kansas commercial driver's license with the proper endorsements in order to continue in their employment. Additionally, employees who operate UG vehicles or equipment which require only a regular Kansas driver's license, must maintain said license in order to continue in their employment.

Section 11.4: Whenever the Employer has just cause to suspect that the physical or mental

condition of an employee is endangering their own health or the safety of fellow workers or citizens, the employee may be requested to submit to an examination by a physician, psychiatrist or psychologist of the UG's selection, without expense to the employee, and said employee must submit to same examination. The examination shall only be for the purpose of determining his physical or mental condition relative to UG employment.

Section 11.5: Tardiness

a) Employees reporting late for work shall be docked according to the following schedule:

1 to 15 minutes late.....No penalty. (See Section 5.10(b))
16 to 30 minutes late.....Penalty of 1/2 hour's pay.
31 to 60 minutes late.....Penalty of 1 hour's pay.
Over 60 minutes late.....Penalty of all pay for the time missed until the employee reports to the job site.

b) Employees who are tardy by more than three (3) minutes or fail to punch their time card three (3) times in a consecutive twelve (12) month period shall be given a written warning upon their third tardiness or failure to punch time card and upon being tardy or failing to punch their time card on any additional occasions within that same consecutive twelve (12) month period shall be subject to the following discipline:

Fourth offense:	1 day suspension without pay.
Fifth offense:	3 day suspension without pay.
Sixth offense:	5 day suspension without pay.
Seventh offense:	10 day suspension without pay.
Eighth offense:	Termination.

Employees who are tardy by three (3) minutes or less may be required to work up to three (3)

minutes past the end of their regularly scheduled shift.

c) When Employees are notified that they are subject to discipline for failure to punch-out on their time card at the conclusion of their work shift they may discuss such notification with their immediate supervisor and, if that supervisor agrees in writing that the employee worked the time in dispute, the discipline shall not be imposed.

d) Employees, at their request, shall be allowed to review their own time records to determine the number of tardies occurring during the previous 12 months.

ARTICLE 12 - SENIORITY

Section 12.1: It is agreed that upon completion of the probationary period, employees shall be credited with seniority from the employee's last date of full-time employment in a bargaining unit position.

Section 12.2: An employee's seniority accumulation shall be interrupted during any period of time the employee is on approved leave of absence without pay in excess of thirty (30) calendar days, and seniority accumulation shall resume when the employee properly returns to full-time work at the end of such leave.

Section 12.3: An employee's seniority shall terminate if: an employee quits or resigns; is laid off for a period of one (1) year or more; fails to report to work after an approved leave of absence or layoff within ten (10) calendar days following delivery to the employee's last known address of notice to return to work; or, if an employee is discharged for just cause.

Section 12.4: Seniority lists shall be furnished to the Union and posted on employee bulletin boards. These lists shall be updated in January and July of each year.

Section 12.5: Each physical location covered by this Memorandum shall maintain a seniority list for use in the scheduling of vacations. An employee transferring from one location to another shall be dovetailed into the seniority list of the new location and removed from the seniority list of the old location.

ARTICLE 13 - LAYOFFS AND RECALLS

Section 13.1: Permanent employees may be laid off due to a reduction in force or for other reasons. Such employees are subject to recall for a period of one (1) year. Layoffs due to reductions in force shall be made by Division, by job classifications and seniority within those job classifications. All affected Divisions and job classifications shall be determined by the Employer. Any employee laid off or displaced from his job, due to reduction in force, shall be permitted to displace a junior employee in any position for which he has Bargaining Unit Seniority and qualifications. An employee shall have not to exceed ten (10) work days to demonstrate his qualifications and ability to properly perform the duties of the job at the determination of the immediate supervisor.

Section 13.2: Laid off employees are considered to take preference over all new applicants for position openings in the job classification from which the employee was laid off. This shall not be interpreted as the promise of a new job, but only as the stated intent to recall laid-off employees if openings occur for which they may qualify.

Section 13.3: Re-appointment to any UG position after one (1) year from the date of the lay-off is not considered a recall, but a rehire. A re-hire carries no benefits with it, and is the same as new employment.

Section 13.4: The term "recall" shall apply only to those employees separated from UG employment by a layoff. Re-employment after resignation or discharge (or beyond one (1) year after the layoff date) shall be considered new employment and not a recall.

Section 13.5: Accepting any permanent UG position constitutes a recall and shall automatically remove the employee's name from the recall file.

Section 13.6: If the department call's employees back to work, the recall shall be in reverse order of the layoff within the appropriate job classifications. Employees to be recalled must be physically capable of performing and qualified to perform the work.

Section 13.7: When contacting a laid-off employee for recall, the employee must report to work within ten (10) working days following such contact. Failure to report within this period shall remove the employee's name from the recall file.

Section 13.8: The department shall have fulfilled its stated obligation to the laid-off employee if it makes one bonafide offer comparable in duties and wages to that from which the employee was laid-off. Any laid-off employee who declines an offered position shall be removed from the recall file.

ARTICLE 14 - PROMOTIONS

Section 14.1: It is understood and agreed that it is the responsibility of the Employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including training, performance, ability, education, and experience of bidding employees for a vacant position.

Section 14.2: In order to qualify for a permanent promotion, an employee must be able to

immediately perform the job.

Section 14.3: When any permanent job vacancy exists in a bargaining unit position, the UG may determine within a reasonable period of time from the declaration of the vacancy by the UG, whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within a reasonable period of time from the determination to fill it. However, even if the Employer initially determines not to fill a position, the Employer expressly reserves the right, at any later time, to determine that such position should be permanently filled and may then post the same for bid.

Section 14.4: If the employer determines that a position which requires a vacancy is to be permanently filled, the following procedure shall govern:

a. Transfers: Such job vacancies shall first be posted for a period of seven (7) calendar days for qualified employees to request a transfer to these positions when applicable as provided herein. Qualified employees within the same or greater job classification and employed within the same Department or Job Classification as the posted position, may request a transfer to the permanent posted vacant position. If more than one qualified employee is requesting a transfer to fill the permanent vacancy, then the more senior employee (job classification seniority) shall receive the transfer. Successful applicants for the transfers shall be required to remain in that new position for a minimum period of twenty-four (24) months. Transfers under this section shall be limited to one (1) transfer per calendar year in or out of any particular District or Job Classification, or if no District or Job Classification exists then within a Department, Division or Job Classification. The transferred employee(s) shall accept whatever vacation times which are assigned to them for the remainder of that year in which the transfer occurs. The vacancy created by the transferring employee vacating his original position shall not be filled by another transfer but may be filled through the bidding procedure set forth in sub-paragraph (b) herein, at the discretion of the UG.

b. Bid Posting Within the Bargaining Unit: If the permanent vacancy is not filled by the procedure set forth in sub-paragraph (a) herein, such job

vacancies shall be posted to be filled by bargaining unit members for not less than seven (7) calendar days along with information relating to the qualifications required for the position, the department and the location of the position and the assigned hours of the job at the time of the bid, which hours are subject to change at a later time.

c. Procedure for Filling of Position Within the Bargaining Unit: Vacancies posted pursuant to sub-paragraph (b) herein shall be awarded to the best qualified applicant considering the applicant's training, education, experience, performance and ability as long as such selection does not contravene any affirmative legal responsibility placed upon the UG, and if all qualifications are equal, then seniority shall control in selection of the employee to fill the job vacancy. Provided that, employees employed as Equipment Operator I's or II's who are seeking promotion to the next level of Equipment Operator (e.g. Equipment Operator II to Equipment Operator III) must be certified by the Department as being qualified to operate the equipment required to be operated for the promoted Equipment Operator position. Once those employees have been certified then selection for those vacant Equipment Operator II or III positions shall be governed by the seniority of the qualified (certified) employees.

d. In the event that a vacancy remains open after exhaustion of the procedure in sub-paragraphs (a) – (c) herein, the Employer may attempt to fill the vacancy by posting the vacancy to be filled by Unified Government employees outside of the bargaining unit or by outside applicants.

Section 14.5: Consistent with the UG's Affirmative Action Plan or applicable judicial decree, it is agreed that when reasonable, vacancies occurring in positions within the bargaining unit shall be filled by the promotion of qualified employees.

Section 14.6: Nothing herein shall prohibit the Employer from advertising for applicants for bargaining unit positions, which positions, within the UG's determination, require special education, training, ability, experience or certification, or for positions which have been posted and remain unfilled due to lack of bidders or lack of qualified bidders.

Section 14.7: When employees are promoted or transferred they shall serve a one-hundred

twenty (120) day promotion probationary period during which the UG may demote the promoted employee upon providing that employee and the Union with the reasons therefore. Employees, who are subject to the promotional probationary period, shall receive the pay commensurate with the position. The employee may grieve this decision as provided herein.

ARTICLE 15 - VACATION

Section 15.1: The following vacation entitlement schedule shall apply to all employees covered by this Memorandum. All vacation days shall be computed on the basis of working days.

Vacation Entitlement

Consecutive Years of Service	Entitlement
1-4	11 Working Days (88 hours)
5-8	17 Working Days (136
9-13	20 Working Days (160
14-19	25 Working Days (200
20 or More	28 Working Days (224

January 1st of each year shall be the date used to determine the number of consecutive years any employee has been employed with the UG.

Section 15.2: Employees shall not be required to take their vacation all at once. Generally, vacation time shall be taken in periods of five (5) consecutive working days or more. Provided, that for Departments engaged in snow removal no vacation of five (5) consecutive working days or more may be scheduled between the second Friday of November and the last Friday of February of each year. A written request must be made to the employee's supervisor at least two (2) working days

prior to the requested vacation leave. The request shall be granted or denied as soon as possible, but not less than twenty (24) hours before the first day of the requested vacation leave. Vacation may be taken in not less than one-half (1/2) day increments. As clarification, this agreement does not exempt any department from this provision.

Section 15.3: All but forty (40) hours of an employee's annual vacation entitlement shall be scheduled between January 15th and March 1st of each year. Employees must select their vacation preference(s) on the date the Employer requests the information. Seniority shall govern the scheduling of vacation. Seniority shall be exercised by the most senior employee selecting all of their vacation, but for the forty (40) hours which employees are permitted to schedule throughout the year, succeeded by the next most senior employee until all employees have scheduled all of their vacation, but for the forty (40) hours which employees are permitted to schedule throughout the year. If an employee does not select their vacation when requested to do so, they shall be assigned scheduled vacation leave by the Employer from those available vacation leave time slots remaining available after all other employees have selected their vacation. Any such vacation scheduled prior to March 1st, may be changed at the request of the employee provided that manpower permits the requested change. A change request from an employee must be submitted at least one week prior to the scheduled vacation. Preference for vacation scheduling shall be made according to job classification seniority. Vacation request forms will be made available by January 15th of each year. Vacation scheduled on or after March 1 will be allowed on a first come, first served, basis.

Section 15.4: Any paid holiday that falls during an employee's vacation shall not be counted as a vacation day. The employee shall be granted an additional day of vacation under such circumstances.

Section 15.5: Pro-Rata Vacation

For the purpose of computing vacation hours, an employee shall earn one-twelfth (1/12) of his vacation hours for each month of service during the twelve month period preceding January 1 of each year. Each month in which an employee works fifteen (15) days shall be considered a month of service.

Section 15.6: The employee may be allowed to carry-over up to five (5) working days vacation. Any such carry-over shall be scheduled and used within the following calendar year. Otherwise, the accumulated vacation will be forfeited.

ARTICLE 16 - JURY DUTY AND COURT APPEARANCES

Section 16.1: Employees shall be granted a leave of absence with pay for required jury duty when such duty occurs during his regularly scheduled shift. Employees shall be granted a leave of absence with pay when otherwise required by applicable law or for other required appearances before a court when the employee appears in his capacity as an employee of the UG. Where an employee works a shift that does not correspond to the time when jury duty, court appearance or other appearance required by law, the employee shall be granted a leave of absence from the shift immediately following, if on evening shift, or immediately before, if on graveyard shift, the jury duty, court appearance or other appearance required by law. In all cases where the employee receives leave of absence under this section, the employee must provide adequate proof that he

actually appeared for the jury duty, court appearance or other appearance required by law. Failure to provide such proof within three (3) working days of the last day of absence will result in a three day suspension. On the next offense, the employment may be terminated.

Section 16.2: Employees absent from work because of jury duty shall be paid their regular rate of pay, less jury pay.

Section 16.3: Employees appearing in court as a witness in their capacity as UG employees shall be paid their regular rate of pay. Employees appearing in court in personal capacities shall not be entitled to this leave.

Section 16.4: Employees shall notify their immediate supervisors as soon as possible, but in no case less than two (2) working days in advance of the beginning of jury duty.

ARTICLE 17 - OVERTIME PROVISIONS

Section 17.1: All time worked in excess of the normal work day or normal work week or prior to the employee's regularly assigned shift on the day of that shift, shall be paid to the employee at the overtime rate of time and one-half (1 1/2) his classified wage rate. Employees who are required to work between the hours of 12:01 a.m. and 11:59 p.m. on Christmas day shall be compensated for the hours actually worked at the overtime rate of double time their classified wage rate.

Section 17.2: Employees who are physically at their regular work reporting location and are directed to work prior to commencement of their scheduled shift by appropriate supervision and do work prior to the commencement of their regularly assigned work shift and then consecutively continue to work their regularly assigned shift, shall receive a minimum of one (1) hour of pay at the

overtime rate for this call-in and work prior to their regular shift. UG may assign this pre-shift work to those employees who are present on the job site or the location where employees report to work.

Section 17.2: Employees who are called in to work outside of their regularly scheduled shift by appropriate supervision and do perform such work and such work is neither holdover work from their regularly assigned shift nor call-in work which immediately precedes their regularly assigned shift, shall receive a minimum of four (4) hours pay at the overtime rate for this call-in and work during that shift.

Section 17.3: When circumstances permit, employees may be retained for their regular work shift, provided that such retention does not conflict with the provision of Article 17, Section 3.

Section 17.4: Except in cases of emergency including snow removal, overtime work in excess of 12 consecutive hours shall be on a voluntary basis. Employees who have been required to work at least sixteen (16) consecutive hours shall be given an eight (8) hour unpaid rest period. If the employee's shift commences during their eight (8) hour rest period, the employee is excused from work until the expiration of the eight (8) hour rest period and the employee shall be paid at the straight time rate of compensation for the work shift or portion thereof from which the employee is excused.

Section 17.5: The UG is only required to reasonably attempt to contact the employee for overtime purposes. Employees will not be entitled to overtime in the event that they are missed on a call for overtime. It shall be deemed sufficient if the UG allows the employee's telephone to ring five (5) times without an answer or answer by an answering machine or voicemail. The UG may call the next employee in these situations. Also, if the employee is not immediately available to consent to

appearing for the overtime work, the UG may call the next employee.

Section 17.6: In the event a crew or an employee is working on a job or an assigned work task and it is necessary to work beyond their regularly scheduled shift to complete the job or assigned work task, the same crew or employee, if available, will be used regardless of the overtime status of the employees involved. This provision shall apply even if the necessary work to complete the job is not continuous.

Section 17.7: It is within the sole discretion of the UG to determine when employees working overtime should be released from work or replaced by other employees.

Section 17.8: When notified during their regular work shift or otherwise notified that they may be called for emergency overtime work including snow removal during their regular non-working hours, employees must be available to answer and respond to notice from the UG to work emergency overtime. If the employees are not then available they may be subject to discipline.

Section 17.9: Employees are required to respond to UG notices left on answering machines or voicemail at the earliest opportunity.

Section 17.10: When contacted for non-emergency overtime work employees contacted may refuse such work and the UG will then force the least senior, qualified employees to work such overtime. In emergencies including snow removal, employees must report to work overtime when contacted, otherwise, they are subject to discipline.

Section 17.11: Employees are required to provide the UG with a working residence and/or cellular telephone number where the employee may be contacted to work overtime.

ARTICLE 18 - LONGEVITY

Section 18.1: Employees shall be granted longevity time off with pay as follows:

Upon Completion of Hire Date Anniversary:

Continuous Years	Hours Per Year
5	16
10	24
15	32
20	40
25	48

Employees hired after February 1, 2022 shall not be entitled to longevity benefits.

Section 18.2: Longevity time shall not accrue from year to year. Any longevity hours unused will be cashed out to the employee at the end of the year at the employee's then straight time rate of pay. Such cash out shall not be considered hours worked during the pay period that the cash out payment is made.

Section 18.3: Longevity time may be granted with supervisor's approval consistent with the requirements of the UG and manpower availability. Except in an emergency, the employee must make prior written application for use of longevity time at least two (2) days prior to the requested longevity leave. Longevity leave may be taken in one-half (1/2) day increments. When longevity pay is used on an emergency basis, it must be used in 8 hour increments.

ARTICLE 19 - DISCHARGE AND DISCIPLINE

Section 19.1: The Employer agrees that it will discipline and/or discharge employees, except for probationary employees, only for just and proper cause. Discipline shall be issued no later than fifteen (15) working days either after the occurrence or the discovery of the incident or conduct and

the identification of the employee or employees who should receive discipline as a result thereof. The fifteen (15) day limit may be extended by mutual agreement of the parties. Probationary employees may be disciplined or discharged at the sole discretion of the Employer without recourse to the provisions of this Memorandum. Bargaining unit members shall be granted Union representation at disciplinary hearings, if they so desire.

Section 19.2: Progressive Discipline. The parties agree that employee discipline is most effective when discipline is proportional and progressive. As a result, the UG agrees that it will follow a "progressive" system of discipline. The parties acknowledge that any or all steps of the progressive system may be by-passed in cases of serious misconduct, poor performance, or other violations of policy and/or this Agreement.

If the Employer feels that an offense is flagrant and/or damaging to the UG or to the pertinent Division, the Employer shall have the right to impose appropriate discipline, including termination, regardless of the number of offenses.

The word "flagrant" for these purposes shall mean conduct which is conspicuously bad or objectionable, exceeding reasonable limits or conspicuously wrong, faulty or improper. Examples of "flagrant" conduct shall include insubordination, physical assault and/or battery upon a supervisor or another employee, incompetence in performance of duties, and gross neglect of duties.

Section 19.3: Employees who are justifiably terminated shall forfeit all employment benefits and rights except accumulated vacation days, retirement benefits in accordance with applicable law and any accrued wages.

Section 19.4: Upon separation from employment with the UG, all safety equipment, hard

hats, uniforms, vests, protective eye wear or other equipment provided the employee by the UG shall be returned. Failure to do so shall result in the employee's final paycheck(s) being withheld, as allowed by law, until all missing items are returned or replaced by the employee as permitted by K.S.A. 44-319(b)(3), provided that such withholding does not reduce the employee's compensation paid, less the withholding, to below the minimum wage under either State or Federal law.

Section 19.5: Employees, and/or members of their immediate families, who have or who may develop personal problems, which qualify for assistance under the UG's Employee Assistance Program, and which interfere with the employee's job productivity and/or ability to lead normal lives, may be required (or may submit voluntarily) to participate in the UG's Employee Assistance Program. Participation in this program shall be in accordance with the terms and conditions accorded other employees of the UG, as outlined in the UG Human Resource Guide, as may be amended from time to time.

Section 19.6: Employees under reasonable suspicion of drug or alcohol use shall be required to submit to the appropriate testing. Employees shall remain on the clock until they can be tested. Employees refusing to submit to such tests shall be subject to discipline. (See Alcohol & Drug Testing Article).

Section 19.7: Employees, who file grievances relating to a disciplinary suspension, shall not be required to serve such disciplinary suspension until completion of Step 3 of the grievance procedure when the suspension is for three (3) work days or less and completion of Step 4 if more than three (3) work days, unless the employee's violation is considered to be flagrant or the safety or health of employees or others are jeopardized or the employee is rendered legally incapable of

performing his job duties. Discharges, flagrant violations and discipline issued in accordance with Section 5.9 are excluded from this section.

Section 19.8: Employees who have exhausted all accumulated leaves and who are absent from work shall be subject to discipline for this unauthorized absence and shall not receive pay for this time, except in the case of catastrophic illness.

ARTICLE 20 - DURATION AND TERMINATION

Section 20.1: This Memorandum of Agreement shall become effective on January 1, 2020 and shall continue in full force and effect until midnight on the 31st day of December, 2023.

Section 20.2: Both parties to this Memorandum agree that this agreement shall continue in effect until the statutory impasse resolution procedure is fully exhausted or until a new Memorandum is placed into effect, whichever occurs first.

ARTICLE 21 - NO STRIKE OR LOCKOUT

Section 21.1: The Union hereby agrees that during the term of this Memorandum, the Union, its agents, or its unit members, will not authorize, instigate, aid, encourage, or engage in any work stoppage, slowdown, sickout, refusal to work, picketing, honoring of picket lines, or strike or walk-out against the UG, or any actions which are detrimental to the operations of the affected Departments of the UG. Any violation of this Article shall be the subject of disciplinary action, including discharge. The Union shall, within twenty-four (24) hours of the commencement of any such action, take all reasonable affirmative action to terminate such conduct.

Section 21.2: The Employer agrees that it will not lock out any employees during the life of this Agreement as a result of any labor dispute with the Union.

ARTICLE 22 - UG ORDINANCES

Section 22.1: The following sections of the Unified Government Human Resource Guide shall apply to all employees covered by this Memorandum:

Section	2.1:	Equal Opportunity in Employment
Section	2.2:	Harassment in the Workplace
Section	2.4:	Drug Free Workplace
Section	2.5:	Smoke Free Workplace
Section	2.6:	Selection of Employees
Section	2.7:	Residency Requirement
Section	2.14:	Employee Privacy and Access to Personnel Records
Section	2.15:	Speech Before the Board of Commissioners
Section	4.1:	Health Care Benefits
Section	4.2:	Employee Assistance Program
Section	5.5:	Bereavement Leave
Section	5.6:	Family and Medical Leave
Section	5.7:	Military Leave
Section	6.1:	Workers' Compensation and Injury Leave
Section	6.2:	Driver Safety and Accident Reporting
Section	6.5:	Use of Cell Phones or Electronic Devices While Driving
Section	7.3:	Responsible Use of Information Technology
Section	7.4:	Substance Abuse
Section	7.4A:	Substance Abuse Transit Department
Section	7.5:	Social Media

ARTICLE 23 - PERSONAL LEAVE

Section 23.1: Employees shall be granted the use of up to three (3) accumulated sick days annually for the purpose of conducting personal business that cannot be satisfied at other times. Such leave shall be considered "personal leave," and shall not be used in greater that one-day increments, nor in increments of less than two (2) hours.

Section 23.2: Personal leave must be approved by the supervisor and shall not be used in conjunction with holidays, and vacations or longevity days. Personal leave that is taken on a call in

or unscheduled basis must be used in 8 hour increments.

Section 23.3: Personal leave does not accrue from year to year.

ARTICLE 24 - MISCELLANEOUS PROVISIONS

Section 24.1: Notwithstanding any language herein to the contrary, this is a Memorandum of intent and not a contract. It is recognized that this Memorandum does not create a contractual obligation or liability on the part of the UG or the Employer. Provided, however, this Memorandum will be subject to the provisions of K.S.A. 75-4321, et seq.

Section 24.2: It is the intention of the parties hereto to amend this Memorandum, if necessary, to comply with Kansas Statutes and UG Ordinances and Resolutions.

ARTICLE 25 - SAVINGS CLAUSE

Section 25.1: Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon the UG, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

Section 25.2: If any article or section of this Memorandum shall be held invalid by operation of law, or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby, and the parties shall enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 26 - MEDICAL PLAN

Section 26.1: During the term of this Memorandum, UG agrees to offer the employees of

the Department the same medical, dental or other similar welfare benefit plans which are made available to the UG's employees generally. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either single or family coverage elected according to the following schedule, provided that beginning in 2019 the below amounts shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year:

Annual Base Pay	Monthly Premium Contribution
$60,000 or less	$20.00 per month
$60,001 or more	$30.00 per month

For purposes of the foregoing schedule, "Base Pay" is calculated solely upon an employee's then applicable hourly rate of pay or monthly salary as projected over the course of a year assuming full time employment. "Base Pay" shall not include any overtime, out of class, longevity or interpreter's pay. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually based on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium cost discussed in subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should select to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any, and his portion of the premium therefore shall be deducted from the employee's payroll.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from one year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increases to fourteen percent (14%) or less. The UG Employee Health Benefit Committee (EHBC) shall meet and confer in an attempt to make

recommendations to the UG Administrator for modifying the polic(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall be at least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retires. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (Local 1290PE) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plan for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis).

2. Administrative expenses to administer the plan during the year.

3. Sufficient funds to create and/or preserve a Apremium stabilization@ reserve fund of

at least five percent (5%) of the previous year's total premium costs amount.

ARTICLE 27 - COMPENSATION

Section 27.1: Pay Enhancement for Employees Hired Before 1/1/13.

As a result of the agreement to withdraw from the LIUNA plan (See Article 31 below) the $.40/hour employee LIUNA contribution (currently on the employee check and part of base pay) shall remain on the check as part of base pay and will be included in any and all pay increase calculations effective the first pay period in 2013. This amount will also be included when calculating contributions for KPERS or any other wage-based calculations.

The $.35/hour employer contribution shall be placed on the employee check as an additional amount. This amount will remain on the employee check for the duration of the employee's employment as a member of the bargaining unit, but will not be included in any pay increase calculations or in any other wage-based calculations. Employees have the option of deferring this amount into the voluntary 457(b) plan.

The $.35/hour "adder" will apply to all employees who have made LIUNA contributions so that there will be no loss in total compensation. New employees will not receive the $.35/hour "adder." Employees employed on or before December 31, 2012 receive the "adder" because employees hired on or before this date would be participants in the LIUNA plan.

Section 27.2: Gain Sharing Incentives. UG and Union have established a labor/employer committee which has discussed and provided recommendations to the Director concerning cost savings initiatives within the Street Maintenance Division. The County Administrator or his

designee must approve the incentive program or any amendments thereto. Fifty percent (50%) of the identified and realized savings shall be shared by all employees, including supervisors, of the Street Maintenance Division and other hourly employees of the Street Maintenance Division who actually work within the Street Maintenance Division during the duration of this Agreement.

ARTICLE 28 – WORKER'S COMPENSATION ACT

Section 28.l: Any employee who sustains an injury or contracts an occupational disease which arises out of and in the course of employment shall be covered by the provisions of the Worker's Compensation Act of the State of Kansas and the applicable provisions of the Code of Ordinances of the UG.

ARTICLE 29 - ALCOHOL & DRUG FREE WORKPLACE & TESTING

Section 29.1: The Union and the UG agree to be governed by the UG's Alcohol & Drug Testing Program. The Union will be involved in the development of the random selection procedure. The Union will be consulted concerning any discipline to be given prior to rendering such discipline.

Section 29.2: The bargaining unit employees shall be subject to the Drug Free Workplace Act of 1988, as amended, and UG policy concerning employees' alcohol and drug use testing.

ARTICLE 30 - SAVINGS/RETIREMENT PLAN

The Employer and the Union agree that they will no longer participate in the LIUNA plan after December 31, 2012. The Employer provides a 457B plan through which employees may make additional contributions in a retirement plan if the employees so choose. The UG shall provide the hourly rate contributions formerly made on behalf of bargaining unit members under the terms of the

preceding contract to each bargaining unit member. This contribution will be made *after* the cost of living increase is calculated on the current wage.

All other terms and conditions contained in the Memorandum of Agreement shall remain in effect unless otherwise modified in writing.

ARTICLE 31 - SIGNATURES

IN WITNESS WHEREOF, the Unified Government of Wyandotte County and the Union have set their hands and seals below.

For Laborers' International Union of North America (LIUNA) Public Service Employees Local Union 1290

Jeff Philgreen
Business Manager/Secretary-Treasurer

6/27/22
Date

For the Unified Government of Wyandotte County, Kansas City, Kansas

Cheryl Harrison-Lee,
County Administrator

Jeff Fisher
Director of Public Works

Date

Approved as to form:

Misty Brown
Chief Legal Counsel
Unified Government

Renee Ramirez
Director of Human Resources

Attest:

Unified Government Clerk

ADDENDUM A - STREETS

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STREETS ADDENDUM

ARTICLE 1 - WORKING TIME

Section 1.1: Standard Work Week

The standard work week for regular full-time employees shall be forty (40) hours, within a consecutive seven (7) day period with two (2) consecutive days off, except where operational needs require otherwise, employees shall be advised of any changes in the beginning of their standard work week.

The use of summertime hours from Memorial Day through Labor Day will be at the employer's discretion. Use of summer hours does not constitute a change of schedule.

Section 1.2: Standard Work Day

Except during shift or job change periods, a standard workday for regular full-time employees shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, except for a thirty (30) minute intermission for lunch and except where alternative work schedules have been assigned.

Employees assigned to snow removal operations are assigned to two 12-hour shifts – "A" shift and "B" shift. Employees shall bid for these shifts on a seniority basis. These shifts shall rotate from month to month during the winter storm season alternating from day and night time assignments. The Employer has the right to split employees' regularly scheduled shifts during snow removal operations – i.e. employee works either the first half or the second half of their shift while being released from work for the other half of the shift. During split shift operations, employee's may elect to receive compensation for the half of their regularly scheduled shift from which they are released through the use of accumulated vacation, longevity or personal leave. Any hours worked during snow removal operations outside of the hours of an employee's regularly

scheduled shift shall be at the overtime rate of time and one-half.

Section 1.4: Meal Period

The parties agree that the following provisions shall govern employees' meal period during normal working hours.

a. Lunch periods shall be taken as follows:

Day Shift:	11:30 a.m. to 12:00 noon
Evening Shift:	8:00 p.m. to 8:30 p.m.
Midnight Shift:	3:00 a.m. to 3:30 a.m.

At the beginning of lunch period, those employees who have not brought their lunch shall proceed directly to the nearest establishment providing food, make a purchase of food, and proceed to an area designated by their supervisor as an eating area.

Employees will be allowed up to a maximum of fifteen (15) minutes "transportation time" for this purpose. Employees will then be allowed thirty (30) minutes to eat.

b. If normal lunch periods cannot be taken due to job responsibilities, employees shall first notify and receive permission from the supervisor before proceeding to lunch.

c. Employees actively engaged in snow removal shall eat their meals while they are working and shall not be given an assigned meal break.

Section 1.5: Rest Periods

Employees will be allowed not to exceed two (2) ten (10) minute rest breaks (one each morning and one each afternoon) per normal working day. Rest breaks shall not be taken in conjunction with the employee's lunch period. Rest breaks shall be limited to the job site, whenever possible.

Section 1.6: On the regularly scheduled night shift, in the Street Division, employees shall receive eight (8) hours pay for seven (7) hours worked and this shift shall be at least five (5) consecutive nights.

Section 1.7: Fixed Evening Shift and Weekend Shift workers on the evening shift and

weekend shift employees who successfully bid upon or who are assigned on an evening or weekend shift shall receive sixty-five cents (65¢) per hour shift differential pay for all hours worked and all paid leave. Bargaining unit employees assigned to the Street Division who receive the compensation identified in Section 1.5 above are not eligible to receive shift differential pay for evening shift work.

Section 1.8: Employees who have reported for duty at their normal shift starting time, but are not allowed to start to work, shall receive a minimum of two (2) hours pay. These employees shall, whenever possible, be notified within one (1) hour after their normal shift starting time whether they will be allowed to start to work. This show-up time shall be offered, initially, on a voluntary basis at the discretion of the Division Head or their designee.

Section 1.9: When employees are required to remain at work during inclement weather, they shall not be required to jeopardize their safety or health in order to provide services to the public.

ARTICLE 2 - HEALTH AND SAFETY

Section 2.1: All employees covered by this Memorandum shall comply with all safety rules and manuals and traffic regulations of the UG and safety rules relating specifically to their respective department/division.

Section 2.2: The Employer shall see to it that each crew is provided with necessary health and safety equipment, including rain gear, and the employees shall be responsible for the return of all equipment. It shall be the employee's responsibility to care for all such equipment, normal wear and tear excepted. The equipment may be replaced by the Employer only upon the employee returning the equipment and the UG being satisfied that the equipment needs to be replaced due to normal wear and tear.

ARTICLE 3 - UNION-EMPLOYER SAFETY COMMITTEE

Section 3.1: It is the express policy of the Employer and the Union to cooperate in an effort to continue to improve health and safety matters. The parties agree that it is in the best interest of the UG, the Union, employees and citizens of the Unified Government that equipment should be operated properly and safely at all times, and that all reasonable safety precautions and devices should be utilized at all times. In the furtherance of this policy, a joint Union-Employer safety committee is established.

Section 3.2: The joint Union/Management Safety Committee, hereinafter called "Streets Safety Committee," shall meet quarterly and shall be comprised of the following members: Street Manager and/or their designee shall be the chairperson of the committee; a Street Division Superintendent; four (4) committee members from the Street Division, one (1) from Street Preservation team, one (1) from Traffic/Sweeping team, one (1) from Special Services team, the Street Division Union Steward; and one (1) Human Resources Safety Officer.

Section 3.3: Safety rules and regulations may be recommended by the Streets Safety Committee and ultimately implemented by the Street Manager.

ARTICLE 4 - GRIEVANCE PROCEDURE

Section 4.1: The term "grievance" as used in this Memorandum shall be any dispute, disagreement, or difference between an employee and the UG as to the meaning of any terms or provisions of this Memorandum and as to the manner in which these provisions are applied. In this Article, all references to “days” specifically mean business days which are Mondays through Fridays and excludes all holidays as identified in this Memorandum.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board,

the Union may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The Union's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

Grievances are to be processed and/or settled in accordance with the following:

Step 1: The employee or the employee's Union representative, raising the grievance shall present it to the employee's immediate supervisor in writing, within five (5) working days from the time the grievance occurred or became known. Otherwise, it need not be considered. The supervisor shall provide the employee and the employee's Union representative with a written response no more than 5 days after the grievance has been presented to the supervisor.

Step 2: If the grievance is not resolved at Step 1, it shall be submitted in writing to the respective division head within five (5) working days of receipt of the Supervisor's response in Step 1. The division head or her representative or designee shall provide the employee or a steward with a written response to the grievance no more than five (5) working days after presentation of the grievance as set forth in this Step.

Step 3: If the grievance is not resolved at Step 2, the employee or Union Steward shall notify the Union Business Manager of his dissatisfaction and shall request, in writing, a review of the grievance by the Director of Public Works or his designee. The Union Business Manager shall make a formal request, in writing, to the Director of Public Works, for a Step 3 hearing on the grievance. Requests for a Step 3 hearing must be submitted within five (5) working days of the Division Head's response in Step 2. The Director of Public Works, or his designee, shall

schedule a hearing within fifteen (15) days of the receipt of the request for review of grievance. If the grievance is not scheduled within fifteen (15) days of the receipt of the request for review of the grievance, the grievance shall be disposed of in favor of the union. The Director of Public Works, or his designee, shall render a decision on the matter within thirty (30) working days of the Step 3 hearing. If the decision is not rendered within 30 working days, the grievance shall be disposed of in favor of the union. These deadlines may be extended by mutual agreement of the Employer and the Union.

Step 4: If the grievance is not resolved at Step 3, the Union Business Manager may determine to advance the grievance to arbitration. Individual employees may consult with the Business Manager regarding whether arbitration is appropriate, but the final decision as to whether a grievance will be advanced to arbitration must be made by the Business Manager. No individual employee is independently authorized to advance a grievance to arbitration. Should the grievance be advanced to arbitration, the Union Business Manager will provide the Employer written notice of intent to arbitrate within ten (10) working days of receiving the Step 3 hearing decision. The Employer and the Union shall request a panel of impartial arbitrators from the Federal Mediation and Conciliation Service. Within a reasonable time (no more than thirty calendar days) of receiving the panel, the Employer and Union shall meet to select an arbitrator. Selection will be accomplished by alternating "strikes" until one name is left on the list. The Union and employer agree to flip a coin to determine which party will have the first strike. The arbitration hearing shall be scheduled at a mutually agreeable date and time.

The Employer and the Union agree to share equally the costs of requesting the panel and any fees due to the arbitrator.

Section 4.2: It shall be the responsibility of the employee to properly and promptly respond to the procedure herein itemized. Grievances not raised by employees within the time limitations stated shall not be considered. Furthermore, failure on the part of either party to promptly respond to the procedures outlined herein shall result in the grievance being disposed of in favor of the non-defaulting party. However, any deadlines to which this section applies may be extended by mutual agreement of the parties.

Section 4.3: It is mutually agreed that a representative of the Union and a representative of the Employer shall meet quarterly, as needed, to discuss other matters of concern or interest to either party that may, from time to time, arise.

ARTICLE 5 – DIVISIONAL SENIORITY

Section 5.1: The Street Division shall maintain seniority lists for each Job Classification and for bargaining unit seniority. If Job Classification seniority is equal, then bargaining unit seniority shall be used.

ARTICLE 6 – PROMOTIONS

Section 6.1: The provisions of this Article are supplemental to the promotional section of the bargaining unit agreement.

Section 6.2: Employees employed as Equipment Operator I's or II's who are seeking promotion to the next level of Equipment Operator (e.g. Equipment Operator II to Equipment Operator III) must be certified by the Department as being qualified to operate the equipment required to be operated for the promoted Equipment Operator position. Once those employees have been certified then selection for those vacant Equipment Operator II or III positions shall be

governed by the seniority of the qualified (certified) employees.

Section 6.3: Within the Street Division, if the Union, Employer and employees agree, transfer from one Section or Job Classification to another may occur provided that employees are of equivalent classifications and the employees are immediately able to perform the assigned duties.

Section 6.4: A committee consisting of equal members of employer and the union will be formed to discuss operational improvements and career and professional development including, but not limited to, education, certification, testing and training and to make recommendations to the parties relating to these areas. The union shall appoint its members to the committee.

ARTICLE 7 - OVERTIME

Section 7.1: The provisions of this Article are supplemental to the overtime section of the bargaining unit agreement.

Section 7.2: Specially scheduled overtime within the Street Division shall be offered to all Street Division employees based upon their seniority within their Division as defined in Article 5 provided that the employee is qualified to perform the overtime work. Hold over or call-in early overtime either immediately preceding or immediately following an employee's shift shall be offered by seniority within the District/Section within which the overtime occurs, or if the overtime exists within a job classification which does not have an assigned district, the overtime shall be offered by seniority within the job classification. When Street Division employees are forced to work specially scheduled overtime, it shall be assigned to employees in reverse seniority and by job classification. When Street Division employees are forced to work hold over or call-in early overtime, the overtime shall be assigned by reverse seniority by district, or if the overtime occurs within a job classification which is not assigned to a district, by reverse seniority within the job

classification.

Section 7.3. Employees, who volunteer for overtime to work special events which are scheduled at least one month prior to such event, must report to work as scheduled unless they are excused by a supervisor at least 48 hours prior to the time they are scheduled to work.

Section 7.4. Employees who are off on paid leave other than pre-arranged vacation, except in cases of an emergency, shall not be eligible for overtime.

ARTICLE 8 – COMPENSATION

Section 8.1: Rates of Pay. Pay increases for 2023 shall be determined through the parties continued negotiations pursuant to Section 6.4 of this addendum, but in no event shall an employee receive less than a 3% pay increase for calendar year 2023. Rates of pay shall be as provided below:

Classification	**1/1/2020**	**1/1/2022**	**1/1/2023**
General Laborer / Traffic Tech I / Flare Tech I	$19.41	$20.18	TBD
Equipment Operator I	$20.51	$21.33	TBD
Equipment Operator II / Traffic Tech II / Flare Tech II	$21.97	$22.84	TBD
Equipment Operator III / Traffic Tech III	$22.80	$23.71	TBD
Equipment Operator IV / Traffic Tech IV / Concrete Specialist	$23.38	$24.31	TBD
Equipment Operator V	$25.93	$26.96	TBD

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PARKS ADDENDUM

ARTICLE 1 - WORKING TIME

Section 1.1: Standard Work Week

The standard work week for regular full-time employees shall be forty (40) hours, within a consecutive seven (7) day period with two (2) consecutive days off, except where operational needs require otherwise. Employees shall be advised of any changes in the beginning of their standard work week.

The use of summer time hours from Memorial Day through Labor Day will be at the employer's discretion. Use of summer hours does not constitute a change of schedule.

Section 1.2: Standard Work Day

Except during shift or job change periods, a standard work day for regular full-time employees shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, except for a thirty (30) minute intermission for lunch as provided in the following Sections and except where alternative work schedules have been assigned.

Employees assigned to snow removal operations are assigned to two 12-hour shifts – "A" shift and "B" shift. Employees shall bid for these shifts on a seniority basis. These shifts shall rotate from month to month during the winter storm season alternating from day and night time assignments. The Employer has the right to split employees' regularly scheduled shifts during snow removal operations – i.e. employee works either the first half or the second half of their shift while being released from work for the other half of the shift. During split shift operations, employee's may elect to receive compensation for the half of their regularly scheduled shift from which they are released through the use of accumulated vacation, longevity or personal leave. Any hours worked during snow removal operations outside of the hours of an employee's regularly

scheduled shift shall be at the overtime rate of time and one-half.

Section 1.3: Meal Period

The parties agree that the following provisions shall govern employees' meal period during normal working hours.

a. Lunch periods shall be taken as follows:

Day Shift: 11:30 a.m. to 12:00 noon

At the beginning of lunch period, those employees who have not brought their lunch shall proceed directly to the nearest establishment providing food, make a purchase of food, and proceed to an area designated by their supervisor as an eating area.

Employees will be allowed up to a maximum of fifteen (15) minutes "transportation time" for this purpose. Employees will then be allowed thirty (30) minutes to eat.

In no event, shall transportation time plus lunch period exceed forty-five (45) minutes from the time employees are released for lunch.

b. Field employees shall be permitted the use of UG vehicles for this purpose, provided that they are not parked in or on private property so as to obstruct or hinder other clientele of the establishment.

c. Employees who take their lunch break at their place of residence will clock out before leaving for the lunch break and will clock back in upon returning to work. Such employees are not permitted to use UG vehicles over their lunch break.

d. If normal lunch periods cannot be taken due to job responsibilities, employees shall first notify and receive permission from the superintendent before proceeding to lunch.

e. Employees actively engaged in snow removal shall eat their meals while they are working and shall not be given an assigned meal break.

Section 1.4: Rest Periods

Employees will be allowed not to exceed two (2) ten (10) minute rest breaks (one each morning and one each afternoon) per normal working day. Rest breaks shall not be taken in conjunction with the employee's lunch period. Rest breaks shall be limited to the job site,

whenever possible.

Section 1.5: Fixed Evening Shift and Weekend Shift workers on the evening shift and weekend shift employees who successfully bid upon or who are assigned on an evening or weekend shift shall receive sixty-five cents (65¢) per hour shift differential pay for all hours worked and all paid leave.

Section 1.6: Employees who have reported for duty at their normal shift starting time, but are not allowed to start to work, shall receive a minimum of two (2) hours pay. These employees shall, whenever possible, be notified within one (1) hour after their normal shift starting time whether they will be allowed to start to work. This show-up time shall be offered, initially, on a voluntary basis at the discretion of the Division Head.

ARTICLE 2 - HEALTH AND SAFETY

Section 2.1: All employees covered by this Memorandum shall comply with all safety rules and manuals and traffic regulations of the UG and safety rules relating specifically to their respective department/division.

Section 2.2: The Employer shall see to it that each crew is provided with necessary health and safety equipment, including rain gear, and the employees shall be responsible for the return of all equipment. It shall be the employee's responsibility to care for all such equipment, normal wear and tear excepted. The equipment may be replaced by the Employer only upon the employee returning the equipment and the UG being satisfied that the equipment needs to be replaced due to normal wear and tear.

ARTICLE 3 - UNION-EMPLOYER SAFETY COMMITTEE

Section 3.1: It is the express policy of the Employer and the Union to cooperate in an effort to continue to improve health and safety matters. The parties agree that it is in the best

interest of the UG, the Union, employees and citizens of the Unified Government that equipment should be operated properly and safely at all times, and that all reasonable safety precautions and devices should be utilized at all times. In the furtherance of this policy, a joint Union-Employer safety committee is established.

Section 3.2: Safety rules and regulations may be recommended by the Safety Committee to the Deputy Director of Public Works or his designee and he or she shall have the right to adopt, reject or revise said rules or regulations promulgated until they are approved by the Deputy Director of Public Works. Said rules and regulations shall cover personal protection, conduct of employees, work standards, equipment, appurtenances and sanctions for willful disregard or omissions.

ARTICLE 4 - GRIEVANCE PROCEDURE

Section 4.1: The term "grievance" as used in this Memorandum shall be any dispute, disagreement, or difference between an employee and the UG as to the meaning of any terms or provisions of this Memorandum and as to the manner in which these provisions are applied. In this Article, all references to “days” specifically mean business days which are Mondays through Fridays and excludes all holidays as identified in this Memorandum.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the Union may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The Union's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

Grievances are to be processed and/or settled in accordance with the following:

Step 1: The employee or the employee's Union representative, raising the grievance shall present it to the employee's immediate supervisor in writing, within five (5) working days from the time the grievance occurred or became known. Otherwise, it need not be considered. The supervisor shall provide the employee and the employee's Union representative with a written response no more than 5 days after the grievance has been presented to the supervisor.

Step 2: If the grievance is not resolved at Step 1, it shall be submitted in writing to the respective division head within five (5) working days of receipt of the Supervisor's response in Step 1. The division head or her representative or designee shall provide the employee or a steward with a written response to the grievance no more than five (5) working days after presentation of the grievance as set forth in this Step.

Step 3: If the grievance is not resolved at Step 2, the employee or Union Steward shall notify the Union Business Manager of his dissatisfaction and shall request, in writing, a review of the grievance by the Director of Parks and Recreation or her designee. The Union Business Manager shall make a formal request, in writing, to the Director of Public Works, for a Step 3 hearing on the grievance. Requests for a Step 3 hearing must be submitted within five (5) working days of the Division Head's response in Step 2. The Director of Public Works, or his designee, shall schedule a hearing within fifteen (15) days of the receipt of the request for review of grievance. If the grievance is not scheduled within fifteen (15) days of the receipt of the request for review of the grievance, the grievance shall be disposed of in favor of the union. The Director of Public Works, or his designee, shall render a

decision on the matter within thirty (30) working days of the Step 3 hearing. If the decision is not rendered within 30 working days, the grievance shall be disposed of in favor of the union. These deadlines may be extended by mutual agreement of the Employer and the Union.

Step 4: If the grievance is not resolved at Step 3, the Union Business Manager may determine to advance the grievance to arbitration. Individual employees may consult with the Business Manager regarding whether arbitration is appropriate, but the final decision as to whether a grievance will be advanced to arbitration must be made by the Business Manager. No individual employee is independently authorized to advance a grievance to arbitration. Should the grievance be advanced to arbitration, the Union Business Manager will provide the Employer written notice of intent to arbitrate within ten (10) working days of receiving the Step 3 hearing decision. The Employer and the Union shall request a panel of impartial arbitrators from the Federal Mediation and Conciliation Service. Within a reasonable time (no more than thirty calendar days) of receiving the panel, the Employer and Union shall meet to select an arbitrator. Selection will be accomplished by alternating "strikes" until one name is left on the list. The Union and employer agree to flip a coin to determine which party will have the first strike. The arbitration hearing shall be scheduled at a mutually agreeable date and time. The Employer and the Union agree to share equally the costs of requesting the panel and any fees due to the arbitrator.

Section 4.2: It shall be the responsibility of the employee to properly and promptly respond to the procedure herein itemized. Grievances not raised by employees within the time limitations

stated shall not be considered. Furthermore, failure on the part of either party to promptly respond to the procedures outlined herein shall result in the grievance being disposed of in favor of the non-defaulting party. However, any deadlines to which this section applies may be extended by mutual agreement of the parties.

Section 4.3: It is mutually agreed that a representative of the Union and a representative of the Employer shall meet quarterly, as needed, to discuss other matters of concern or interest to either party that may, from time to time, arise.

ARTICLE 5: PROMOTIONS

Section 5.1: The provisions of this Article are supplemental to the promotions provisions within the bargaining unit agreement.

Section 5.2: Additional Qualification for Promotion to Groundskeeper II, III and IV.

Employees employed as Groundskeeper I's, II's or III's who are seeking promotion to the next level of Groundskeeper (e.g. Groundskeeper II to Groundskeeper III) must be certified by the Department as being qualified to operate the equipment required to be operated for the promoted Groundskeeper position. Once those employees have been certified then selection for those vacant Groundskeeper II, III or IV positions shall be governed by the seniority of the qualified (certified) employees.

Section 5.3: A committee consisting of equal members of employer and the union will be formed to discuss operational improvements and career and professional development including, but not limited to, education, certification, testing and training and to make recommendations to the parties relating to these areas. The union shall appoint its members to the committee.

ARTICLE 6 - OVERTIME

Section 6.1: The provisions of this Article are supplemental to the overtime section of the

bargaining unit agreement.

Section 6.2: Specially scheduled overtime within the Parks Division shall be offered to all Parks Division employees based upon their seniority within their job classification as defined in Article 5 regardless of the nature or location of the overtime. Hold over or call-in early overtime either immediately preceding or immediately following an employee's shift shall be offered by seniority within the District/Section within which the overtime occurs, or if the overtime exists within a job classification which does not have an assigned district, the overtime shall be offered by seniority within the job classification. When Parks Division employees are forced to work specially scheduled overtime, it shall be assigned to employees in reverse seniority and by job classification. When Parks Division employees are forced to work hold over or call-in early overtime, the overtime shall be assigned by reverse seniority by district, or if the overtime occurs within a job classification which is not assigned to a district, by reverse seniority within the job classification.

Section 6.3. Employees, who volunteer for overtime to work special events which are scheduled at least one month prior to such event, must report to work as scheduled unless they are excused by a supervisor at least 48 hours prior to the time they are scheduled to work.

Section 6.4. Employees who are off on paid leave, except in cases of an emergency, shall not be eligible for overtime.

ARTICLE 7 - COMPENSATION

Section 7. 1: Rates of Pay. Pay increases for 2023 shall be determined through the parties continued negotiations pursuant to Section 5.3 of this addendum, but in no event shall an employee receive less than a 3% pay increase for calendar year 2023. Rates of pay shall be as provided below:

Classification	1/1/2020	1/1/2022	1/1/2023
Groundskeeper	$19.41	$20.18	TBD
Groundskeeper I / Horticulturalist I	$20.51	$21.33	TBD
Groundskeeper II / Horticulturalist II / Park Maintenance Tech I / Building and Grounds Specialist	$21.97	$22.84	TBD
Groundskeeper III / Horticulturalist III / Park Maintenance Tech II	$22.80	$23.71	TBD
Groundskeeper IV / Horticulturalist IV / Park Maintenance Tech III	$23.38	$24.31	TBD
Groundskeeper V / Horticulturalist V / Park Maintenance Tech IV	$25.93	$26.96	TBD

ADDENDUM C - FLEETS

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FLEETS ADDENDUM

ARTICLE 1 - WORKING TIME

Section 1.1: Standard Work Week

The standard work week for regular full-time Fleet employees shall be forty (40) hours, within a consecutive seven (7) day period with two (2) consecutive days off, except where operational needs require otherwise. As a standard, Fleet's scheduled to work week is a Monday through Friday schedule.

The use of summertime hours from Memorial Day through Labor Day will be at the employer's discretion. Use of summer hours does not constitute a change of schedule. All shifts will be chosen by seniority.

Section 1.2: Standard Work Day

A standard workday for regular full-time employees shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, except for a thirty (30) minute intermission for lunch as provided in the following sections and except where alternative work schedules have been assigned. In Fleet Maintenance, employees will only be required or forced to work a maximum of sixteen (16) hours in a twenty-four (24) hour period during emergencies.

Employees assigned to snow removal operations are assigned to two 12-hour shifts – "A" shift and "B" shift. Employees shall bid for these shifts on a seniority basis. These shifts shall rotate from storm to storm during the winter storm season alternating from day and night time assignments. The Employer has the right to split employees' regularly scheduled shifts during snow removal operations – i.e. employee works either the first half or the second half of their shift while being released from work for the other half of the shift. During split shift operations,

employee's may elect to receive compensation for the half of their regularly scheduled shift from which they are released through the use of accumulated vacation, longevity or personal leave. Any hours worked during snow removal operations outside of the hours of an employee's regularly scheduled shift shall be at the overtime rate of time and one-half.

Section 1.3: Meal Period

30 Min lunch periods plus fifteen (15) minutes of travel time will be staggered to allow uninterrupted services to our customers between 11:00 – 1:00.

Section 1.4: Rest Periods

Employees will be allowed two (2) ten (10) minute rest breaks (one each morning and one each afternoon) per normal working day. Rest breaks shall not be taken in conjunction with the employee's lunch period.

ARTICLE 2 - UNION-MANAGEMENT SAFETY COMMITTEE

Section 2.1: The joint Fleet Union/Management Safety Committee, hereinafter called "Fleet Safety Committee," shall meet quarterly and shall be comprised of the following members: Fleet Manager and/or his/her designee shall be the chairperson of the committee. (4) Four committee members from Fleet Division, one from Heavy, Light, Set-up and Parts, and (1) One HR Safety Officer.

Section 2.2: Safety rules and regulations may be recommended by the Safety Committee and ultimately implemented by the Fleet Manager.

ARTICLE 3 - GRIEVANCE PROCEDURE

Section 3.1: The term "grievance" as used in this Memorandum shall be any dispute, disagreement, or difference between an employee and the UG as to the meaning of any terms or provisions of this Memorandum and as to the manner in which these provisions are applied.

Under all circumstances every effort should be taken to settle all disputes. The employee and manager should meet together and discuss the disagreement in detail. The employee is permitted to request that a union representative be present.

In this Article, all references to "days" specifically mean business days which are Mondays through Fridays and excludes all holidays as identified in this Memorandum.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the Union may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The Union's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

Grievances are to be processed and/or settled in accordance with the following:

Step 1: The employee raising the grievance shall present it to the employee's immediate supervisor in writing, within five (5) working days from the time the grievance occurred or became known. The grievance must be written in the employee's words and details, including facts, dates, etc. Otherwise, it need not be considered. The supervisor shall provide the employee and the employee's Union representative with a written response no more than 5 days after the grievance has been presented to the supervisor.

Step 2: If the grievance is not resolved at Step 1, it shall be submitted in writing to the respective division head within five (5) working days of receipt of the Supervisor's response in Step 1. The division head or her representative or designee shall provide the employee or a steward with a written response to the grievance no more than five (5) working days after presentation of the grievance as set forth in this

Step.

Step 3: If the grievance is not resolved at Step 2, the employee or Union Steward shall notify the Union Business Manager of his dissatisfaction and shall request, in writing, a review of the grievance by the Director of Public Works or his designee. The Union Business Manager shall make a formal request, in writing, to the Director of Public Works, for a Step 3 hearing on the grievance. Requests for a Step 3 hearing must be submitted within five (5) working days of the Division Head's response in Step 2. The Director of Public Works, or his designee, shall schedule a hearing within fifteen (15) days of the receipt of the request for review of grievance. If the grievance is not scheduled within fifteen (15) days of the receipt of the request for review of the grievance, the grievance shall be disposed of in favor of the union. The Director of Public Works, or his designee, shall render a decision on the matter within thirty (30) working days of the Step 3 hearing. If the decision is not rendered within 30 working days, the grievance shall be disposed of in favor of the union. These deadlines may be extended by mutual agreement of the Employer and the Union.

Step 4: If the grievance is not resolved at Step 3, the Union Business Manager may determine to advance the grievance to arbitration. Individual employees may consult with the Business Manager regarding whether arbitration is appropriate, but the final decision as to whether a grievance will be advanced to arbitration must be made by the Business Manager. No individual employee is independently authorized to advance a grievance to arbitration. Should the grievance be advanced to arbitration, the Union Business Manager will provide the Employer written

notice of intent to arbitrate within ten (10) working days of receiving the Step 3 hearing decision. The Employer and the Union shall request a panel of impartial arbitrators from the Federal Mediation and Conciliation Service. Within a reasonable time (no more than thirty calendar days) of receiving the panel, the Employer and Union shall meet to select an arbitrator. Selection will be accomplished by alternating "strikes" until one name is left on the list. The Union and employer agree to flip a coin to determine which party will have the first strike. The arbitration hearing shall be scheduled at a mutually agreeable date and time. The Employer and the Union agree to share equally the costs of requesting the panel and any fees due to the arbitrator.

Section 3.2: It shall be the responsibility of the employee to properly and promptly respond to the procedure herein itemized. Grievances not raised by employees within the time limitations stated shall not be considered. Furthermore, failure on the part of either party to promptly respond to the procedures outlined herein shall result in the grievance being disposed of in favor of the non-defaulting party. However, any deadlines to which this section applies may be extended by mutual agreement of the parties.

Section 3.3: It is mutually agreed that a representative of the Union and a representative of the Employer shall meet quarterly, as needed, to discuss other matters of concern or interest to either party that may, from time to time, arise.

ARTICLE 4: WORK ASSIGNMENTS

Section 4.1: All employees covered by the Fleet Maintenance Division shall consist of four (4) separate sections: Heavy Maintenance, Light Maintenance, Parts Room and Special Set Up. Each separate section will maintain a separate seniority list which will be used for vacation,

overtime, job bidding or promotions. Sections shall be allowed to interchange employees in emergency situations. Emergency shall be defined as to guarantee the safety and productivity of the citizens of the Unified Government.

ARTICLE 5: PROMOTIONS

Section 5.1: The provisions of this Article are supplemental to the promotional section of the bargaining unit agreement.

Section 5.2: A committee consisting of equal members of employer and the union will be formed to discuss operational improvements and career and professional development including, but not limited to, education, certification, testing and training and to make recommendations to the parties relating to these areas. The union shall appoint its members to the committee.

ARTICLE 6: COMPENSATION

Section 6.1: Rates of Pay. Pay increases for 2023 shall be determined through the parties continued negotiations pursuant to Section 5.2 of this addendum, but in no event shall an employee receive less than a 3% pay increase for calendar year 2023. Rates of pay shall be as provided below:

Classification	1/1/2020	1/1/2022	1/1/2023
Fleet Service Worker	$19.41	$20.18	TBD
Equipment Repair Specialist	$21.97	$22.84	TBD
Fleet Maintenance Tech I / Parts Clerk	$23.38	$24.31	TBD
Fleet Maintenance Tech II - Light	$25.93	$26.96	TBD
Fleet Maintenance Tech II – Heavy	$26.88	$27.95	TBD
Lead Fleet Maintenance Tech	$30.48	$31.69	TBD

Section 6.2: Certification Pay. The following position classifications shall receive additional hourly compensation for holding the below number of identified certifications. These additions to base pay are not cumulative or stackable.

a). Technician Certification Pay.

Fleet Maintenance Tech I, II-L, II-H and Leads Techs who possess and maintain the number of certifications identified below shall receive the identified additional pay per hour associated with their certification level.

Certifications	**Addition to Hourly Rate**
Two (2) ASE	$0.80 / hr.
Four (4) ASE	$1.50 / hr.
Six (6) ASE	$2.00 / hr.
Eight (8) ASE, Master Mechanic	$2.50 / hr.
Eight (8) ASE, Master Mechanic, Three (3) EVT	$4.00 / hr.

b). Welder Certification Pay.

Welder's who possess and maintain the number of certifications identified below shall receive the identified additional pay per hour associated with their certification level.

Certifications	**Addition to Hourly Rate**
Welding Technology A	$2.00 / hr.
Welding Technology B	$4.00 / hr.

c). Parts Clerk.

Clerk I and IIs who possess and maintain the number of certifications identified below shall

receive the identified additional pay per hour associated with their certification level.

Certifications	**Addition to Hourly Rate**
ASE P1, P2 & P4 Parts Specialist	$2.00 / hr.
ASE P1, P2 & P4 Parts Specialist and KCKCC Extraordinary Customer Service Training	$4.00 / hr.

d). Certification Costs. If applicable, the employer will pay for two tests at each level. If the employee needs to take more than two tests at a given level, the employee is required to pay for the additional test. All cost involved, with exception of test costs, will be the responsibility of the employee. All training will be done during the employee's off-duty hours. All certifications are the employees responsibly for keeping current. If certifications are not maintained, the employee will not be paid for the additional wages.

Section 6.3: The UG will provide a tool allowance to all new employees that have completed the requirements of a Tech I and existing employees as of Jan 1, 2021. The amount of $800.00 per year. Tool allowances shall be payable after the first quarter of the calendar year. Employees shall provide receipts demonstrating that the tool allowance was expended on tools which are related to the performance of the employee's job duties. Tool allowances shall be payable after the first quarter of the calendar year on a separate check.

ARTICLE 7: EMERGENCY VEHICLE TECHNICIAN

Section 7.1: Emergency Vehicle Technician (EVT) is a program to offer service solutions after hours to customers of the Fleet Department that supply vital services to our community. There will be (1) one Heavy-EVT and (1) one Light-EVT at all times. EVT on-call work schedule will be a Thursday morning to Thursday morning rotation. Scheduling for each week will be done by seniority in January. Each EVT tech will be guaranteed an extra (4) four hours for the week,

regardless if they have a call out or not. As part of that guaranteed (4) four hours, one tech must come to fleet on Saturday and the other on Sunday to perform assigned work duties. Additionally, one tech must come to fleet on holidays to perform assigned work duties.

Section 7.2 An employee may be asked to stay over their normal workday to complete a specific job. Seniority will not be a factor in this request, rather the employee that was performing the task.

Section 7.3 It is within the sole discretion of the UG to determine when employees working overtime should be released from work or replaced by other employees.

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TRANSIT ADDENDUM

ARTICLE 1 - WORKING TIME

Section 1.1: Standard Work Week

The standard work week for regular full-time employees shall be forty (40) hours, within a consecutive seven (7) day period with two (2) consecutive days off, except where operational needs require otherwise. Employees shall be advised of any changes in the beginning of their standard work week.

Section 1.2: Standard Work Day

Except during shift or job change periods, a standard work day for regular full-time employees shall consist of eight (8) hours in a twenty-four (24) hour period.

The Employer has the right to split shifts for the employee assigned to e-commerce express service. The parties may evaluate additional positions for splitting of shifts during the term of this MOU.

Section 1.3: Meal Period

Transit Division Employees shall eat their meals while they are working and shall not be given an assigned meal break.

Section 1.4: When employees are required to remain at work during inclement weather, they shall not be required to jeopardize their safety or health in order to provide services to the public.

ARTICLE 2 - PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

Section 2.1: The Federal Transit Administration (FTA) requires the development of a Public Transportation Agency Safety Plan based on the Safety Employer System approach. Operators of public transportation systems will be required to implement the safety plan. The

development and implementation of a safety plan will help ensure that public transportation systems are safe nationwide.

ARTICLE 3 - GRIEVANCE PROCEDURE

Section 3.1: The term "grievance" as used in this Memorandum shall be any dispute, disagreement, or difference between an employee and the UG as to the meaning of any terms or provisions of this Memorandum and as to the manner in which these provisions are applied. In this Article, all references to “days” specifically mean business days which are Mondays through Fridays and excludes all holidays as identified in this Memorandum.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the Union may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The Union's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

Grievances are to be processed and/or settled in accordance with the following:

Step 1: The employee or the employee’s Union representative, raising the grievance shall present it to the department head in writing, within five (5) working days from the time the grievance occurred or became known. Otherwise, it need not be considered. The department head shall provide the employee and the employee’s Union representative with a written response no more than 5 days after the grievance has been presented to the department head.

Step 2: If the grievance is not resolved at Step 1, the employee or Union Steward shall notify the Union Business Manager of his dissatisfaction and shall request, in writing, a review of the grievance by the Director of Public Works or his designee.

The Union Business Manager shall make a formal request, in writing, to the Director of Public Works, for a Step 2 hearing on the grievance. Requests for a Step 2 hearing must be submitted within five (5) working days of the Division Head's response in Step 1. The Director of Public Works, or his designee, shall schedule a hearing within fifteen (15) days of the receipt of the request for review of grievance. If the grievance is not scheduled within fifteen (15) days of the receipt of the request for review of the grievance, the grievance shall be disposed of in favor of the union. The Director of Public Works, or his designee, shall render a decision on the matter within thirty (30) working days of the Step 2 hearing. If the decision is not rendered within 30 working days, the grievance shall be disposed of in favor of the union. These deadlines may be extended by mutual agreement of the Employer and the Union.

Step 3: If the grievance is not resolved at Step 2, the Union Business Manager may determine to advance the grievance to arbitration. Individual employees may consult with the Business Manager regarding whether arbitration is appropriate, but the final decision as to whether a grievance will be advanced to arbitration must be made by the Business Manager. No individual employee is independently authorized to advance a grievance to arbitration. Should the grievance be advanced to arbitration, the Union Business Manager will provide the Employer written notice of intent to arbitrate within ten (10) working days of receiving the Step 2 hearing decision. The Employer and the Union shall request a panel of impartial arbitrators from the Federal Mediation and Conciliation Service. Within a reasonable time (no more than thirty calendar days) of receiving the panel, the

Employer and Union shall meet to select an arbitrator. Selection will be accomplished by alternating "strikes" until one name is left on the list. The Union and employer agree to flip a coin to determine which party will have the first strike. The arbitration hearing shall be scheduled at a mutually agreeable date and time. The Employer and the Union agree to share equally the costs of requesting the panel and any fees due to the arbitrator.

Section 3.2: It shall be the responsibility of the employee to properly and promptly respond to the procedure herein itemized. Grievances not raised by employees within the time limitations stated shall not be considered. Furthermore, failure on the part of either party to promptly respond to the procedures outlined herein shall result in the grievance being disposed of in favor of the non-defaulting party. However, any deadlines to which this section applies may be extended by mutual agreement of the parties.

Section 3.3: It is mutually agreed that a representative of the Union and a representative of the Employer shall meet quarterly, as needed, to discuss other matters of concern or interest to either party that may, from time to time, arise.

ARTICLE 4 – WORK ASSIGNMENTS

Section 4.1: All shifts in the Transit Department, including relief drivers, shall be selected or assigned by seniority by job classification on a quarterly basis.

ARTICLE 5 – DIVISION SENIORITY

Section 5.1: The Transit Division shall maintain seniority lists for each Section. Such Sectional seniority shall be used for vacation scheduling and overtime. The Employer shall be permitted to utilize personnel from outside of a Section as the Employer determines necessary to meet staffing needs. Employer agrees that prior to utilizing a dispatcher to perform driver overtime

that the Employer shall first offer such driver overtime to available relief drivers.

ARTICLE 6 – OVERTIME

Section 6.1 – The provisions of this Article are supplemental to the overtime provisions of the bargaining unit agreement.

Section 6.2: Employees, who are scheduled for overtime on a holiday, must report to work as scheduled unless they are excused by a supervisor at least 48 hours prior to the time they are scheduled to work.

Section 6.3: Transit Department employees shall be offered overtime on a seniority basis, based upon availability. "Availability" is defined as immediately available without interfering with an assigned route. An assigned route shall not be vacated to work overtime in a different bid category except as may be permitted solely within the discretion of employer.

Section 6.4: In the event there are no volunteers to work an overtime shift, the Employer may force overtime in the order of reverse seniority which may result in the employee working sixteen (16) hours.

ARTICLE 7 – PROMOTIONS

Section 7.1: The provisions of this Article are supplemental to the promotional section of the bargaining unit agreement.

Section 7.2: A committee consisting of equal members of employer and the union will be formed to discuss operational improvements and career and professional development including, but not limited to, education, certification, testing and training and to make recommendations to the parties relating to these areas. The union shall appoint its members to the committee.

ARTICLE 8 - COMPENSATION

Section 8. 1: Rates of Pay. Pay increases for 2023 shall be determined through the parties continued negotiations pursuant to Section 7.2 of this addendum, but in no event shall an employee receive less than a 3% pay increase for calendar year 2023. Rates of pay shall be as provided below:

Classification	**1/1/2020**	**1/1/2022**	**1/1/2023**
Transit Operator	$19.60	$22.40	TBD
Lead Transit Operator	$21.97	$25.08	TBD
Dispatcher I	$19.41	$20.18	TBD
Dispatcher II	$20.51	$21.33	TBD

Section 8.2: Premium pay for Transit Drivers. Transit Drivers who, through a bid position, operate a bus that has a manufacturer's GVWR (Gross Vehicle Weight Rating) in excess of 14,500 pounds on behalf of the Transit Division will receive premium pay in the amount of 75 cents per hour when operating such buses. Transit drivers who temporarily operate a bus that has a manufacturer's GVWR (Gross Vehicle Weight Rating) in excess of 14,500 pounds will be entitled to step up pay as set forth in Section 17.1.

Staff Request for Commission Action

Tracking No. 211735

Full Commission Meeting Date: 06/09/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/27/2022	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

Item Description:
Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 211798

Full Commission Meeting Date: 06/30/22
Committee: Full Commission

Date of Standing Committee Action: (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/30/2022	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

Item Description:
A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and The International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution & MOU, 8DZ9446-Pay Grid - 6 15 22 12 00

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and The International Association of Firefighters Local No. 64.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ___ DAY OF _____, 2022.

_____
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty S. Brown
Chief Counsel

MEMORANDUM OF AGREEMENT

2019-2024

Between

The Unified Government of Wyandotte County,
Kansas City, Kansas

and

The International Association of Firefighters

Local No. 64

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DEFINITIONS

Chief - Chief of the Kansas City, Kansas Fire Department.

City - City of Kansas City, Kansas.

Corps – Fire Prevention, Emergency Operations, First Deputy Corps.

Department - Kansas City, Kansas Fire Department.

Deputy Chief – A chief officer who is in charge of a corps comprised of multiple divisions.

Division Chief - A chief officer of the Kansas City, Kansas Fire Department who is in charge of a Department Division.

Divisions - Training, Fire Suppression and Rescue, Emergency Medical Services, Specialty Operations, and Communications or as otherwise created by the Department.

Employee - All persons employed by the Fire Department who are members of the bargaining unit.

Employer - Unified Government of Wyandotte County/Kansas City, Kansas.

Executive Committee - IAFF Local No. 64, President, Vice-President, Secretary-Treasurer, Recording Secretary and Five Elected Executive Board Members.

Fire Department - Kansas City, Kansas Fire Department.

Firefighter - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression position and who works twenty-four (24) hour shifts.

Firefighter/Paramedic - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression/Paramedic position and who works twenty-four (24) hour shifts.

Gender - The male shall include the female and the female shall include the male.

Memorandum - Memorandum of Agreement between Unified Government of Wyandotte County/Kansas City, Kansas and IAFF Local No. 64.

Paramedic – An Employee possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services.

Permanent Employees - Fire Department employees who have successfully completed their 12

month probationary period and have received a permanent appointment.

Shift Days - 24 Hour work periods.

Specialized Units - Training, Shop, Recruitment, Special Operations and other units so designated by the Department.

UG - The Unified Government of Wyandotte County/Kansas City, Kansas.

Union - IAFF Local No. 64.

MEMORANDUM OF AGREEMENT

ARTICLE 1 - PREAMBLE

This Memorandum of Agreement (hereinafter "Memorandum") is entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter "Employer" or "UG"), and Local No. 64, International Association of Firefighters (hereinafter "Union").

It is the purpose of this Memorandum to achieve and maintain harmonious relations between the Employer and the Union; to provide for equitable and peaceful adjustment of differences that may arise, and to establish proper standards of wages, hours and other conditions of employment.

ARTICLE 2 - RECOGNITION

The Employer recognizes the Union as the exclusive bargaining agent for all sworn employees of the Fire Department of the rank of captain (or equivalent) and below, except that confidential and supervisory employees are excluded.

The Unified Government recognizes the Union as the exclusive bargaining agent for all of the bargaining unit member dispatchers who are described as sworn fire department dispatchers. However, all of the bargaining unit member dispatchers will be supervised by individuals as designated by the UG Administrator. All of the bargaining unit member dispatchers will be paid as determined by the Unified Government and will be assigned serial numbers by the Unified Government. These bargaining unit members were among those who were originally subject to the Order of certification in 75-UDC-3-2002.

ARTICLE 3 - NON-DISCRIMINATION

UG and the Union agree that they shall not directly or indirectly discourage or deprive or coerce any employee in the enjoyment of any rights conferred by the laws of Kansas and the United States; that neither the Employer nor the Union shall interfere with the right of employees covered by this Memorandum to become or not become members of the Union and there shall be no discrimination against any such employees because of lawful Union membership or lawful Union activity or non-membership or non-activity; that each will comply with applicable laws and regulations regarding discrimination against any employee or Union member due to such person's race, color, creed, religion, national origin, sex, age or disability. When words of gender are used in this Memorandum, the male term shall include the female and the female term shall include the male. The Union recognizes its responsibility as bargaining agent and agrees fairly to represent all employees in the bargaining unit.

ARTICLE 4 - UNION BUSINESS

§ 4.1 Conferences, Conventions, Seminars and Symposiums

Designated members of the Union shall be granted time off without loss of pay to attend certain conventions, conferences, seminars and symposiums, with the consent of the Chief. Time off requests must be submitted two weeks prior to a convention, conference, seminar or symposium. The referenced conventions, conferences, seminars or symposiums will be the International Association of Firefighters' Convention (not to exceed four (4) members of the Union every other year), the John P. Redmond Safety Symposium (not to exceed four (4) members of the Union every other year), and the Kansas State Fire Council of Firefighters Convention (not to exceed eight (8) members of the Union) and the Human Relations Conference (not to exceed three (3) members of the Union); the District 2 Symposium (not to exceed six (6) members; and the IAFF Legislative Conference (not to exceed two (2) members). If as a result of any of the above, a shortage of manpower exists, then the Department may invoke its rights under Article 24, paragraph 7.

§ 4.2 Local Meetings

The President, Business Manager/Recording Secretary, Secretary/Treasurer of the Union shall be allowed reasonable time off to attend not to exceed two (2) regular meetings and two (2) special meeting per month of the local Union. The Chief shall be given written notice at least seven (7) calendar days in advance of such regular meetings and must consent to these Union officers being granted time off for any special meetings.

§ 4.3 Pay For Negotiators

UG will permit not to exceed five (5) Local Executive Board members time off with pay for time actually spent in collective bargaining sessions with UG.

§ 4.4 Local Union Business

Nothing contained within this Memorandum of Agreement shall alter the existing past practice between the Parties which allows Local Executive Board Members to conduct authorized Local Union business during their regular working hours, provided that the Chief and the appropriate supervisor are given notice that such representative of the Local will be so engaged and consent thereto. Time spent in handling Union Business outside of the Local Executive Board Members normal work hours shall not be considered time spent in the employ of UG. Subject to the approval of the Chief or his designated representative, the Local Union President shall be allowed time off without loss of pay to engage in activities that benefit the UG, the Department or Department employees.

ARTICLE 5 - PROBATIONARY PERIOD

§ 5.1 New Hires

A new employee appointed to the Fire Department shall serve a probationary period of one (1) year, shall pass the necessary examinations and shall satisfactorily perform his duties before he or she becomes a permanent employee.

A new dispatch employee shall serve a probationary period of one (1) year, shall become certified as required and shall satisfactorily perform his or her duties before he or she becomes a permanent employee. This period may be extended for a time not to exceed ninety (90) days, by the written agreement of the Employer, Employee and Union. Any interruption of employment (leave, sickness, etc.) during the probationary period in excess of five (5) days shall not be counted as part of the period. During that time the employees may be discharged or disciplined at the sole discretion of the Employer without recourse to the provisions of this Addendum or the foregoing IAFF Memorandum. Probationary employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employee's seniority date will be measured from his or her date of hire. An employee's probationary period shall commence on the employee's first (1st) physical day on the job.

§ 5.2 Promotions

An Employee who receives a promotion to a higher rank shall serve a probationary period of six (6) months in such higher rank, unless extended by mutual written agreement between the Department and the Union, before such appointment becomes permanent.

§ 5.3 Retention or Removal

If a probationary employee is unsatisfactory to the Employer, then the employee and the Union (unless the employee requests that the union not be notified) shall be notified in writing that he is not to be retained. If he is retained beyond the probationary term, then his appointment or promotion shall be deemed permanent. An employee who does not satisfactorily complete the probationary period for promotion shall be returned to his last permanent rank.

ARTICLE 6 - PAYROLL DEDUCTION OF DUES

The Employer agrees to deduct, each month, dues and assessments in any amount certified by the Union and authorized by the employee from the pay of those employees who individually request, in writing (Dues Deduction Authorization Slip), that such deductions be made. Employees may revoke the authorization by giving thirty (30) calendar days written notice to the Employer. The employer will notify the Union of any revocation of dues deductions. The total amount of deductions shall be remitted, each month, by the Employer to the Treasurer of the Union.

ARTICLE 7 - CALL BACK PAY

Employees who are called back to work after leaving their normal shift shall be compensated for all time actually so worked at the overtime rate. Employees shall receive a minimum of four (4) hours pay at their regular straight time rate or the actual time worked at the overtime rate, whichever is greater. Employees shall not be compensated for "travel time," to or from work. Call backs shall be made in accordance with the Department's orders concerning the same.

ARTICLE 8 - LEAVES OF ABSENCE

§ 8.1 Leaves of Absence

Leaves of absence shall be without pay unless specifically stated that they are to be with pay.

§ 8.2 General Leaves of Absence

Any general leave of absence that may be granted is the decision of the Chief. The maximum general leave of absence shall be thirty (30) calendar days. The UG Governing Body may extend such leave for any periods not to exceed thirty (30) calendar days upon receipt from the Chief of a written recommendation to that effect. Any employee desiring a general leave of absence shall submit a written request to the Chief, setting forth the reasons for the request at least seven (7) calendar days prior to the commencement of the requested leave, except in cases of emergency. If such request is denied, the reason for such denial shall be made known to the requesting employee. The time an employee spends on general leave of absence shall not be counted as time worked in determining vacation benefits or any other benefits under this Memorandum or under law.

§ 8.3 Military Leave

Any employee who voluntarily or involuntarily enters active duty in any branch of the military service, including all Guard and Reserve units of the Armed Forces of the United States, may be placed on military leave of absence without pay. Any employee who is a member of the National Guard or any other component of the Military Reserve may be granted a leave of absence without pay to meet his military obligation. Military obligation means required summer camps and meetings, and may or may not, in accordance with Federal Law, include camps and training sessions attended voluntarily. In either case, such employee shall comply with UG procedures in requesting such leave and upon his separation from the service he shall be entitled to such benefits accruing to him under existing Federal laws and regulations and agreement then in effect. An employee on military leave shall report for duty with the Department within ninety (90) days of his separation from service on his initial tour of duty or he will be considered as having voluntarily resigned.

§ 8.4 Death in the Family Leave

Each employee shall have, in the event of a death in his immediate family, not to exceed three (3) consecutive calendar days off for 40 hour personnel or one shift day off for 24 hour personnel, with pay, but such leave shall not extend beyond the day after the funeral. The term "immediate family" shall include the employee's spouse, children, parents, step-parents, brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, parents of spouse, grandparents of spouse, or a relative living in the employee's home. The Chief or his designee at their discretion may grant death in the family leave to an employee to attend the funeral of other relatives, or extend the funeral leave, at their discretion under extenuating circumstances. The employee shall provide verification of the death of the immediate family member.

§ 8.5 Injury Leave

a) An employee who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of this section. Additionally, an employee who contracts an "occupational disease," as defined and applied by the Kansas Workers' Compensation Act (K.S.A. 44-5a01, as amended), which disease arises out of and in the course of the employee's employment which disease results from the nature of the employment in which the employee was engaged with the Department, and which was actually contracted while so engaged, may be eligible for the benefits provided by the provisions of this section. The applicable provisions of the Kansas Workers' Compensation Act shall provide the parties with authority to determine if employees of the bargaining unit are entitled to the benefits of this section for occupational diseases.

b) Claims due to stress, mental disorder or mental injury may be compensable under this section if the stress, mental disorder or mental injury is occasioned by an act of duty as an employee in their response to an emergency call.

c) If the injured employee, in the opinion of his and the Department's physicians, is unable to work because of such injuries he may be granted injury leave. If the employee is granted such leave he shall receive his regular base pay for a period not to exceed fifteen (15) months. Such leave shall be terminated when the employee's or the Department's physician determines that the employee is able to return to work. No employee will lose any benefits while on approved injury leave.

d) The maximum amount of leave allowed under this section for any one injury or series of injuries, shall be a cumulative fifteen (15) months at the end of which the injured employee must return to his regular full-time Departmental duties, apply for a disability pension, resign his position with the Department or be terminated.

e) An employee on injury leave shall be required to periodically (at least every forty-five (45) calendar days) acquire and provide to the Department a report, from his attending

physician, stating clearly the employee's medical condition, the likelihood of said employee's return to work and a physician's statement, based upon reasonable medical certainty as to when the injured employee may return to the employee's regular duties with the Department.

f) The Department may allow, by mutual agreement of the employee and the Department, or may require with a written release from the employee's treating physician, including specialist if applicable, an employee on approved injury leave, at any time, to return to light duty if the employee is able to perform the work and the Department has a position available. In this event the employee may be placed at the discretion of the Department. However, any time spent on light duty shall be included within the maximum fifteen (15) months injury leave provided in paragraph (c) hereinbefore. If at the end of the total cumulative fifteen (15) month period the employee is still unable to perform his or her regular full duties then the employee must apply for a disability pension, resign his or her position with the Department or be terminated.

g) An employee injured on duty, must report, if reasonably able, in writing, such injury forthwith to his immediate supervisor. The injury shall be recorded in the fire company's log book as to date, time, location and type of injury. The employee shall then be required to forthwith report to a physician authorized by the health care plan of which the firefighter is a member for examination and/or treatment. If such physician is not available then the firefighter shall be required to report to a hospital emergency facility for examination and/or treatment. The injured employee shall return a written verification to the Department that he has been so examined and/or treated. An employee shall not be entitled to receive injury leave benefits unless he complies with this section.

h) When an employee is on injury leave, the UG may require the employee to be examined by a physician of the Department's choosing to determine the capability of the employee to return to duty.

i) Employees on approved injury leave are prohibited from being gainfully employed or being self-employed.

j) No employee will be entitled to receive more salary as a result of receiving the benefits of this section than he would have received had he been working and receiving his base pay during this time period.

k) Any medical examinations and/or treatments which are required by the Department will be provided under the applicable group health and medical plan. Any deductible amount not paid by this coverage shall be the responsibility of the UG. If the carrier denies coverage the UG shall be responsible for the full costs of such examinations.

l) Employees are required when initially requesting injury leave to execute Department forms which authorize the employee's treating physician(s) to release the relevant medical records to the Department and to respond to the Department's inquiries concerning the capability of the employee to return to work and/or to return to work light duty. The Department

will provide the physician(s) with a general description of the duties of the light duty position when requesting his/her opinion(s).

m) Injury Leave – Dispatch.

i. Subsection a. through d. and k. of this Section 8.5 are inapplicable to dispatch employees.

ii. An employee who sustains injuries arising out of and in the course of his or her employment shall be covered by the provisions of the Workers' Compensation Act of the State of Kansas. If the employee is unable to work, he or she shall receive the difference between her regular pay and the workers' compensation benefits he or she receives for the first thirteen (13) weeks of any such injury leave. Thereafter, any further injury leave shall be at the discretion of the UG Commission.

§ 8.6 Sick Leave

a) Entitlement

1) All permanent employees shall be allowed leave with pay on account of sickness or non-duty related injury at the rate of one and one fourth (1-1/4) calendar days for each calendar month of full service by such employees.

2) Sick leaves shall not accumulate during general leaves of absence, extended military leave of more than thirty (30) days, suspensions or layoff.

3) Twenty-four (24) hour shift employees must actually work or be credited with working at least six (6) shift days per month and forty (40) hour employees must actually work or be credited with working at least twelve (12) work days per month in order to accumulate the referenced Sick Leave entitlement.

b) Limitation of Accumulation

There shall be no limit on the number of sick days that the employee may accrue.

c) Transferred Employees

When an employee is transferred to another department of UG, any unused sick leave that may have accumulated to his credit shall continue to be available for his use as necessary.

d) Termination

Upon an employee's voluntary resignation, termination for just cause or layoff due to personnel reduction, any accrued, unused sick leave shall be forfeited.

e) Pension

An Employee who shall have accumulated sick leave and is eligible for a pension in accordance with the provisions of the Kansas Police and Fire Department Retirement Systems Act, shall upon retirement receive regular straight time compensation for any accumulated unused sick leave, but such compensation shall not exceed four (4) months base pay.

Thirty (30) days of accumulated sick leave shall be used for each one (1) month's equivalent pay. If an employee has less than the referenced number of accumulated sick leave, he shall receive the pro-rated one-thirtieth (1/30th) of one (1) month's pay for each day of accumulated sick leave existing at that time.

f) Use Provisions

1) The payment to an employee of paid sick leave shall be subject to the following rules:

a) Sick leave may only be used for the purpose for which it was intended, that being to provide an employee with protection against a loss of pay due to a bona fide illness.

b) Employees on approved sick leave are prohibited from being gainfully employed or being self-employed.

c) The granting of sick leave shall be at the determination of the Chief or his designee.

d) The employee shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

e) If an employee reports for work and then leaves during his tour of duty due to illness, the employee must report same to his supervisors before leaving the Department's premises and, upon request of his supervisor(s), the employee shall sign an authorization to allow the UG to acquire the employee's relevant medical records and/or a report, from his attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee was unable to work the day(s) of his absence due to his illness or injury.

f) Any permanent employee who is absent for more than one (1) consecutive shift day for 24-hour employees or two (2) consecutive workdays for 40-hour

employees due to illness or injury, shall provide a report from the employee's attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee has been seen and treated and was unable to work the day(s) of his absence due to his illness or injury. Such employees must also be at their place of residence during the hours of the employees shift for which the employee has called off sick unless: (1) the employee can provide documentary proof upon the employee's return to work that their absence was necessary for seeking medical care or treatment from or at the direction of the employee's attending physician; or, (2) after the employee has provided to the Department a report from the employee's treating physician attesting that the employee has incurred an injury or has a chronic, serious medical condition but is nonetheless ambulatory.

g) The Chief or his designee shall request on the first day of sickness after said employee has laid off two (2) sick leaves in any twelve (12) consecutive month period a statement signed by the employee's treating physician stating clearly that the employee was seen and treated, the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided to the employee and a statement that the employee was unable to work the day(s) of his or her absence due to his illness or injury. Such employees must also be at their place of residence during the hours of the employee's shift for which the employee has called off sick unless: (1) the employee can provide documentary proof upon the employee's return to work that their absence was necessary for seeking medical care or treatment from or at the direction of the employee's attending physician; or, (2) after the employee has provided to the Department a report from the employee's treating physician attesting that the employee has incurred an injury or has a chronic, serious medical condition but is nonetheless ambulatory. The employee shall be notified in writing when he has laid off two (2) sick leaves in any twelve (12) month period.

h) Sick Leave Buyback.

Employees who have at least 480 hours of sick leave in their sick leave bank are permitted to sell back to the Unified Government at the end of a calendar year sick leave based upon the following usage table:

Sick leave used per year	Hours permitted to sell back
None (8-hr)	96 hours (24-hr) / 64 hours
One (1) shift (8-hr)	72 hours (24-hr) / 48 hours
Two (2) shifts	48 hours (24-hr) / 32 hours

(8-hr)

Three (3) shifts or more None

The provisions of this Section 8.6(h) shall only apply if the total amount of unscheduled leave (sick leave, Covid-sick, family illness and injured on duty leave including any such leave taken in conjunction with FMLA) from July 1st through June 30th is reduced by the following percentages from the amount of such leave taken by the bargaining unit in the 2021 calendar year: 2022 – 20%, 2023 – 30%, 2024 – 35%. The number of hours of unscheduled leave taken by the bargaining unit in 2021 is 122,730 hours.

i) Any employee who averages three (3) or more sick leaves per year from his date of employment, shall be classified as an "excessive user" of sick leave and the Chief shall inform him in writing that he has been placed in this category. An employee in the "excessive user" category will be governed by the following rules:

1) Such employee during a sick leave absence shall be checked to see if he is at home and if not there, the employee must supply proof that he was at the doctor's office, or hospital during that time. If proof cannot be supplied, the employee shall receive six (6) consecutive calendar days off of work without pay for the first offense; fifteen (15) consecutive calendar days off of work without pay for the second offense; thirty (30) consecutive calendar days off for the third offense; and termination for the fourth offense. Discipline for the fourth offense is subject to the Chief's discretion.

j) Employees not using any sick leaves including family illness from January 1st through December 31st of any calendar year shall receive one (1) extra twenty-four (24) hour day off with pay the following year if a twenty-four (24) hour employee and forty (40) hour employees shall receive two (2) working days off with pay. Such days may be taken by the employee, schedule permitting and with consent of his supervisor.

k) Records of Sick Leave

It shall be the duty of the Department to keep a permanent record of sick leave and each employee's accumulation and use of sick leave.

l) Payment Beyond Accrued Vacation and Sick Leave

Any employee who, on account of a non-job related illness or injury, is absent beyond the period of time for which he has accrued sick leave and vacation leave may apply to be paid at the rate of one-half (1/2) the usual wages or salary such employee was receiving at the time the illness or injury commenced, for a period not

to exceed six (6) months. The granting of such additional leave shall be at the discretion of the UG Commission. A return to work for a period of thirty (30) days shall be prerequisite to the vesting of an entitlement to any second or subsequent period of half-pay not to exceed six (6) months.

m) Family Illness

Employees may, with the Chief's permission, take a family illness leave with pay. Such leave shall not exceed two (2) twelve (12) hour days or one (1) twenty-four (24) hour day for twenty-four (24) hour shift employees or two (2) work days for forty (40) hour employees within a calendar year, unless the employee provides a written note from the family member's treating physician indicating that the employee's absence on the date of the family illness was necessitated to provide care for the family member's illness or injury. Such leave may be extended when in accordance with the treating medical doctor's specific orders. This leave shall be charged to the individual employee's accumulated sick leave; however, the leave shall not count as an occurrence.

n) Sick Leave Donation

Bargaining unit employees may be allowed to donate sick time to other bargaining unit employees of the Fire Department who have a catastrophic or life threatening personal illness under the following conditions:

1. All other accrued paid leave and/or time must be exhausted before donated time can be used.
2. Employees who are excessive users of sick leave under Section 8.6 leave are not eligible to receive sick leave donations.
3. Donating employees must have at least one hundred (100) hours remaining after donating to participate.
4. Employees may donate up to two (2) twenty-four (24) hour shifts for 24 hour shift employees or forty (40) hours for 40 hour per week employees.
5 Sick time hours donated will not be converted into any other form of compensation. Donations shall be paid at the recipient's rate of pay. Donated sick time will not be paid upon separation from employment by the employee receiving the donated time. Unused donated sick leave will not be returned to the donating employee.
6. Any unused donated sick time that has been turned into the Department will be lost.
7. Employees on disability are not eligible to receive donated sick time.
8. The eligibility of an employee to receive donated sick time will be at the discretion of the Department.
9. The maximum number of donated sick leave hours that can be

received is 640 for 40 hour per week employees and 960 hours for 24 hour shift employees.

§ 8.7 Family Medical Leave

Employees may be entitled to a Family Medical Leave as set forth in the UG's Human Resource Guide section and by the Family Medical Leave Act.

§ 8.8 Pregnancy Protection Assignment

Employees who become pregnant may, upon a date set forth by the employee's physician, be moved into a non-hazardous duty position until the pregnant employee's FMLA leave commences. The employee shall return to her original position upon completion of her FMLA leave.

The non-hazardous pregnancy assignment shall terminate upon the employee being medically required to be placed off duty due to the pregnancy. Such employee may apply for FMLA leave to cover this absence, for childbirth purposes, from her employment.

ARTICLE 9 - WORKING OUT OF CLASSIFICATION

Any employee who is required to accept the responsibilities and carry out the duties of a position or rank above that which he normally holds, shall be paid in full at the rate of that position or rank while so acting for each one-half (1/2) shift day or any part thereof so worked. Provided, that a Firefighter I, II or III or a Firefighter/Paramedic who operates as a Fire Apparatus Operator of Fire Department apparatus for one (1) or more shifts shall receive as compensation his regular per diem rate plus the difference between the per diem rate of a Firefighter I and a Fire Apparatus Operator. Pay commencing from the first day of acting capacity shall be paid monthly.

In the event of a shortage of Battalion Chiefs, Captains may be allowed to ride out of title in those Battalion Chief's positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief.

The UG does not have grade positions in the Medical Transport Division, therefore, Article 9 does not apply to Medical Transport Division employees.

In the event of a shortage of Medical Transport Supervisors, Paramedics may be allowed to ride out of title in those Medical Transport Supervisor positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief. The Paramedics acting as Medical Transport Supervisors shall receive out of title pay on a per diem basis which shall be the difference between the Paramedic's pay and the Medical Transport Supervisor's pay.

ARTICLE 10 - HOLIDAYS-KELLY DAYS

§ 10.1 Holidays and Kelly Days

a) Twenty-four hour shift employees.

Twenty-four (24) hour shift employees shall be granted five and one-half (5-1/2) shift days off as holidays and six and one-half (6-1/2) shift days off as Kelly days. Employees shall schedule such holidays and Kelly days as provided in Article 24. Additionally, 24-hour shift employees shall receive twelve (12) hours of straight time pay for the Juneteenth holiday, which hours shall not be included as hours worked for purposes of overtime.

b) Forty-hour employees.

Forty hour employees shall receive the following days of each year as legal holidays:

1) New Year's Day
2) President's Day
3) Martin Luther King Day
4) Good Friday
5) Memorial Day
6) Juneteenth
7) Independence Day
8) Labor Day
9) Veterans Day
10) Thanksgiving Day
11) Day after Thanksgiving Day
12) Christmas Day

ARTICLE 11 - UNIFORMS, PROTECTIVE CLOTHING AND DEVICES

A) Provision.

All uniforms, protective clothing, or protective devices required of employees in the performance of their duties shall be furnished by UG.

B) Replacement.

Worn-out, damaged or unserviceable uniforms, work and protective clothing and devices must be turned in at the designated location prior to the issuance of replacement items. Items which are damaged, destroyed, lost or stolen not in the performance of the employee's duties shall be the employee's responsibility. Items lost or stolen due to the Department's negligence, shall not be the employee's responsibility. A joint Union-Management committee will be formed in order to review and recommend to the Chief of the Department a system for handling replacement of worn out, damaged or unserviceable uniforms, work and protective clothing and devices. The Union President shall appoint two members and the Chief shall appoint two

members of the joint committee.

C) Termination.

When employment is terminated for any reason, the employee is required to return the issued items and UG may withhold a reasonable amount from the final paycheck, not to exceed 75% of the cost of replacement of the issued items, of the employee's funds to compensate UG for uniforms or equipment not so returned as permitted by K.S.A. 44-319(b)(3), provided that such withholding does not reduce the employee's compensation paid, less the withholding, to below the minimum wage under either State or Federal law.

D) Wearing of Uniforms.

Employees are required to be in uniform at all appropriate times while on duty. Employees reporting for duty either fully or partially out of uniform shall not be allowed to work until they report in uniform. Employees are not allowed to wear the issued items or use UG issued equipment at any time except when they are traveling to or from work or actively engaged in performing duties of their employment with the UG, conducting legitimate Union business when it is necessary to wear the uniform or with the permission of the Chief.

ARTICLE 12 - MEDICAL PLAN

During the term of this Memorandum, UG agrees to offer the employees of the Department the same medical, dental or other similar welfare benefit plans which are made available to the UG's employees generally. As of the date of the adoption and execution of this Agreement, for all years of this Agreement such plans have already been adopted and benefits have been established. Members of the bargaining unit represented by the Union shall receive those benefits as set forth in the benefit plans adopted by the U.G. for all contract years of this contract. Other than benefits paid for compensable on the job injuries under Section 8.5 of this Agreement, members of the bargaining unit shall not be entitled to greater or differing medical plan benefits from those benefits offered to other U.G. employees. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Prior to January 1, 2016, UG agrees to pay for one hundred percent (100%) of the insurance premium for each covered employee for the employee's individual cost of coverage elected under either the Single or Family coverage offering. Beginning on January 1, 2016 and for the remainder of the term of this Agreement, each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected at the rate of $30 per month, provided that upon ratification of this MOA the monthly premium contribution amount shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium for the least expensive medical plan provided or administered by a major

reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium of $30 per month discussed in Subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should elect to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any, and his portion of the premium therefore shall be deducted from the employee's paycheck.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from one year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increases to fourteen percent (14%) or less. The UG Employee Health Benefit Committee (EHBC) shall meet and confer in an attempt to make recommendations to the UG Administrator for modifying the polic(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall have at least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retires. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (Local 64) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations

are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plan for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis).

2. Administrative expenses to administer the plan during the year.

3. Sufficient funds to create and/or preserve a Apremium stabilization@ reserve fund of at least five percent (5%) of the previous year's total premium costs amount.

Retirees shall be eligible for the same health insurance benefits made available by the UG to other UG retirees. See Attachment "B."

ARTICLE 13 - SENIORITY AND PERSONNEL REDUCTION

§ 13.1 General

Seniority shall govern in bidding for station assignment when the qualifications of the employee involved, including training, education, experience, ability and performance, are equal. If department seniority is equal then time in rank will be used to break any tie. If time in rank should be equal, then seniority shall be governed by the employee's identification number, the lowest number having preference. Seniority shall also govern in layoff and recall as further provided herein. Seniority shall not apply to promotions to positions not included in the employment classifications covered by this Memorandum.

For recruit classes hired on or after January 1, 2008, the employee's identification number, which determines seniority in the event of a tie, will be determined and based upon the scores attained in the employee's recruit class rather than by alphabet.

§ 13.2 Measurement of Seniority

A. Seniority shall be measured by continuous service as an employee of the Fire Department. This service shall be measured from the date of last hire, unbroken by other than vacation, military leave or other authorized leave of absence not exceeding ninety (90) calendar days. Seniority shall be broken by discharge, resignation, retirement, permanent disability, or suspensions from duty in excess of ninety (90) calendar days. During suspensions in excess of ninety (90) calendar days, an employee shall receive no credit for that service. In the cases of break in seniority caused by such suspensions, the employee's seniority is reduced only by the length of the suspension. In the case of disputes concerning seniority, the employer's records shall govern. During the first one (1) year of employment, which is the probationary period, an employee shall not be considered to have seniority, however, upon completion of this probationary period seniority shall extend from the first day of continuous employment.

B. All bargaining unit members hired into EMS Transport Division on May 6, 2004 will be given a suppression/medical transport date of hire of May 6, 2004. For those employees hired after May 6, 2004, the date of hire will be the effective suppression/medical transport date of hire.

Those dates of hire that occur after May 6, 2004 will be subject to this definition of effective date of suppression/medical transport date of hire and will be subject to existing contract language regarding the bid process and promotions.

§ 13.3 Measurement of Seniority for Paramedics

Employees who were employed previously by the Department as Emergency Medical Intensive Care Technicians or Medical Unit Leaders and who are now employed by the Department as Firefighter/Paramedic shall have a Department seniority date of April 21, 1994 for purposes of requests for station assignments and promotions.

§ 13.4 Seniority Lists

The employer shall prepare an up-to-date seniority roster containing names, length of service and rank of such employees represented by the Union. The employer shall update the list annually (by March 15), during the term of this Memorandum. In the event an employee believes an error has been made as to his position on the seniority roster, he shall have fifteen (15) calendar days after the roster is prepared to file his protest, in writing, with the Chief. Such lists shall be posted in each station.

§ 13.5 Layoffs

Layoffs or job displacement shall be made according to Division seniority until fifty percent (50%) of the Division bargaining unit members have been laid off, then layoffs shall be governed by inverse departmental seniority of the employees being laid off.

§ 13.6 Recall Rights

a) The order of recall shall be governed by the employee's Division Seniority and his qualifications within the Division in which the vacancy exists.

b) Notification of recall shall be given by the UG by certified mail to the recalled employee at his last address furnished to UG.

c) Within five (5) days after such notice is postmarked, the employee must advise the Personnel Department whether he accepts such reinstatement. Any recalled employee who fails to notify the Personnel Department within five (5) days, as outlined above, shall forfeit all seniority rights and opportunities for future recall. The next qualified employee on the appropriate Division seniority list may be notified of the opening and the above procedure shall be repeated until the vacancy is filled. If no qualified employee remains on the appropriate

Division seniority list to fill the vacancy, then the vacancy may be filled by new hires.

d) An employee recalled shall report to work within ten (10) calendar days after indicating his willingness to accept reinstatement. If the employee fails to report within such time, he shall forfeit all seniority rights and all future recall rights.

ARTICLE 14 - REQUEST FOR STATION ASSIGNMENT AND ASSIGNMENT TO TRAINING

§ 14.1 General

a) It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including ability, education and experience of bidding employees for vacant positions.

b) In order to qualify for a permanent promotion, an employee must be able to immediately perform (except temporary physical disability) the job and must be properly tested or certified where required by State or Federal Law for the posted job description.

§ 14.2 Request for Station Assignments

a) Permanent Vacancies – Notice When vacancies occur in permanent duty assignments except training, planning, shop, property, fire prevention, recruitment or other specialist positions, UG shall determine within forty-five (45) calendar days from the creation of the vacancies whether such positions shall be filled. If it is determined that the position is to be filled it shall be posted within fifteen (15) calendar days from the determination to fill it.

b) If the employer determines that a position is to be permanently filled, the following procedure shall govern.

1) Such job vacancies shall be posted for fifteen (15) calendar days along with information relating to the qualifications required for the position.

2) Employees desiring to apply for a job vacancy may do so by being qualified and by signing the station job bid form within the posting period.

3) If the relative qualifications including training, education, experience, performance, and ability of the employee candidates for the vacant position are equal, then seniority shall control in selection of the employee to fill the job vacancy, as long as such selection does not contravene any affirmative legal responsibility placed upon the UG. Provided however, if the employer feels that the bidding employee is incapable or unqualified to perform the functions of the vacant position or that the employee will in the opinion of the employer create a problem at his new assignment. In these situations, the employer may make an assignment, within its discretion, to the position. The

employer shall determine capability, qualifications or problem areas. In exercising such judgment, the employer shall not unlawfully discriminate against an employee, and if any employee is aggrieved by such determination, he may appeal through the Grievance Procedure set forth herein. An employee who is disqualified from a bid position may request in writing the reason for his disqualification, which reason(s) shall be given.

c) Limitation of Assignments. No employee shall make more than one (1) successful request in any twenty-four (24) month period. Employees who make more than one (1) request for station assignment, which requests are pending at the same time, must designate their preference for station assignment by first choice, second choice, etc. If the employee does not so designate his preference, his requests shall be considered void.

d) Probationary Employees. Probationary employees, as defined in Article 5 of this Memorandum, shall not be eligible to request assignment to fill such vacancies.

e) Transfer. Once the successful bidder has been selected to fill the permanent vacancy, the employer shall within fifteen (15) calendar days of the selection, transfer such employee to his new permanent assignment.

f) Management Rights. Nothing herein, except as expressly stated, shall affect the rights of the employer under Article 23 of this Memorandum.

§ 14.3 Request for Assignment to Training Division

a) Permanent vacancies or newly created bargaining unit positions within the Training Division shall be filled on a request basis in accordance with training, education, experience, ability and performance of the applicants. These determinations shall be made by the Department.

b) When a permanent vacancy occurs or a new bargaining unit position is created within the Training Division, the Department shall post such openings at each station and within fifteen (15) calendar days of such posting, parties interested in such vacancy or position shall submit their request in writing to the Chief, stating their name and qualifications for the position.

c) Applicants, unless physically disabled, must have served at least five (5) years with the Fire Suppression or EMS Division of the Department to be eligible for appointment to the Training Division. Seniority or length of service of the applicants shall not otherwise be considered a factor in selection of the employee to fill the vacancy or new position.

d) Any employee who is a qualified and successful applicant for a Training Division position, shall be required to remain in that position for a period of at least twelve (12) months, unless a shorter period is agreed upon by the Department and the employee.

§ 14.4 Medical Transport Division

There shall be a maximum of three (3) FF/Paramedics and three (3) FF/EMT positions per transport unit subject to the agreed upon bid process. In the event that a position on a suppression apparatus that is held by an EMS Transport Work Group member becomes vacant, that position shall be put up for bid initially, followed by a bid posting for the vacant EMS transport unit position. An EMS Transport Work Group member that successfully bids a suppression apparatus position shall have a rotation position on that EMS transport unit if there is an open position on the EMS unit. Should a job be awarded to a firefighter who is not a member of the EMS Work Group, the open position on the EMS unit shall be posted for bid.

Scheduling shall be at the discretion of the Department. A tiered system agreed to by the parties shall be implemented based on seniority. The Department shall make every effort to utilize all employees within their respective tiers equally. Any employee that requests to be utilized on the EMS Unit more than the required outlined shifts can do so in a written request to their Battalion Chief, Captain, and EMS Supervisor.

§ 14.5 Recruitment

a) Positions assigned to conduct Department recruitment of prospective employees are not subject to bid. Assignments to such recruitment positions will be made at the discretion of the Department.

§14.6 Dispatch

Department seniority shall govern in annual bidding for shifts and days off for dispatch employees. The annual bid shall occur on or before October 1st or the next closest business day and shall be effective on January 1st. Employees with less than one (1) year Communications Division seniority shall not be eligible to bid but may be assigned to the various shifts as determined by the Department. Employees who do not exercise the opportunity to bid shall then be assigned to any unbid position by the Assistant Chief of Communications or his/her designee. If an employee is unable to fulfill the position which he/she has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered temporarily vacant and may be filled by the Assistant Chief of Communications by assignment. If the successfully bidding employee is unable to fulfill the position within sixty (60) calendar days of the job's effective date, then the position shall be considered a permanent vacancy and may be rebid. The Assistant Chief of Communications may disqualify applicants for Lead Dispatcher positions if within his/her opinion such applicant does not possess qualifications for such position. The rejected applicant may appeal such rejection to the Chief.

ARTICLE 15 - DISCIPLINE

The authority to discipline employees is vested exclusively in the Chief. However, the Chief may from time to time delegate this authority to subordinate officers of the rank of Captain, or above. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause.

Whenever the Chief or his designee summons an employee to appear before him for disciplinary action against said employee, a Union representative, if requested by the employee, shall be allowed to accompany said employee, at the time designated by the Department, and to advise him. Seventy-two hours prior written or electronic notice to the employee of the calling of the meeting for disciplinary action shall be provided to the employee. The employee may arrange to have union representation at the noticed meeting.

Any suspension of two (2) shift days or less for twenty-four (24) hour employees and four (4) work days or less for forty (40) hour employees may be effectuated prior to the employee being allowed to have the matter heard by an arbitrator and any suspension of more than the stated times shall not be effectuated prior to the employee being allowed to have the matter heard by an arbitrator. Prior to any employee being discharged, he shall be placed on suspension without pay during the pendency of any protest of the proposed discharge.

When discipline arises from an employee's activities outside the scope of his employment with the UG, such discipline shall not be implemented until such time as criminal charges, if any, in connection with such activities shall be concluded, unless the employee's action, within the discretion of the Chief, has brought discredit upon the UG or Department.

A twenty-four (24) hour shift employee who is absent without leave for a period of three (3) consecutive twenty-four (24) hour shifts, or a forty (40) hour employee who is absent for a period of seven (7) consecutive work days, unless it can be subsequently shown that such absences were unavoidable and without fault of the employee, shall be considered as a voluntary resignation by the employee.

ARTICLE 16 - GRIEVANCE PROCEDURE

§ 16.1 Disputes and Grievances

In the event of any complaint or grievance arising under the terms and provisions of the Memorandum or of any disputes between the parties as to the interpretation or application of this Memorandum, such complaint or grievance shall be processed through the grievance procedure in accordance with the terms herein. An impasse in any negotiations for any Memorandum of Agreement shall not constitute a grievance.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and a prohibited practice under the jurisdiction of the Public Employee Relations Board, the employee may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The employee's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

§ 16.2 Informal Grievance Procedure

The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee, the union as the employee's representative and his immediate supervisor of any matter arising out of the employee's relationship with the employer, and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure.

§ 16.3 Grievance Procedure

Grievances by any employee or a group of employees shall be handled in the following manner:

1) Time Limits: Department and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being disposed of in favor of the party not in default- i.e. if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the Department's favor and if the Department fails to meet the grievance procedure time limits the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all of the time limits prescribed herein by mutual written agreement.

2) Commencing Grievance Procedure: This grievance procedure must be started within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known or reasonably should have been known otherwise it shall be considered as dropped.

3) Appeals and Responses:

(a) If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.

(b) All appeals must be in writing, on a regular Department grievance form and clearly stated.

(c) All written answers on grievances shall be mailed, e-mailed or hand-delivered to the Union President.

(d) All appeals by employees shall be delivered to the proper chief officer with a copy to the Chief.

(e) Answers and appeals may be delivered by hand, mail or by e-mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the Chief at Fire Headquarters, 6th & Armstrong, Kansas City, Kansas 66101, and to the current IAFF Local #64 President

at his residence or office address appearing on the Department's records.

(f) If a grievance cannot be answered within a specified time in any step because of circumstances beyond the Department's control, a time extension may be granted by mutual agreement.

(g) Once a written grievance has been filed, it may not be withdrawn without the knowledge of the Union.

4) Grievance Procedure Steps: The steps in the grievance procedure are as follows:

Step 1:

All employee grievances, except those relating to discipline or discharge, first shall be stated in writing and shall be delivered to the appropriate first line chief officer within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known, or reasonably should have been known. The grievance shall set forth the place, date, time and identity of parties involved and nature of the occurrence upon which the grievance is based, and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

A written answer must be given within seven (7) calendar days after submission of the Grievance at this step, unless extended by mutual agreement. Any adjustment under Step 1 will be binding, upon all parties, but shall form no precedent for future grievances.

Step 2:

If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal the grievance shall be stated in writing and shall be delivered to the Chief and/or his designee within seven (7) calendar days after the conclusion of the first step. The appeal shall set forth the place, date, time, identity of parties involved and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

All employee grievances relating to discipline and discharge will originate at the second step, within the time limits set out in § 16.3(2). Grievances appealed to or initiated at the 2nd Step shall be discussed within fifteen (15) calendar days of the appeal or initiation. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and two members of the Union Executive Committee. The meeting shall be recorded. The

Chief or his designee will answer the grievance in writing within seven (7) calendar days following the conclusion of the second step meeting, unless extended by mutual agreement.

Step 3:

If a mutually satisfactory settlement of the grievance is not reached in the second step, an appeal may be taken to the third step. In such appeal the grievance shall be stated in writing and shall be delivered to Patrick Dunn of the Federal Mediation and Conciliation Service within seven (7) calendar days after the conclusion of the second step. If Mr. Dunn becomes unwilling or unable to serve as the standing Step 3 hearing officer, the Chief of the Kansas City Fire Department and the President of the IAFF Local 64 should jointly select a Step 3 hearing officer with the grievance to proceed to arbitration in the event there is no agreement on a step 3 hearing officer. The appeal shall set forth the place, date, time, identity of the parties involved and the nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which is alleged were violated or misinterpreted.

Grievances appealed to the 3rd Step shall be presented within fifteen (15) calendar days of the appeal or as extended by mutual written agreement. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and not to exceed two members of the Union Executive Committee. The meeting shall be recorded. The person jointly selected by the Chief and Union President will answer the grievance in writing within fifteen (15) calendar days following the conclusion of the third step meeting, unless extended by mutual agreement.

Step 4:

Arbitration: Disputes that arise with respect to the interpretation of this Memorandum or discipline and discharge appeals from Step 3, may be settled by arbitration. Arbitration may be requested by the Union or the Department in the following manner:

1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 3 above. The notice shall set forth the Articles or Sections of this Memorandum that are claimed to require interpretation or construction or the discipline being appealed. If notice of intent to arbitrate is not delivered within fifteen (15) calendar days, the dispute shall be deemed abandoned.

2) The parties shall within a reasonable amount of time, not to

exceed twenty-one (21) calendar days, shall select an arbitrator either through a FMCS panel or as otherwise agreed upon by the parties.

3) Employees, except for the grievant, shall not be compensated for time spent in attending an arbitration proceeding, other than as a witness for the Department.

4) The jurisdiction and authority of the arbitrator shall be bound by the following:

a) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on both parties except as set forth in Step 5.

b) The arbitrator shall have no authority to substitute his judgment for that of the management of the UG or Fire Department, nor shall he have the authority to usurp, subtract from, modify or exercise any management right of the UG or the Fire Department.

c) The decision of the arbitrator shall be based on the evidence presented him by the parties in the presence of each other and upon the specific language of this Memorandum.

d) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.

e) In discipline or discharge matters, the arbitrator shall have the discretion to modify the discipline imposed.

f) The cost of the arbitrator shall be shared equally by the UG and the Union.

g) The arbitrator shall tape record the proceedings and make a copy of the tape available to both the UG and the Union unless the parties mutually agree to waive this requirement.

h) The arbitrator shall render his decision within a reasonable time after the hearing is closed or after briefs, if any, are filed.

Step 5:

If either party is dissatisfied with the decision of the arbitrator, then the aggrieved party may appeal the arbitrator's decision to the District Court of Wyandotte County, Kansas within thirty (30) calendar days of the date of the arbitrator's decision. The Court shall only determine whether the arbitrator's decision was arbitrary, capricious and/or unreasonable.

ARTICLE 17 - PREFERENCE FOR DISABLED FIREFIGHTERS

In the event a vacancy occurs in the positions of Fire Inspector, or Training Instructor, preference shall be given in filling those positions to employees injured in the line of duty or suffering from a physical condition contracted in their work and who are disabled as a result thereof. ("Disabled" means permanently unable to perform the essential functions of his current position.) Provided, that such Disabled employees must be capable of performing the work of Fire Inspector, or Training Instructor and must adequately perform such duties once they are placed in those positions. Such Disabled employees shall be assigned to the lowest position within the division (i.e. Fire Prevention Inspector, Class III and Training Instructor, Class III).

ARTICLE 18 - VACATIONS

§ 18.1 Entitlement: Twenty-Four Hour Shift Employees

A twenty-four (24) hour shift employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlements:

Completed Years of Continuous Service	Vacation Entitlement
1 to 2 years	Four (4) twenty-four (24) hour working day
2 to 4 years	Eight (8) twenty-four (24) hour working days
4 to 12 years	Ten (10) twenty-four (24) hour working days
12 years to retirement	Twelve (12) twenty-four (24) hour working days

§ 18.2 Entitlement: Forty-Hour Employees

A forty (40) hour employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlement:

Completed Years of Continuous Service	Vacation Entitlement

1 to 2 years	Ten (10) working days (80 hours)
2 to 5 years	Fifteen (15) working days (120 hours)
5 to 12 years	Twenty (20) working days (160 hours)
12 to 20 years	Twenty-seven (27) working days (216 hours)
20 years to retirement	Thirty (30) working days (240 hours)

§ 18.3 Exception

An employee shall not accrue vacation time while on leave of absence, lay off, or suspensions in excess of fifteen (15) calendar days for forty-hour employees or seven and one-half (7 1/2) shift days for twenty-four hour employees. In these situations, vacation time shall be reduced pro rata to the portion of the year the employee earned and was eligible for vacation privileges.

§ 18.4 Pro-rata Vacation

For the purpose of computing vacation pay, an employee shall earn one-twelfth (1/12) of his vacation pay for each month of service during the twelve month period preceding January 1 of each year. Each month in which a forty (40) hour employee works or is credited with working fourteen (14) days or a twenty-four (24) hour employee works or is credited with working seven (7) shift days shall be considered a month of service.

§ 18.5 Vacation Buy-out

An employee shall be entitled to be paid in cash at the time of retirement from the UG for accrued unused vacation pay standing to his credit at the time of his retirement. In the case of death of any employee, such payment shall be paid to the person or persons designated as that employee's beneficiary or beneficiaries under the Kansas Police and Firemen's Retirement System.

§ 18.6 Use

(a) The period of vacations for all employees of the Fire Department shall be regulated by the Chief. Employees shall select their vacation days consistent with Article 24.

(b) Vacation time or pay are not accruable from year to year and vacation time or pay must be taken in the calendar year in which the vacation falls.

ARTICLE 19 - EMPLOYEES TO RECEIVE COPIES OF THE

MEMORANDUM OF AGREEMENT

The Employer shall furnish to each station and to each employee one copy of this Memorandum of Agreement at no expense to such employees.

ARTICLE 20 - HOURS OF WORK

§ 20.1 Twenty-Four Hour Shift Employees.

(a) Standard Work Period.

The standard work period for personnel assigned to a twenty-four (24) hour shift shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

(b) Shifts

There shall be three (3) rotating shifts. Each shift shall commence at 8:00 a.m. and shall be for a period of twenty-four (24) hours. Each shift then shall receive forty-eight (48) hours off-duty before returning for their next twenty-four (24) hour shift. The shift shall be referenced as the "24 on and 48 off" plan.

(c) For 24-hour shift employees the maximum number of consecutive hours any 24-hour shift employee will be allowed to work shall be 96. Any 24-hour employee working in excess of 72 consecutive hours will be required to have 48 hours off duty. The exception to this rule is for hold over overtime and overtime required for late calls for service.

§ 20.2 Forty-Hour Employees.

1) Standard Work Week.

The standard work week for sworn personnel of the Fire Department, other than twenty-four (24) hour shift employees, shall be forty (40) hours of work per week. The normal assignment for the employees shall consist of five (5) consecutive days of work with two (2) consecutive days off.

§ 20.3 Medical Transport Division

a. Standard Work Period. The standard work period for employees assigned to the Medical Transport Division shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

b. The Department has discretion to set the number of hours per each shift in this nineteen (19) day work period. Medical Transport Division Supervisors shall work twenty-four

(24) hour shifts which shall run from 7 a.m. to 7 a.m.

c. For those employees assigned to twenty-four (24) hour shifts, other than Medical Transport Division supervisors, the shift start time is 8 a.m. For those employees assigned to less than twenty-four (24) hour shifts, the start time will vary.

ARTICLE 21 OVERTIME

A. Calculation of Overtime.

Employees shall receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of the standard work period (Sec. 20.1) for twenty-four hour shift employees or in excess of the standard work week (Sec. 20.2) for forty-hour employees. Medical transport employees will receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of their standard work period. (Sec. 20.3). Overtime or compensatory time shall only be paid for time actually worked and when approved by the employee's supervisors. Travel time will not be credited to the employee. When an employee voluntarily trades time with another employee and works hours in excess of the standard work period or standard work week, the employee shall not be entitled to overtime pay for such work.

B. Compensatory Time.

Compensatory time may be paid in lieu of overtime payment, if the Department and employee so elect, provided that no employee may accumulate more compensatory time than is allowed by the applicable federal law or regulation.

C. Assignment of Overtime.

The Department has the sole and exclusive power and authority to determine when overtime work shall be required. Overtime shall be called and worked by Division. In case of emergency, the Chief, in his discretion, may permit overtime being called and worked across Divisions. Upon the Department's determination that a temporary vacancy exists necessitating the assignment of overtime, the Department will assign the personnel needed from the appropriate overtime list. The overtime lists shall be established and used as follows:

1. Establishment of Overtime Lists.

a. There shall be overtime lists created for Captains, Fire Apparatus Operators, FF/EMT's, and FF/Paramedics. Such lists shall be created and utilized for the calling of overtime work as follows:

i. Overtime shall be seniority based. Seniority within rank (time in grade) for Captains and Fire Apparatus Operators, and Departmental seniority (date of hire with the Department) for FF/EMT's and FF/Paramedics shall establish position on the overtime list.

ii. Employees will be placed at the bottom of their respective

overtime list when a positive contact is made regarding an overtime opportunity. A positive contact consists of an employee acknowledging the overtime opportunity by accepting or rejecting the work offered.

iii. An employee's place on the overtime list will be maintained by the date of their last positive overtime contact. The list will be arranged in order of oldest positive contact proceeding to most recent positive contact.

iv. Upon an employee's hiring and release from proctoring, or promotion to the position of Captain, Fire Apparatus Operator, FF/EMT, or FF/Paramedic such employee shall immediately be added to the appropriate overtime list based upon their seniority as provided herein.

b. Employees classified as "excessive users" of sick leave shall not be eligible to be contacted for overtime opportunities. These employees are not allowed to work and/or trade overtime (unless by being forced to do so as provided for herein).

c. An employee who has used Sick Leave or Injury Leave on the preceding work day shall not be eligible to work overtime.

d. The Department shall regularly update overtime lists. In the event an employee believes an error has been made as to his or her position on the overtime list, he or she shall have fifteen (15) calendar days after the roster is prepared to file his or her protest, in writing, with the Chief.

e. An employee requesting to remove their name from the overtime list must do so in writing to the Deputy Chief of Emergency Operations Corps.

2. Voluntary Assignment of Overtime.

a. Overtime shall be assigned by rank from the appropriate overtime rank list for a determined temporary vacancy. Employees being called to work overtime shall be called from the appropriate list in descending order of last positive contact by date. After the acceptance of an overtime opportunity by an employee, the next overtime opportunity shall be offered to the next employee on the overtime list until the list is exhausted. The list shall be fully exhausted before returning to the first employee on the respective list.

b. The individual(s) on the unscheduled leave that caused the shortage in personnel is the employee that will be replaced by overtime personnel. The last employee reporting off will be the first employee replaced.

c. When contacted to work overtime by Tele Staff, employees shall be informed of the nature of the overtime work available (hours, shift and assignment). Upon contact employees may:

i. Refuse the work.

ii. Accept the work.

iii. Accept the work and exercise their ability to trade time.

d. When an employee elects to exercise their ability to trade time, he/she must follow the steps listed below:

i. Step 1: Accept the overtime offer.

ii. Step 2: Complete a Shift Trade request within the TeleStaff system.

iii. Step 3: Inform the employer that he/she will be trading time and give the name of the person who will be working.

No trading time requests will be accepted in advance for overtime employees. The time limits for submitting trades of time as set forth in Article 26 of the Memorandum of Agreement will be waived in overtime situations.

e. Once an employee has accepted the overtime work offered for shift work and/or Standby Overtime, it becomes his/her responsibility to either report to work in a timely fashion or make sure that the person with whom he/she is trading time reports to the overtime assignment in a timely fashion. The failure of an employee to do so may result in disciplinary action.

f. The following parameters shall govern contacts with employees relative to overtime work:

i. Contact phone number: The telephone number on the employee's overtime contact information will be the first method of contact for all employees. The employee's department email address will be the second method of contact. Employees may choose to include one (1) additional phone number to their contact method but are not required to do so.

ii. When contacting an employee for an overtime opportunity if the employee does not answer or acknowledge the call, it shall be considered a negative contact. An employee acknowledging the call within 2 minutes shall be allowed to accept the overtime provided the vacancy has not been filled. Acknowledgment of the call can be handled electronically by phone or by computer.

iii. An employee's overtime eligibility with respect to future overtime opportunities shall not change based upon accepting, rejecting, or inability to be contacted. Those working less than twelve (12) hours of overtime will remain eligible to work overtime the next available opportunity. If an employee has been inappropriately skipped on the overtime list, their calling position shall be restored and he/she shall be eligible for the next overtime opportunity.

iv. Upon any type of contact, the Department is permitted to contact

the next employee on the appropriate overtime list. The Department is not required to wait the two (2) minutes for the employee to acknowledge the call as provided in paragraph 2. above prior to contacting the next employee on the overtime list. Employees who do not answer an initial call for overtime can call back in and accept the overtime provided that such overtime has not already been accepted. The use of negative contacts will be unlimited.

v. The posting of the OT list will be on TeleStaff.

3. Forced Assignment of Overtime.

If, upon contacting or attempting to contact all of the employees on an appropriate overtime eligibility list the Department is unable to fill the temporary vacancy, the Department may then force the first employee on the appropriate list who is working the shift prior to the overtime vacancy to hold-over and work the required overtime. These employees may exercise their rights to trade time as set forth in Article 26 of the Memorandum of Agreement, provided that the employee who is to work the overtime reports in a timely fashion.

4. EMS Standby Overtime.

a. Standby Overtime will be utilized for any duty on an EMS unit other than shift coverage, partial shift coverage, or additional ambulances added to the system for temporary 911 overload coverage.

b. Standby Overtime will be voluntary.

c. To be eligible for Standby Overtime, employees must be providing regular duty EMS Transport.

d. Standby Overtime will be listed on a monthly calendar and will be found on the TeleStaff website. Firefighters will be able to pick the dates they would like to work voluntarily. Firefighters will be able to submit multiple dates.

e. If multiple firefighters sign up for a single date, the firefighter with the oldest date of the last Standby Overtime worked will be assigned the Standby Overtime work.

f. If only one firefighter signs up for Standby Overtime, the work shall be awarded to that firefighter regardless of last date worked.

g. Employees working less than two (2) hours Standby Overtime shall remain eligible to be awarded the next available Standby Overtime opportunity.

h. In the event no employee requests Standby Overtime for a particular event, the Department shall:

i. First call for Standby Overtime from a list of eligible Standby OT

employees.

ii. Second, utilize on duty personnel to cover the event, provided that no suppression apparatus will be placed out of service or reduced below the agreed upon minimum manning as defined in Article 35 of the Memorandum of Agreement. There shall be no forced assignment of overtime for any Standby event.

ARTICLE 22 - STRIKES AND LOCKOUTS

The Union, on behalf of its membership, recognizes that the protection of life and property is of paramount importance to itself and the Employer. Therefore, during the life of this Memorandum, the Union will not condone, nor encourage, nor instigate any work slow-down, stoppage or strike, or any action that is detrimental to the operation of the Department. The Employer agrees that it shall take no action that could be defined as a lockout, nor shall it discriminate against any employee for his action as a member of the Union, provided those actions are not proscribed by law.

Any violation of this Article may be the subject of disciplinary action.

The Employer and the Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein or prohibited by law, take all reasonable affirmative action to terminate such conduct.

ARTICLE 23 - MANAGEMENT RIGHTS

By entering into this Memorandum, the UG has agreed to certain specific limitations on its right to manage the Fire Department and direct the personnel. However, it is the intention of the parties hereto that UG retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon.

The exclusive rights of UG shall include its right to determine the existence or non-existence of facts; to establish or continue policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations, or to discontinue their performance by sworn employees; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to suspend, discharge, or layoff employees for proper cause; to maintain the efficiency of governmental operations; to determine employee qualifications; to take action as may be necessary to carry out the mission of the Department in emergencies; and to determine the methods, means and personnel by which operations are to be carried on; to develop reasonable Rules and Regulations for the Department not in conflict with this Memorandum; and all other prerogatives and responsibilities normally inherent in management of the UG or Fire Department that are not in conflict with the specific provisions of this

Memorandum.

ARTICLE 24 - SELECTION OF HOLIDAYS, KELLY DAYS AND VACATION DAYS

1) Employees shall by December 1st of each year, complete the preference sheet prepared by the Department wherein they shall state their preference as to days for taking their holidays, Kelly days and vacation days. Preference sheets shall be made available for employees by November 1st.

2) The completed preference sheet shall be delivered by the employee to the employee's supervisor by December 1st.

3) The Department shall have the right to assign a twenty-four (24) hour employee to a designated shift day off as a holiday or Kelly Day when that employee is scheduled to work seven shift days during his work period and when he has not requested and been scheduled, in accordance with this Article, to have a shift day off during that work period.

4) Division Chiefs shall be responsible for arranging the scheduling of holidays, vacation days and Kelly Days so that such are scheduled consistent with the proper manning of shifts and stations and the proper provision of fire fighting services to the public. Provided that, not more than one employee per vacation group, per shift, per day shall be allowed off. Requests for granting holidays or Kelly days may be denied if such granting would render the Department unable to operate any shift or station.

5) Captains/group leaders within their respective groups shall insure to their Division Chiefs the vacation schedule is correct and they shall determine how the days are to be selected.

6) In cases of conflict, where two (2) or more employees request the same day off and the granting of both would not allow the Department to operate its shifts and stations properly, then priority for that day off will be determined as follows:

(a) Requests for vacation days shall be given preference over requests for Kelly Days or Holidays;

(b) If the conflicting requests are both for vacation days, or both are for Kelly Days or both are for holidays, then preference for that day off will be determined as follows:

(1) the requesting employee's rank;

(2) the requesting employee's time in grade;

(3) the requesting employee's Department seniority; and,

(4) if the requesting employees' Department seniority is equal, then the employee's identification number.

7) In cases of emergency or when sufficient personnel are unavailable to operate all Department shifts and stations, scheduled Kelly days or Holidays may be canceled and rescheduled. The employee(s) whose days are to be canceled or rescheduled will be determined by the employee's Department seniority on his shift and within his rank. Seniority shall be determined as provided in Sec. 13.1 of this Memorandum.

8) Vacation groups for non-Paramedic suppression employees shall be formed during the last week of October of each year. The following guidelines will be used to form the non-Paramedic vacation groups:

a) The number of vacation groups will be determined by the level loading number agreed to by UG and Union.

b) Each group will be assigned a Captain. The most senior Captain (time in grade) will be assigned to group 1, the next senior Captain to group 2, etc., until all the groups have one Captain assigned. The crew members of the senior Captains are also assigned to their respective Captain's vacation group.

c) Unassigned Firefighters are then placed in groups with vacancies with the most senior Firefighter being placed in a group according to seniority.

9) The number of vacation groups will be determined by the level loading number agreed to by the UG and Union. This number shall be subject to change by written agreement in subsequent years.

10) The Department and Union shall form a four person committee that will be charged with the responsibility of reviewing on an ongoing basis the operation of the system of selection of holidays, Kelly Days and vacation days and making recommendations to the Chief concerning said system. The Union President shall appoint two members and the Chief shall appoint two members of this committee.

11) Vacation Carryover. Notwithstanding the provisions of Article 18.6 (b), an employee may carry over up to two (2) twenty-four (24) hour working days or four (4) eight (8) hour working days per year per the following:

a) When employees select their vacation days for the ensuing year as set forth in this Article, they may designate up to two (2) vacation days for twenty-four hour employees and four (4) vacation days for forty hour employees which they wish to bank and carry over.

b) Subsequent to vacations being annually scheduled, employees may with thirty (30) days written notice to their Shift Commander, request that up to two (2) (24 hour

employees) or four (4) (40 hour employees) days of their scheduled vacation days be banked to be carried over to the next year. In some cases of emergency, as determined by the department, the Shift Commander may within his discretion waive the requirement of thirty (30) days written notice. The Shift Commander has the sole discretion to grant or deny these requests based upon manpower availability.

c) Employees are not allowed to bank vacation days by substituting a sick leave day or injury leave for scheduled vacation days.

d) Banked vacation days may not be used until all other accumulated leave is exhausted.

The total number of accrued vacation days per employee may not exceed thirty-two (32) twenty-four (24) hour working days or sixty-four (64) eight (8) hour working days. The U.G. advises the Union in this contract that there is not a reasonable expectation that these limits can be increased in future contracts.

12) Medical Transport Division Selection

a) The selection process will be determined by the Department.

13) Vacation Scheduling – Dispatch.

Vacations for dispatchers will be scheduled by seniority among employees on each shift as follows:

1. The senior employee on each shift shall select their first five (5) day vacation block. Each day thereafter the next senior employee shall then select their first five (5) day vacation block until all employees have had an opportunity to make their first selection for vacation that year. The same procedure shall then be followed until all employees' vacation on each shift has been scheduled. Employees may select their vacation days after their initial five (5) day vacation block is selected in minimum amounts of one (1) full eight (8) hour day. Employees may leave a maximum of five (5) of their vacation days unscheduled to be used in full one (1) day eight (8) hour increments. Employees must designate at the conclusion of the annual vacation bidding process whether they wish to carry over up to five (5) vacation days to the next year. The vacation credits carried over must be used during that next year.
2. Each employee must be aware of their vacation selection days and make their selection upon those dates. If they do not so select in a timely fashion, they will be skipped over and vacation selection by other shift employees will continue. The skipped employee will be allowed to make only their second selection in the next round.
3. An employee's first choice of vacation will be scheduled in blocks of five

(5) or more consecutive vacation days, except as provided herein. ("Consecutive" means regularly scheduled workdays). A maximum of two (2) holiday/compensatory days may be scheduled in conjunction with any five (5) or more consecutive day vacations. This does not prevent an employee from requesting additional days off with their vacations, however, those requests will be submitted the same as any normal request for time off. Employees must make written application to their supervisor to use any unscheduled vacation days which the employee has reserved as set forth in paragraph 1 above at least twenty-four (24) hours in advance of the usage. The employer may grant or deny the request depending upon manpower. Should the employee not be allowed to use this unscheduled vacation by the end of the year after at least five (5) requests by the employee to use those unscheduled vacation days, then they shall be paid at their base rate of pay for these days. Other than new employees, who have not earned five (5) vacation days, any increments of vacation less than five (5) days will not be scheduled and granted in accordance with the compensatory time and holiday scheduling procedures.

ARTICLE 25 - TRANSFERS

§ 25.1 Permanent

Employees assigned to one (1) fire station may request a permanent transfer to another station. Such transfers will only be granted on the written recommendation of the requesting individual's Captain, Battalion Chief and Division Chief and when arrangements satisfactory to the Chief have been made for a trade of permanent assignments with an employee of equal grade.

The Chief may, for the good of the fire service and its efficient operation, change an employee's permanent station assignment.

§ 25.2 Temporary

In order to maintain necessary and efficient fire service, the Division Chief may make temporary transfers between fire stations. Provided that the transferred employee must return to his permanent assignment station before any subsequent temporary station assignment. Provided further, that extra Fire Apparatus Operators and acting captains may be transferred without reassignment to their permanent stations, if qualified personnel, working that day are not otherwise available. Provided further, that personnel may be transferred to meet the medical requirements of the Department without reassignment to their permanent station, regardless of station assignment.

§ 25.3 Mileage Reimbursement for Temporary Station Detail

When temporary details between stations are made at the insistence of the employer, the detailed employee shall receive, except as provided hereinafter, the sum per mile, paid by the State of Kansas to its employees for mileage reimbursement for direct mileage from his regular assigned station to his detailed duty station. The direct mileage for which he is to be reimbursed shall be established by a mileage chart created by the Employer and the Union and shall govern the mileage between stations. The Employer shall compute mileage reimbursement on a monthly basis, however, the employee shall only receive his mileage reimbursement, if any, on an annual basis. The detailed employee shall not receive mileage reimbursement if the detailed employee was notified of the anticipated detail at least forty-eight (48) hours prior to his or her detail.

ARTICLE 26 - SHIFT EXCHANGE, TRADING TIME

§ 26.1 Employees may trade time within the Division only. In case of emergency, the Shift Commander may permit trading time across Divisions.

§ 26.2 Employees shall have the right to exchange shifts with other employees of at least equal experience and/or grade, provided the exchange does not interfere with the efficient operation of the Fire Department. The qualifications of the employee to assume the additional duties shall be determined by the Department. Reasonable exchange of shifts will be allowed. However, the Department may limit the right to exchange shifts in the case of abuse. The Department will only allow Firefighters/Paramedics to work for Firefighter/Paramedics. Firefighters/Paramedics may work for other Firefighters who are not Firefighters/Paramedics.

All requests for trading shifts or time with another employee must be presented to the appropriate Division Chief by at least 1700 hours the shift period prior to the requested shift or time to be traded (e.g., if employees desire to trade on Friday, the request must be in by 1700 hours Tuesday). In cases of emergency the Division Chief may, within his discretion, waive this requirement.

The employee responsible for the completion of a trading time agreement will be the party agreeing to work for another employee on a given shift. If the party agreeing to work is placed on any approved leave prior to the commencement of the shift of the trade, it shall be his responsibility to find a replacement to work the shift he has traded for. Such employee shall receive as discipline for not completing the trade the loss of one and one-half (1-1/2) shift days from his wages, which discipline is non-grievable, provided that the Chief may give lesser discipline within his discretion. However, the employee may grieve UG's decision that he did not fulfill his responsibility under this section. Additionally, the Department will have the authority in such a case to require an off-duty employee assigned to the same shift and of the same classification as the absent employee, to work for the absent employee.

Any trading of time for more than twenty-four (24) times per year will be considered an abuse of trading time. Trading of time for the purpose of duty related education or legitimate

union business will not be considered an abuse and shall be granted in accordance with this article.

Employees on Sick, Injury or Family Medical Leaves shall not be allowed to work for other employees.

§ 26.3 Trading Vacation Days

Employees shall be allowed, as provided herein, to exchange assigned vacation days with other employees at their shift and vacation group on a one-day-for-one day basis, provided that Firefighter/Paramedic employees may only trade vacation days with other Firefighter/Paramedic employees. The employee must submit to his Captain or Battalion Chief and Division Chief, his request for such exchange. The exchange must be approved in writing by his Captain or Battalion Chief and Division Chief.

ARTICLE 27 - PROMOTIONS

§ 27.1 Merit Promotion Qualification.

Promotion to the position or rank of Fire Apparatus Operator, Captain, and Battalion Chief and promotions within specialized units shall be based on merit. The merit guidelines shall be:

a) Promotion to Fire Apparatus Operator.

1) Each candidate for promotion to the position of Fire Apparatus Operator must have attained the position of Firefighter Class I and have completed at least five (5) continuous years, as a sworn firefighter / EMT or firefighter / paramedic member of the Kansas City, Kansas Fire Department, as of January 1, of the year the test is given. For the next promotional examination, which shall be commenced at such time which should permit completion prior to February 1, 2023, each candidate must take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards, achieve a score of 70% or greater before moving to the practical portion of the testing procedure. The candidate must also demonstrate his ability to operate appropriate fire apparatus. Each candidate will be rated upon these items. He must, as well possess a current valid, unrestricted Kansas Vehicle Operators License which would permit the employee to operate the appropriate Department equipment.

2) Upon achieving passing scores of 70% or greater for both the written and practical portions of the test, a promotional eligibility list shall be established in order of seniority.

3) After February 1, 2023, any Firefighter who has completed at least five (5) continuous years, as a sworn member of the Kansas City, Kansas Fire Department, and assigned to Fire Suppression, as of January 1 may be placed on the Fire Apparatus

Operator's promotional list by becoming certified as a Fire Apparatus Driver/Operator Pumper and Aerial National Certification ("Certification"). Certification shall be through an accredited agency approved by the Department. The Department shall also offer in-house Certification courses. The Department will offer one such Certification class in 2022 and two such Certification classes for the years thereafter. Promotional lists shall be updated by seniority adding certified employees twice a year on January 1st and July 1st.

4) When promotions to the position of Fire Apparatus Operator are made they shall be made by the Chief from the eligibility list in accordance with the candidate's position thereon. Those employees not promoted from an expired promotion list shall be included in subsequently established promotional lists based on Department seniority. The parties agree that there will be an active promotional list in effect at all times for the rank of Fire Apparatus Operator. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

b) Promotion to Captain.

1) An employee to be eligible to be examined for promotion to the position of Captain must have served as of January 1 of the year the test is given at least twelve (12) years of service on the Kansas City, Kansas Fire Department as a firefighter or firefighter/Paramedic or if the employee has less than twelve (12) years of service and the employee holds the rank of Fire Apparatus Operator, the employee must have served as a Fire Apparatus Operator for at least one year as a FAO as of January 1st. Employees with twelve (12) years of service who have not served a year as a FAO must be on the Fire Apparatus Operator's promotional list as of January 1st to be eligible for promotion to Captain. Employees shall not be eligible to test until they attain the requisite time in grade.

2) Each candidate for promotion to the position of Captain must:

a) Take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards. The examination shall test the candidate's suitability for the position of Captain.

3) Candidates shall then be assessed by the Kansas City, Kansas Fire Department Assessment Center.

4) Candidates scores from the written examination and the assessment center shall then be averaged. Candidates' averaged score must be equal to or greater than 70% to be eligible for promotion. Those candidates whose averaged scores are 70% or greater shall have the following enhancements added to their averaged score:

i). A Candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter,

Firefighter/Paramedic or Fire Apparatus Operator, commencing with completion of their 15th year of service.

ii). Applicants holding the following certifications shall receive a 1% enhancement to their final score for each certification held: Fire Officer I, II, Fire Instructor I.

5) Following enhancements, the testing firm shall rank the list from high to low scores. Promotions therefore shall be made in accordance with the candidate's position on the list. A new Captain's eligibility list shall be established as soon as practical and reasonable, and shall govern promotions to the rank of Captain for a period of three years from the date that the list is established and posted; however, if a current Captain's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

6) The parties agree that there will be an active promotional list in effect at all times for the rank of Captain. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Captain shall be conducted approximately every three years from the date that a new Captain's promotional eligibility list is established and posted. An eligibility list shall expire three years from the date that the list is established and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

c) Promotion to Battalion Chief.

1) The following provisions apply to the creation of a new eligibility list.

(a) An employee to be eligible for promotion to the position of Battalion Chief must have attained and have served at least five (5) continuous years as a Captain or above on the Kansas City, Kansas Fire Department as of January 1 of the year the testing is given. Employees shall not be eligible to test until they attain the requisite time in grade.

(b) Each candidate for promotion to the position of Battalion Chief must:

1) Take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards. Fire Apparatus Operator

2) Following the written examination applicants shall be assessed by the Kansas City, Kansas Fire Department Assessment Center.

3) Candidates scores from the written examination and the assessment center shall then be averaged. Candidates' averaged score must be equal to or greater than 70% to be eligible for promotion. Those candidates whose averaged scores are 70% or greater shall have the following enhancements added to their averaged score:

i). A Candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter, Firefighter/Paramedic or Fire Apparatus Operator, commencing with completion of their 20th year of service.

ii). Applicants holding the following certifications shall receive a 1% enhancement to their final score for each certification held: Fire Officer I, II, Fire Instructor I, II.

c) Following enhancements, the testing firm shall rank the list from high to low scores. Candidates shall be placed on the promotion eligibility list in the order of their overall rating. Promotions therefore shall be made in accordance with the candidate's position on the list. This eligibility list shall govern promotions made from the date of the establishment and posting of the list for a period of three (3) years; however, if a current Battalion Chief's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

d) The parties agree that there will be an active promotional list in effect at all times for the rank of Battalion Chief. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Battalion Chief shall be conducted approximately every three years from the date that a new Battalion Chief's promotional eligibility list is established. An eligibility list shall expire three years from the date that the list is established and posted and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

e) Miscellaneous.

1) Notification. UG shall post notices of testing at least four

(4) weeks prior to the commencement of the administration of the test.

2) Ties. All ties shall be broken by the involved employee's identification number. The lowest number being given preference.

§ 27.2 Promotion Within Certain Specialized Units.

Promotions within the Specialized Divisions of Shop, Training, and Fire Prevention shall be based upon merit. The merit guidelines are as follows:

(a) An employee serving in the entry level position of Fire Prevention Inspector Class III, Training Instructor Class III or Mechanic Class III, shall be required to serve at least twelve (12) continuous months within these positions in order to be allowed to take a written merit examination, demonstrate his abilities, and be evaluated by his supervisors in order to determine if he is to be promoted to the next specialist class within his respective specialist unit.

(b) An Employee serving in any of the referenced specialized units in a specialist position between an entry level position and a Class II level shall be required to serve at least twelve (12) continuous months within that classification before he is eligible to be evaluated by his supervisors, demonstrate his abilities, and to take the written examination for promotion to the next level within his specialized unit.

(c) An employee serving in a position of Fire Prevention Inspector Class II, or Mechanic Class II, Training Instructor Class II shall be required to serve at least thirty-six (36) continuous months within such position in order to be allowed to take the written examination, demonstrate his abilities and be evaluated by his supervisors to determine if he is to be promoted to the Class I position within his specialized unit. If an applicant for the Class I position within the Shop, Fire Prevention Division and Training Division shall pass the written examination, demonstrate his abilities and receive at least commendable ratings by his supervisors and otherwise qualify for such position, he shall be promoted.

(d) The written examination portion of the promotional criteria shall be administered in the second quarter of each year.

(e) The results of the written examinations, supervisors' evaluations and/or performance evaluations shall be compiled and the employees within the Shop, Fire Prevention Division and Training Division who have satisfactorily qualified, shall be promoted, effective thirty days following certification of such results.

(f) Criteria for promotions within other specialized units may be established by the Department. Such criteria and standards shall be established by Department Bulletin, which shall be posted.

(g) If an employee serving within a specialized unit shall return within twelve (12) months to a fire suppression position, he shall return to his last held permanent fire suppression

rank. If he wishes to return to the suppression division after serving at least twelve (12) months in a specialized unit, he must demonstrate the capability to immediately perform the duties of his former suppression rank and if a vacancy exists within such rank, he may be returned to that suppression rank and position.

§ 27.3 Other Promotions.

All other promotions to positions covered by this Memorandum shall be based upon the following factors:

(a) Seniority

(b) Knowledge, training, ability, skill, adaptability, performance and efficiency; and

(c) Physical capability

When factors (b) and (c) are equal, seniority shall govern. Determinations of the qualifications set forth in (b) above shall be vested in the Employer.

§ 27.4 Promotion from Eligibility List

The Department has the discretion to determine whether vacancies will be filled. When vacancies occur in permanent duty assignments except training, planning, shop, communications, property, fire prevention or other specialist positions, through promotions, retirements, death, terminations or resignations, UG shall determine, within forty-five (45) days from the creation of this vacancy, whether such position shall be filled by promotion. When such determination is made and the appropriate eligibility list has been established and certified, promotions shall be made within fifteen (15) calendar days from the promotion list existing at the time of the vacancy.

§ 27.5 Promotion - Probationary Period

Employees promoted to Fire Apparatus Operator, Captain, or Battalion Chief shall be on probation for the first six (6) months of service in the higher rank. During this probationary period, the employee may be demoted to his former rank by the Chief. Any employee who is demoted to his former rank shall be notified by the Chief of the reasons for such demotion.

ARTICLE 28 - COMPENSATION

§ 28.1 Salary

Employees in the respective ranks shall receive monthly salary as reflected in Attachment C.

§ 28.2 Bi-Weekly Payroll

Employees shall be paid bi-weekly.

§ 28.3 Longevity Pay

UG agrees to the following longevity pay, which shall be added to the salary and wages of each firefighter, firefighter/Paramedic as follows:

Years of Continuous Employment	Pay Per Month
5	$ 44.26
8	$ 70.88
12	$ 97.43
16	$ 135.05
20	$ 150.61
25	$ 177.16

§ 28.4 Tuition Assistance and Education Incentive.

A. Tuition Assistance.

Any employee is eligible to receive tuition assistance from the Department under the following conditions:

1. The employee completes required credit courses at a university or college approved by the Department with a grade of "C" or better.

2. The employee may be reimbursed upon verification of completion of the course as provided in No. 1, and satisfactory proof of payment of tuition is furnished.

3. Reimbursement may be received for completion of up to six (6) credit hours in a semester at the maximum credit hour rate of:

Associate of Arts or Sciences $ 60.00

Bachelor of Arts or Science	$ 85.00
Master of Arts or Science	$110.00

Reimbursement rates are as follows: 50% for a C, 75% for a B and 100% for an A.

B. College Incentive.

New hires shall provide documentation evidencing their college degree to the Department either through the hiring process or to the training academy upon hire. Employees who obtain degrees after their date of hire with the Department shall provide documentation evidencing their college degree to the Chief's office. The following college incentive pay shall be added to the monthly salary of each qualified sworn employee after such employee's completion of their probationary period:

College Degree Achieved or Hours Earned from Accredited College	
Employees with a minimum of 28 credit hours of a technical Nature related to Fire Science or Paramedic toward an Associate's Degree in Fire Science or Paramedic or if the Employee is receiving advanced training Compensation for obtaining an Associate's Degree in Fire Science or Emergency Medical Intensive Care Training.	$50.00
Associates of Arts or Sciences	$ 100.00
Bachelor of Arts or Sciences	$ 125.00
Master of Arts or Sciences	$ 155.00

§ 28.5 Special Duty Pay

A. General Provisions Regarding Special Duty Assignments.

1. Use of employees holding special duty certifications and receiving special duty pay shall be at the discretion of the Chief or the Chief's designee. Such employees may be directed to respond to any emergency call or may be temporarily detailed pursuant to Section 25.2 of this Agreement.

2. Stacking of Special Duty Assignments.

a. Employees shall be limited to two special duty pay certifications consistent with the following paragraphs.

b. The following special duty assignments cannot be stacked – i.e. receive more than one certification pay - with one another:

i. Hazardous Materials Technician.
ii. Technical Rescue Specialty.
iii. Safety Officer.
iv. Field Training Officer.

c. Employees may stack the following certifications with other special duty certification up to a limit of two (2):

i. Bilingual Interpreter.
ii. Tactical Paramedic.
iii. EMS Preceptor.

3. Employees that do not receive any special duty pay under paragraphs B. through G. below will receive $25 per certification for up to six (6) of any of the following certifications through an accredited program: Critical Care Paramedic, Pediatric Advanced Life Support (PALS), EMS Instructor, Fire Apparatus Operator/Operator Pumper/Aerial, Fire Instructor I, Fire Instructor II, Fire Officer I, Fire Officer II, Fire Inspector I, Fire Inspector II, Incident Safety Officer.

4. Special duty pay as provided for within this Section 28.5 shall be effective the first pay period following the Union vote voting in favor of ratification through the end of the term of this Agreement.

B. Tactical Paramedic.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for tactical paramedics shall receive certification pay in the amounts provided for below up to a maximum of $200 per month:

1. Tactical Combat Casualty Care for Medical Personnel (TCCC-MP) or Tactical Emergency Medical Support (TEMS) certifications - $100 per month.

2. Tactical Paramedic (TP-C) certification - $200 per month.

C. Bilingual Interpreter.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for bilingual interpreter shall receive certification pay in the amounts provided for below:

1. Certification by an accredited institution of secondary education (University, College, Junior College, etc.) as a qualified interpreter within the designated foreign language or signing for the deaf and such certification is provided in writing to the employee's respective department/division heads - $75 per month.

D. Hazardous Materials Technician.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for hazardous materials technician shall receive certification pay in the amounts provided for below:

1. 80 hour, NFPA 472 and OSHA 1910.120 compliant, accredited certification - $250 per month.

2. Employees assigned to the Hazardous Materials Unit upon the effective date of this Agreement shall continue to receive special duty pay in the amount of $225 per month. Such employees shall complete the certifications identified in the preceding paragraph within two (2) years at which time they shall receive the special duty pay in the amount identified in the preceding paragraph. Such employees who fail to complete the required certifications within two (2) years may be transferred out of the Haz Mat Unit and shall no longer receive Haz Mat special duty pay. If such employees transfer out of the Haz Mat Unit prior to the expiration of such two (2) year period without receiving such certifications, such employees shall no longer receive Haz Mat special duty pay.

3. Employees bidding on vacant positions in the Haz Mat Unit who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

E. Technical Rescue Specialist

Employees possessing the following active certifications in addition to any recurrent training required by the Department for technical rescue specialists shall receive certification pay in the amounts provided for below:

1. NFPA 1006 & 1670 compliant accredited certification in: Rope Rescue Technician (TRR-TL) 40 hour, Confined Space Rescue Technician 48 hour, Rescue Boat Operations Technician 40 hour, Swift Water Rescue Technician Advanced (SRT-II) 40 hour; Structural Collapse Rescue Technician (SCR-TL) 80 hour; and, NFPA 1006 & OSHA 1926.650 compliant accredited certification in Trench Rescue Technician, 40 hour - $300 per month.

2. Employees assigned to the Technical Rescue Unit upon the effective date of this Agreement shall continue to receive special duty pay in the amount of $225 per month. Such employees shall complete the certifications identified in the preceding paragraph within three (3) years at which time they shall receive the special duty pay in the amount identified in the preceding paragraph. Such employees who fail to complete the required certifications within three (3) years may be transferred out of the Technical Rescue Unit and shall no longer receive Technical Rescue special duty pay. If such employees transfer out of the Technical Rescue Unit prior to the expiration of such three (3) year period without receiving such certifications, such employees shall no longer receive Technical Rescue special duty pay.

3. Employees bidding on vacant positions in the Technical Rescue Unit who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

F. Safety Officer

Employees possessing the following active certifications in addition to any recurrent training required by the Department for safety officer shall receive certification pay in the amounts provided for below:

1. NFPA 1041 compliant accredited certification in: Instructor I, Instructor II, Company Officer I; NFPA 1521 compliant accredited certification in: Safety Officer; all Technical Rescue Specialist certifications; all Hazardous Materials Technician certifications - $350 per month.

2. Employees assigned to a bid Safety Officer position who possess an active NFPA 1521 compliant accredited certification in Safety Officer - $100 per month.

3. Employees bidding on vacant Safety Officer positions who possess the certifications identified in paragraph 1. shall be given preference over those employees who lack such certifications. If multiple certified employees bid on such vacant positions, the senior certified employee shall be awarded the position.

G. Field Training Officer.

Employees possessing the following active certifications in addition to any recurrent training required by the Department for Field Training Officer shall receive certification pay in the amounts provided for below:

1. NFPA 1041 compliant accredited certification in: Instructor I, Instructor II, Company Officer I - $250 per month.

2. Field training officers must hold the rank of Fire Apparatus Operator or Captain.

3. The Department may direct employees receiving FTO special duty pay to conduct field training as needed by the Department.

H. EMS Preceptor.

1. Employees selected and assigned to serve as an EMS Preceptor shall be paid $25 for shift that the employee precepts.

I. Training Instructor.

1. Employees selected by the Department on a call for resume basis to the position of Training Instructor will be compensated at 7% above the Master Captain rate of compensation. Required and preferred qualifications are determined at the discretion of the Department and will be identified in the job description.

J. Dispatch Trainer's Pay.

1. Employees who are selected by the Assistant Chief of Communications to serve as Dispatch Trainers shall receive a per hour pay for each hour, or part thereof, which is spent training dispatchers as directed by the Assistant Chief of Communications or his/her designee. The Department may require that those selected successfully complete a training program selected by the Unified Government. The per hour rate shall be two dollars ($2.00) per hour. This pay shall be by the quarter hour.

§ 28.6 Transport Pay for Paramedics and EMTs

When assigned to medical transport units, Paramedics will receive $50.00 additional pay per assigned shift and EMTs will receive $25.00 additional pay assigned per shift. When activated to a medical transport unit Paramedics will receive $25.00 per half shift or any part thereof and EMTs will receive $12.50 per half shift or any part thereof.

§ 28.7 Paramedic Pay

1. The provisions of this Section 28.7 shall be effective from November 11, 2021 through the end of the term of this Agreement.

2. A hiring incentive payment of $5,000 will be paid to new hires possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services upon their successful completion of the Academy. Employees who fail to establish residency within one (1) year from their date of hire shall be required to reimburse this hiring incentive.

3. Starting pay for new hires possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services shall be at Step III. Existing employees possessing an active license as a Paramedic who are currently compensated at Step IV shall be

compensated at Step III and their months of service at Step IV shall be credited as months of service at Step III.

4. Employees possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services shall receive an additional nine-percent (9%) added to their base wage rate.

5. Employees who are actively enrolled in an EMT Paramedic program approved by the Kansas Board of Emergency Medical Services or by the Fire Chief will receive the nine-percent (9%) addition to their base wage rate provided for within paragraph 4 of this Section 28.7. All costs including tuition, books, lab fees, and equipment associated with training and education for the program shall be borne by the Unified Government. To receive this pay differential employees must maintain a credit hour enrollment which will enable them to complete the program within 2 years from the date of commencement and employees must maintain a passing GPA of at least a 2.0 or as defined by the program. Employees will be required to provide proof of enrollment at the beginning of the semester or term and their grade card or report at the end of the semester. Employees who elect to participate in the EMT Paramedic program shall receive a lump sum payment of $10,000 upon obtaining licensure from the State of Kansas as a paramedic.

§ 28.8 Retroactive Pay

Compensation rates for base and overtime pay in 28.1 are retroactive to January 1, 2019 for those employees who remain employed by the Unified Government as of the effective date of this Agreement. All other compensation provided for in this Agreement including the compensation provided for in Sections 28.3 through 28.7 except as expressly provided, shall not be retroactive and shall apply from the date of final execution of this MOA through the end of the term of the Agreement.

ARTICLE 29 - JOINT STANDING COMMITTEES

§ 29.1 Accident Review Board

There shall be an Accident Review Board to review all accidents involving fire department vehicles. The Accident Review Board shall be composed of two (2) firefighters appointed by the Union and two (2) supervisors appointed by the Chief. The members of the Committee shall serve two year terms and may be reappointed. All tie votes shall be broken by UG's Safety Officer. The Safety Officer may review the evidence presented at the Board hearing or may take additional evidence, if he so desires.

The Accident Review Board shall review all accidents involving fire department vehicles to determine whether or not the employee(s) involved was negligent. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose. The Accident Review Board shall report its findings along with reasons in support thereof to the Chief within forty-five (45) calendar days of an accident. The

determination of the Accident Review Board shall be binding on both the Department and the employee. The Chief may impose discipline as a result of a finding of negligence by the Accident Review Board. If discipline is imposed and the discipline does not exceed one (1) shift day suspension, then the employee shall have no right to appeal this disciplinary action to Arbitration. A suspension of more than one (1) shift day may be appealed.

§ 29.2 Joint Safety and Equipment Committee

There shall be a Joint Safety and Equipment Committee composed of three (3) supervisors appointed by the Chief, and three (3) employees appointed by the Union. The ranking Commanding Officer shall be the chairman of the Joint Committee. The purpose of the Joint Committee shall be to study, evaluate and make recommendations to the Chief concerning the purchase of new equipment or the upgrading, utilization, maintenance or upkeep of Department equipment; to make recommendations to the Chief in regard to Department safety practices and to review on-the-job injuries and make recommendations to prevent their occurrence.

§ 29.3 EMS Committee

There shall be a Joint Labor/Management EMS Committee composed of three (3) Supervisors appointed by the Chief and three (3) employees of the rank of Captain or below appointed by the Union. The ranking commanding officer shall be the Chairman of the committee. The committee shall act as an advisory committee to make recommendations to the Chief concerning relevant issues.

§ 29.4 Labor/Management Committee

There shall be a Joint Labor/Management Committee composed of three (3) Supervisors appointed by the Chief and three (3) employees of the rank of Captain or below appointed by the Union. The ranking commanding officer shall be the Chairman of the committee. The committee shall act as an advisory committee to make recommendations to the Chief concerning relevant issues.

§29.5 Additional Committees

The Union President and the Chief may form any additional committees deemed jointly to be necessary.

ARTICLE 30 - PHYSICAL FITNESS

§ 30.1

All employees shall annually, as scheduled by the Department, be evaluated by a step test, bicycle test or other appropriate test, in order to determine whether they are to be considered as "at risk" concerning elevated blood pressure or pulse rate. Those employees who are found to

be "at risk" shall be examined at a medical facility for an evaluation. If it is determined that any of these employees are physically unfit for duty, they shall be placed out of service, on the appropriate leave (sick or injury leave) and shall receive treatment from their private physician in an attempt to remedy their medical problem. Such employees may not return to their employment until released for such purposes by their attending physician and if desired by the Department, the medical facility at which he was initially determined to be "at risk". If the employee's attending physician and the medical facility disagree as to the employee's ability to return to duty, then the parties (Chief and union President or their designees) shall select a neutral physician who shall determine the employee's fitness to return to duty.

Dispatch employees shall wear headsets at all times while on duty unless otherwise authorized by the Communications Manager. Hearing tests shall be conducted upon the employer's or employee's request.

§ 30.2

Employees determined to be "at risk" shall participate in a follow up program in an attempt to remedy their medical problem.

§ 30.3

Employees may participate in physical fitness activities, as established by the joint Department and Union physical fitness committee with permission of their supervisors. Physical fitness activities may not interfere with performance of an employee's employment duties. The joint Department and Union physical fitness committee may research, evaluate and recommend modifications or additions to the physical fitness activities.

§ 30.4

Smoking shall be prohibited upon all UG property and in all UG vehicles.

ARTICLE 31 - DRUG AND ALCOHOL TESTING

There shall be a Joint Drug and Alcohol Testing Committee composed of two (2) members of Local 64, together with two (2) supervisors appointed by the Chief of the Fire Department. The Human Resources and Legal Departments shall each have one ex officio member of the Committee. The purpose of the Joint Committee shall be to study, evaluate and make recommendations to the Unified Government Administrator concerning the establishment of a revised Policy on Substance Abuse and Drug and Alcohol Testing.

Should the Committee fail to agree on a recommendation to the Unified Government Administrator within eighteen months of the date of the Committee's formation, the Unified Government Administrator may issue a revised Policy on Substance Abuse and Drug and Alcohol Testing.

Until such time as a revised Policy is implemented, all employees shall continue to be subject to the provisions of the Drug Free Workplace Act of 1988, as amended, and the existing UG Statement and Policy on Substance Abuse and Drug and Alcohol Testing.

ARTICLE 32 - MISCELLANEOUS

§ 32.1 Burial Expenses - Funeral and Reasonable Burial Expenses

UG agrees to defray all reasonable funeral and burial expenses of any employee of the Fire Department killed in the line of duty.

§ 32.2 Snow Removal

Snow removal on fire station ramps may be provided within the discretion of the Chief from 8:00 A.M. to 8:00 P.M., however, the Department has the ability to require employees to remove snow in emergency situations after 8:00 P.M.

§ 32.3 Vaccinations For Occupational Diseases

UG shall provide vaccinations for requesting employees who are determined to be at risk for Hepatitis B virus or other infectious diseases, as determined by UG to require vaccination, due to occupational exposure. Any employee who refuses an offered vaccination for such determined infectious diseases, shall execute a written waiver, waiving any claims against UG as a result of contraction of such diseases. Vaccinations shall be at no expense to the employee, but if covered by medical insurance, the proper forms shall be completed by the employee and a claim made.

§ 32.4 Unspecified Paid Leave

1) 2010 Time Bank.

All bargaining unit members who were employed in the fire department as of September 30, 2010 and who previously received 5 shifts less 3 hours (24-hour employees) or 80 hours (40 hour employees) as unspecified paid leave may continue to use such hours of paid leave. The scheduling of such time shall be subject to supervisory approval based on the staffing needs of the Department. Any of the hours which are not used by an employee may be carried over from year to year. Upon an employee's retirement, any of such hours which have not been used shall be paid to such employee at the regular straight time rate of compensation.

2) 2012 Time Bank.

The unspecified leave granted for the calendar year 2012 does not sunset which means it remains as long as the firefighter is employed by the UG. It cannot be cashed out at retirement, however, the firefighter can substitute this leave in lieu of using vacation leave.

ARTICLE 33 - ENTIRE MEMORANDUM OF AGREEMENT

This Memorandum supersedes all previous agreements and all existing unwritten practices between UG and the members of the bargaining unit and constitutes the entire

Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG ordinances existing at the date of this Memorandum. Agreements or practices established between the parties following the effective date of this Memorandum are not prohibited by this Article. Any conflict that may exist between existing UG ordinances and provisions of this Memorandum shall be determined in favor of this Memorandum. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Subject to the provisions of Article 35 below, UG and the Union, for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 34 - SAVINGS CLAUSE

If any provision of this Memorandum or the application of such provision should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of the memorandum shall remain in full force and effect.

ARTICLE 35 - MINIMUM MANNING

a) The Department is in the process of undertaking a comprehensive Fire/EMS service analysis through a joint Union-Management process. Factors considered in the analysis and in the development of a comprehensive master plan for the Department include, but are not limited to the following: station locations including potential new stations and renovation and expansion and/or closure of existing stations, deployment of manpower and apparatus, response times, and safety of fire personnel and consideration of the NFPA 1710 Standard. The parties shall form a strategic planning committee and have appointed representatives to this committee to develop recommendations relevant to Fire/EMS service, including development of a Master Plan. The Master Plan shall evaluate and make recommendations regarding minimum manning requirements, including the requirements as identified in sub-paragraph (b) and (c) of this Article. The committee may consider any relevant documentation, reports or data including but not limited to the FACETS report and IAFF GIS report. The Master Plan recommendation shall be presented to the Commission. The parties are not required to reach consensus on all matters of the Master Plan and may present the Commission with alternative options on any individual or any multitude of issues. The parties' recommendation or alternative recommendations shall be submitted to the Commission contemporaneously prior to the end of 2023. After presentation of

the Master Plan recommendation to the Commission, the Unified Government Commission shall be permitted to change any of the minimum manning provisions within sub-paragraphs (b) and (c) of this Article. Until this occurs, the following minimum requirements shall be maintained.

b) The Department will not operate a fire suppression shift with less than 73 bargaining unit suppression personnel except in cases of emergency. In no event will the Department operate a fire suppression shift with less than 69 bargaining unit suppression personnel. The Department will utilize overtime to insure that there will be at least 69 bargaining unit suppression personnel in emergency situations. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves. The Department will not operate less than twenty-two (22) companies during the term of this agreement.

c) Three safety officers shall be on duty at all times.

d) All fire suppression pumpers, will be staffed with a minimum of three (3) employees in order to be considered "in service" and available for use. All Fire Department aerials and quints will operate with four (4) employees except in cases of emergency at which time aerials and quints may operate with three (3) employees. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves.

e) The parties recognize that the Fire/EMS Service Analysis addresses contractual issues other than the manning issues identified in sub-paragraphs (b) though (d) above. If the recommendations of the strategic planning committee address contractual issues other than those identified in sub-paragraphs (b) through (d) above, negotiations over such issues shall be deemed to be reopened and the parties agree that they will meet and confer in good faith to attempt to arrive at an agreement over such issues.

ARTICLE 36 - DURATION

This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect from January 1, 2019 through December 31, 2024. The parties hereto agree that they will begin discussion as quickly as humanly possible in an attempt to arrive at a new Memorandum of Agreement.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND THE UNION have hereunto set their hands this _____ day of _____, 2022.

FOR THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

_____

_____ Date_____

_____

_____

Attest:

_____
Unified Government Clerk

FOR THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL #64

_____

_____

_____ Date_____

_____

_____

_____

_____

_____

Attachment "A"

The union and the department agree that a minimum of seventeen (17) certified suppression personnel shall be dispatched on the initial alarm to all regular alarm responses.

The union and the department agree that a minimum of twenty-eight (28) certified suppression personnel will be dispatched on the initial alarm to all general alarm responses.

ATTACHMENT "B"

Health insurance benefits for Department retirees available through the UG are determined each year by the UG Commission. The UG will advise retiring bargaining unit members of the benefits available to those retiring bargaining unit members at the time of retirement. Current benefit information is available from the Human Resources Department of the UG.

ATTACHMENT C

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Captain/MTS - 10 Years - completion of ten (10) consecutive years or more of service as a sworn Captain	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Captain/MTS- 5 years - completion of five (5) consecutive years or more of service as sworn Captain	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Captain	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Fire Apparatus Operator - 10 years - completion of ten (10) consecutive years or more of service as a sworn Fire Apparatus Operator	6,484.92	6,679.47	6,946.65	7,224.51	7,513.49	7,814.03
Senior Fire Apparatus Operator - 5 years - completion of five (5) consecutive years or more as a sworn Fire Apparatus Operator	6,357.76	6,548.49	6,810.43	7,082.85	7,366.16	7,660.81
Fire Apparatus Operator	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,077.96	6,260.30	6,510.71	6,771.14
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,017.80	6,198.33	6,446.26	6,704.11
Firefighter Class I	5,933.77	6,111.78	6,356.25	6,610.50
Firefighter Class II A	4,695.05	4,835.90	5,029.34	5,230.51
Firefighter Class II	4,119.40	4,242.98	4,412.70	4,589.21
Firefighter Class III	3,699.85	3,810.85	3,963.28	4,121.81
Firefighter Class IV	3,282.15	3,380.61	3,515.84	3,656.47
Firefighter Class V	3,217.78	3,314.32	3,446.89	3,584.76

Prior to 7/1/22 Firefighters shall serve the following service time at each step and pass an examination prior to progressing to the next step: Class V - 18 months, Class IV - 12 months, Class III - 6 months, Class II - 12 months, Class IIA - 12 months.

	Effective 7/1/2022	Effective 1/1/2023	Effective 1/1/2024
Master Firefighter - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter	6,771.14	7,041.98	7,323.66
Senior Firefighter - 12 years - completion of tweleve (12) consecutive years or more of service as a sworn K.C.K. Firefighter	6,704.11	6,972.28	7,251.17
Firefighter Class I	6,610.50	6,874.92	7,149.92
Firefighter Class II	5,230.51	5,439.73	5,657.32
Firefighter Class III	4,589.21	4,772.77	4,963.68
Firefighter Class IV	4,121.81	4,286.68	4,458.14
Firefighter Class V	3,656.47	3,802.73	3,954.83

After 7/1/22, employees will progress from Steps V to I after completing twelve (12) months at each respective step.

Firefighter/Paramedics receive an additional 9% above the stated rates.

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
Medical Transport Supervisor	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Assistant Logistics Officer	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Property Officer	4,459.22	4,593.00	4,776.72	4,967.79	5,166.50	5,373.16

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Master Fire Prevention Inspector	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Fire Prevention Inspector	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Fire Prevention Inspector Class I	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Fire Prevention Inspector Class II	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96
Fire Prevention Inspector Class III	5,933.77	6,111.78	6,356.25	6,610.50	6,874.92	7,149.92

For the ranks of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Master Fire Plans Review Inspector	6,896.79	7,103.69	7,387.84	7,683.35	7,990.69	8,310.31
Senior Fire Plans Review Inspector	6,761.57	6,964.42	7,242.99	7,532.71	7,834.02	8,147.38
Fire Plans Review Inspector Class I	6,628.59	6,827.44	7,100.54	7,384.56	7,679.95	7,987.14
Fire Plans Review Inspector Class II	6,338.66	6,528.82	6,789.97	7,061.57	7,344.04	7,637.80
Fire Plans Review Inspector Class III	5,960.26	6,139.07	6,384.63	6,640.02	6,905.62	7,181.84

For the rank of:	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Mechanic I	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66
Mechanic II	6,202.69	6,388.77	6,644.32	6,910.10	7,186.50	7,473.96
Mechanic III	5,933.77	6,111.78	6,356.25	6,610.50	6,874.92	7,149.92

Fire Communication Classifications*	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2019	**1/1/2020**	**1/1/2021**	**1/1/2022**	**1/1/2023**	**1/1/2024**
Fire Communications Dispatcher (Step 1)	3,301.54	3,400.59	3,536.61	3,678.08	3,825.20	3,978.21
Fire Communications Dispatcher (Step 2)	3,432.65	3,535.63	3,677.05	3,824.14	3,977.10	4,136.19
Fire Communications Dispatcher (Step 3)	3,571.53	3,678.67	3,825.82	3,978.85	4,138.00	4,303.52
Fire Communications Dispatcher (Step 4)	3,784.12	3,897.64	4,053.55	4,215.69	4,384.32	4,559.69
Fire Communications Dispatcher (Step 5)	4,011.75	4,132.10	4,297.38	4,469.28	4,648.05	4,833.97
Fire Communications Dispatcher (Step 6)	4,212.33	4,338.69	4,512.23	4,692.71	4,880.41	5,075.62
Lead Fire Communications Dispatcher	4,630.90	4,769.83	4,960.62	5,159.05	5,365.41	5,580.02
*Dispatchers will progress from Steps 1 to 5 after twelve (12) months at each step and to Step 6 after 60 months at Step 5. Promotion to Lead Dispatcher is based on course work, resume, and letter of interest with approval of the Fire Chief.						

ATTACHMENT C

For the ranks of:	Effective 1/1/2019	Effective 1/1/2020	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024
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Captain	6,596.65	6,794.54	7,066.33	7,348.98	7,642.94	7,948.66

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Lead Fire Communications Dispatcher	4,630.90	4,769.83	4,960.62	5,159.05	5,365.41	5,580.02

*Dispatchers will progress from Steps 1 to 5 after twelve (12) months at each step and to Step 6 after 60 months at Step 5. Promotion to Lead Dispatcher is based on course work, resume, and letter of interest with approval of the Fire Chief.

Staff Request for Commission Action

Tracking No. 211707

Full Commission Meeting Date: 06/30/2022
Committee: Neighborhood & Community Development

Date of Standing Committee Action: 06/06/2022
(If none, please explain): 06/09/22

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:
The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager

2 Yard extension requests

Action Requested:
Approve

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
NCD Memo Land Bank Property Transfers 06.06.22

Wyandotte County Land Bank

Economic Development Department

Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: May 25, 2022

SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 06/06/2022 meeting:

E. Yard Extensions - 2

1. Kendall Blakeney
    i. 4967 Oak Ave – 107430
    ii. Currently owns 3149 N 51St St - 916957
    iii. Summary – The Land Bank lot is unbuildable due to being land locked.

2. Diana S Davila
    i. 1522 S 8th St – 156010
    ii. Currently owns – 1520 S 8th St - 156011
    iii. Summary – 1520 S 8th St is a rental. This request is not following our policy of yard extensions for primary residences only. I included this request because the applicant says the hillside is causing foundation issues for the home. They need to move dirt to stop the hillside from pushing against the foundation. This Land Bank lot is also unbuildable due to no sewer connection.