

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

SPECIAL SESSION, THURSDAY, MARCH 10, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, March 10, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. McKiernan, Commissioner Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Ken Moore, Chief Legal Counsel; Rob Richardson, Director of Planning; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Patrick Waters, Senior Attorney; Debbie Jonscher, Asst. Finance Director; Reginald Lindsey, Budget Director; and Kathleen VonAchen, Chief Finance Officer; and John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, March 10, 2016, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for a Planning & Zoning Joint meeting followed by an End-of-Year Financial Report.

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 Holland said we have a meeting that a couple of the commissioners had asked for as an opportunity to sit down with our Planning & Zoning Commission and to talk through some

planning and zoning things. We're going to have a presentation tonight by Rob Richardson and it's going to be interactive and so it's going to be a good opportunity to talk through some of the issues that we have.

What I want to start with, however, before I make any introductory comments; I want to start with doing introductions. State your name, if you are on the Commission or Planning Commission and how long you have served. Jim Walters, Commissioner District 7; for three years; James Connelly, Planning Commission; for two years; Jane Philbrook, Commissioner District 8; Eric Gonzalez, Planning Commission; second time appointed; Hal Walker, Commissioner-At-Large Second District; first term for almost three years; Jim Schwartzman, Planning Commission; for either eight or ten years; Melissa Bynum, Commissioner At-Large District 1; for 11 months; Daniel Serda, Planning Commission; in second term; Mark Holland, Mayor; on UG Commission for six years and third year as Mayor; Doug Bach, County Administrator; almost two years; Harold Johnson, Commissioner District 4; for 11 months, Joanne Huey, Planning Commission; for 17 years and current chair; Angela Markley, Commissioner District 6; for five years; Susannah Pauley, Planning Commission; for about 1.5 years; Ann Murguia, Commissioner District 3; for nine years; James Wing, Planning Commission; for about 180 days; Mike Kane, Commissioner District 5; for 11 years; Rob Richardson, Director of Planning & Zoning; Tim DeWitt, Planning Commission; for two years; Gayle Townsend, Commissioner District 1; for three years; and Jim Ernst, Planning Commission; for five years.

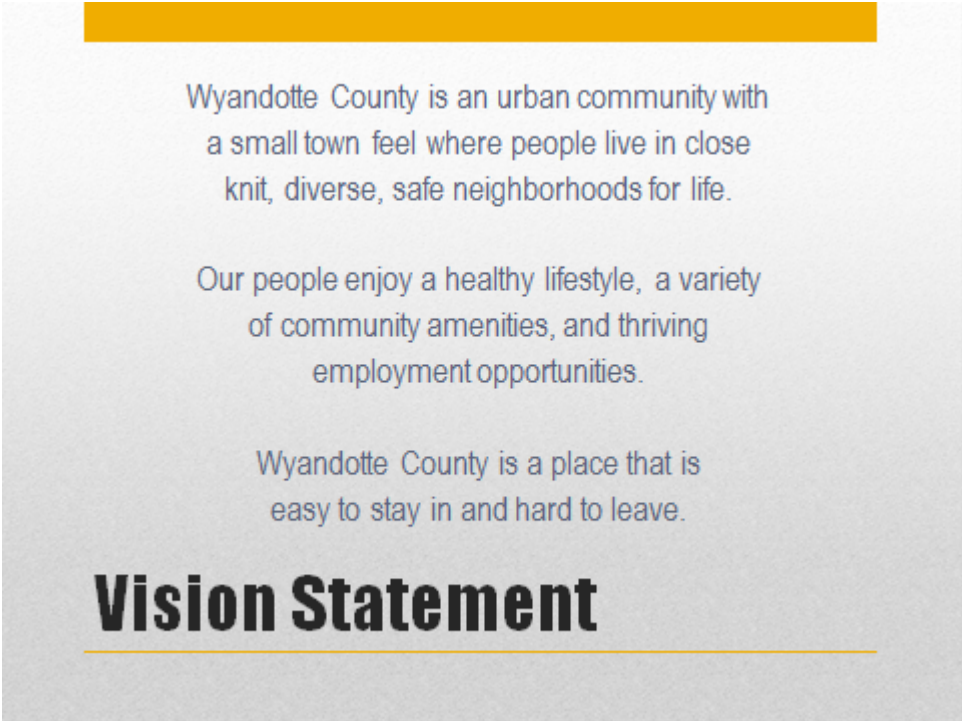
Mayor Holland said thank you to all the Planning & Zoning Board Members for your service. We really appreciate your commitment to the community and we know that your task takes a lot of time and energy and so we very much appreciate your willingness to put that effort forward.

Rob Richardson, Director of Planning, said for tonight's discussion we have hired Shockey Consulting, Sheila Shockey and her assistant Lauren, to facilitate our discussion and in addition to Sheila, both Patrick Waters and I will be doing part of the discussion this evening. We will start with Sheila and she will go through the outline of what we're going to talk about tonight.

- Vision
- 2015 Statistics
- UG Commission Goals Discussion
(40 minutes)
- Disclosures
- Factors to Be Considered

Agenda

Sheila Shockey, Shockey Consulting, said we did send out a questionnaire ahead of time and we compiled that. We're going to go through a few items tonight to brainstorm just some ideas and considerations for how the work of the Planning Commission can support the vision and goals set by the Commission a few years back. We're going to go through them really quickly and I know we're not really going to come to any kind of consensus tonight, but we're going to generate that list and then ask you about next steps and some items you might want to discuss further at a future date.

A graphic with a light gray background and a yellow header bar at the top. It contains three lines of text in a blue, sans-serif font, followed by the title 'Vision Statement' in a larger, bold, black font, which is underlined with a thin yellow line.

Wyandotte County is an urban community with
a small town feel where people live in close
knit, diverse, safe neighborhoods for life.

Our people enjoy a healthy lifestyle, a variety
of community amenities, and thriving
employment opportunities.

Wyandotte County is a place that is
easy to stay in and hard to leave.

Vision Statement

This is the Vision Statement that was developed. We actually worked with the commissioners at the time to develop this and as you can see it describes what you would like to see for your county and it says that Wyandotte County is an urban community with a small town feel where people live in close knit, diverse, safe neighborhoods for life. Our people enjoy a healthy lifestyle, a variety of community amenities, and thriving employment opportunities and Wyandotte County is a place that is easy to stay in and hard to leave. I know that just from the ones I heard that from that completed the questionnaire that you work in the Planning Commission as well as a Commission to really achieve that vision.

Policy-Making or Legislative Function	Regulatory/ Quasi-Judicial Function
• Long-Range Plans • Zoning/Subdivision Regulations • Review Capital Improvement Plan	• Zoning • Subdivision • Development Review • Variance/Special Uses
PC Supports Vision	

The Planning Commission supports that vision through a variety of different goal statements. We're going to go through four of those tonight and talk in more detail about them, but these are the different areas that you do work in as a Planning Commission. You have a Policy-Making or Legislative Function when you do long-range planning you develop regulations and you review the Capital Improvement Plan annually. Then you also are a Quasi-Judicial organization. Rob and Patrick are going to talk a little bit about your role and responsibility and kind of just give you some tips on that as well, but through zoning, subdivision, development review, and variance/special use permits you do help the community achieve the vision that they have for your future.

Rob is going to go through some statistics to kind of give you an idea of what has happened in the past so we can brainstorm a little bit.

- 187 Total planning cases
- 97 Cases to Board of Commissioners and Planning Commission
- 43 Cases to Planning Commission only
- 37 Cases to Board of Zoning Appeals
- 10 Applications withdrawn
- 62 Cases per planner
 - Does not include 85 DRC cases or 206 sign permits

Statistics from 2015

Mr. Richardson said I just have a couple slides with the work that was accomplished through the Planning Commission and Board of Commissioners last year. There were 187 total cases broken out as you see here and within our department that ended up being about 62 different cases that went to you all per planner. That doesn't include things that went to the Development Review Committee or all the sign permits or all the other zoning verification letters and other things that we do outside of the official work that you see through the two Commissions.

- The Planning Commission upheld **99** percent of Staff recommendations
- The Board of Commissioners upheld **99** percent of Staff and Planning Commission recommendations
- The Board of Commissioners referred **2** of the **187** cases back to the Planning Commission for further analysis

Statistics from 2015

Last year of the 187 cases the Planning Commission upheld the staff recommendation 99% of the time. The Board of Commissioners upheld those recommendations from the staff and the Planning Commission 99% of the time as well. The Board of Commissioners did refer two of the 187 cases back to the Planning Commission for further analysis. Occasionally there is a case that there is new evidence or some other factors that the Planning Commission either didn't fully consider or were not aware of and the Board of Commissioners asked the case to be sent back to the Planning Commission for further review and that happened twice last year. It really looks like the work—although every decision isn't unanimous, overall it looks like we're seeing the things the same way overall. With that I will turn it back over to Sheila to get into our goals.

- **Housing**
- **Infrastructure**
- Education/Workforce Development
- **Economic Development**
- **Multi-modal Transportation**
- Social Services
- **Healthy Community / Recreation**
- **Environment**
- Public Safety

Commission Goals

Ms. Shockey said these are the goal areas that the Commission developed several years back and the staff and the Commission have been working to accomplish those goal areas. The ones in red we're going to talk about tonight. The ones that are in kind of the orange/brown color are some other ones that we will kind of just talk in general about. Those are the most specific things in goal outcomes that you could really have Planning Commission work support so we're going to walk through those really quickly and Lauren is going to be over there to kind of write down some of your comments. If we're not capturing those right, please let us know and we will mark those up.

Develop policies & programs that:

- Grow neighborhoods to their maximum potential;
- Make property owners accountable for their property;
- Foster a diverse housing stock.

How can land use decisions/plans help grow neighborhoods to their maximum potential and foster housing diversity?

Key Opportunity - Housing

A key opportunity for the Planning Commission and commissioners working together is in the housing area and this is the goal statement. To develop policies and programs that grow neighborhoods to their maximum potential, make property owners accountable for their property and foster a diverse housing stock. The question we have tonight is really how do land use decisions fit the Planning Commission develop in the plans you develop and recommend often times to the Commission help grow neighborhoods to their maximum potential and then foster that housing diversity. How can we do that? We kind of want to generate some thoughts and conversation. Has anyone ever heard of housing applications that they want to talk about and that kind of helped foster that diversity or how could you work on that a little bit better together is kind of the question.

Commissioner Walters said I don't have any answers, but I'll ask the question because I would like to have some discussion about it. We talk about diverse housing stock a lot which maybe means different things to different people, but I don't think we've ever had a conversation of how do we evaluate what our goal for diverse housing stock is. Is it a percentage of housing stock by value? Is it a percentage of housing stock spread out on some rational basis across the county? We have talked at times about concentrations of low-income housing not being a good

idea, but I don't think we've ever really tried to quantify that in any way to know whether we have a problem or we have an opportunity or we have some of each. It would be nice if we could just have a conversation about that, not necessarily that anybody has all the answers, but it would be nice to know if we at least see the issues from a uniform basis.

Ms. Shockley said the question you're asking is kind of what do you see as diverse housing, is that value, is that type?

Mayor Holland said I'll give you a real life example that was really coming into play when I first came on the Commission in 2007 as Village West was starting to grow and fully develop. The Piper neighborhood historically had a strong preference for single-family homes and not mixing in duplexes, fourplexes, apartments, high-density residential and so there was a very lively conversation back in 2007 about whether or not there should be apartments allowed in Piper in terms of a zoning decision or should we preserve that are just for single-family housing. The vision of diverse housing stock is, and I think this is where we've come to, particularly the apartments. We have over 1,000 units either built or under construction that are new in the last few years that are very high-end apartments, high quality apartments, and I think one of the things we've come to realize is that's a great stepping stone for people to get younger people back into our community and then to step into single-family housing and to look at apartments not as contrary to single-family housing, but in fact complimentary to single-family housing and in doing that in a smart area, you want that multi-family around the retail to buffer then the single-family homes. There is a way to think about Planning & Zoning in terms of thought and making sure we have that diverse housing stock in the apartments, we could have more duplexes, we could have—you also look at the retirement homes that are often four patio homes with four attached that give a diverse housing stock for seniors to live in. We have some of those growing as well. We know we are way behind in housing for seniors. We have a lot of our seniors who can't live in their home anymore and need to downsize and there just aren't the opportunities so they are moving to other communities for that who are lifelong Wyandotte County folks who want to stay here. How we think about this from Planning & Zoning and as a Commission about that—that's just one example in one part of our city, but it would also matter in Rosedale when we're looking at KU redevelopment areas. It would also matter in downtown around the Healthy Campus or Indian Springs to start thinking about not just single-family homes, but the role that

other housing stock has in providing a holistic community. I think that's a part of the questions that I would ask from our perspective.

Commissioner Markley said I like the example, but I also think Jim makes an important point, we've been really big on measurability, the Commission has been, and we want to be able to measure our goals and we want to have a number and we want to have some sort of concrete measurement. It would be interesting to know what the ideal ratio is. Are there studies that address that? How does our community compare to other communities and what should our goal be because at some point we may reach our goal in terms of what kind of apartments we want or what kind of senior housing and I think we need to know when that goal is met so we can say okay, maybe we need to back off of that because we only have X number of seniors. We don't want to have so much senior housing that we can't fill it or we only have a certain percentage of the population that wants to live in apartments. If we start overbuilding in that area, then we can create problems in another direction and so it would be good to have information about what our goal percentage should be, what our goal for that diversity should be and how that relates to our population and how it changes over time because presumably the more older people we have, the more senior housing we're going to want. The more younger people we have, the less senior housing we're going to want and how does that curve work out into the long-term.

The other thing I would say is serve different than diverse housing stock, but there are all sorts of trends going on in the broader population that we really haven't seen come here yet, but they probably will eventually, things like the tiny houses, like the mother-in-law houses that goes in people's backyards, like the storage container houses that I understand they were showing at the housing show. Somebody told me they saw them at the housing show, the fancy storage containers and I don't know how our ordinances would address those and so I think it might be good for us to look at those regulations ahead of time and say how would these sorts of things fit in with our regulations and is the way they fit into the regulations the way that we want them to before we have our first storage container house come down, it would be good to know what we're looking at.

Ms. Shockey said how about from a Planning Commissioner's perspective. Have you had any applications that you are kind of uncertain about what the targets were in terms of housing?

James Connelly, Planning Commission, said I guess when you speak about diversity, I mean we talk about changing the population of a group of different people working together. I guess my experience in working for the Public Housing in Wyandotte County and also for Kansas City, MO as an Inspector, and being an Inspector in Kansas City, MO I go to Lee's Summit, North Kansas City and so there is a diversity of the Section 8 population. Also, the Housing Authority was just awarded a large sum of money to tear down Chouteau Park which is a concentrated area like Juniper Gardens. They were awarded a lot of money to kind of spread out their population and so that's one of the ways to kind of spread it out and take away some of those areas. I kind of like what the Mayor said about building up the city. I think North Kansas City kind of built the same units from the same company as we built out in Village West and I mean it grew that whole area. Building some units downtown would be great I would think.

Ms. Shockey asked have you had any applications recently for downtown, other Planning Commissioners, something that you were confronted with that you were uncertain about how that fulfills the goals of the Counsel. **Mr. Connelly** said I think we kind of approved the plan right there at Big Eleven Lake. I think I seen some units, it was just a plan so I know that we kind of approved some—we seen in the photos that there were some housing units, apartments across from Big Eleven Lake.

Daniel Serda, Planning Commission, said, Sheila, I want to talk about one specific case that I remember. It was probably about 2010 and I don't want to get into the specifics of which development it was, but it was a development out west and it was multi-family. I would guess we had 250 people show up in the audience in opposition at the Planning Commission and it was a very heated discussion. I don't remember what the outcome was. I think we probably approved it, but I do remember one of the issues that came up was, and this is an important nuance that I think all of these questions relate to; my own reasoning I remember turned on was the fact that the Prairie Delaware Piper Master Plan had addressed the question of multi-family housing. It had said explicitly there will be multi-family housing in this part of the community and you know for the Planning Commission we typically deal with what, planners speaking, you would call current planning issues. Someone is proposing to build development today, but our real anchor for that, both philosophically and I think ultimately legally, is what is the policy

guidance that the Commission has already given in the form of the plans that have been adopted? Commissioner Connelly referencing what was probably the Healthy Campus Plan; the plan gave sort of the outlines of a vision of some housing types that might be downtown. When a developer actually proposes to build something downtown, I really think that we have both probably the best reason and probably the most legally defensible response as a Planning Commission in evaluating that proposal by measuring against the plan. The dilemma we sometimes run into is that there are many parts of our community that lack a neighborhood or area plan and so when that happens the hazard we run into is that we might fall into a trap either of making a decision that just generally doesn't necessarily fit well into overall goals and guidance that we might have. But, again, especially if we deny one of those proposals, we potentially could be on a ground that is not as strongly defensible. Again, the distinction I would make was between the policy goal, which ultimately is the Commissions' goal, the Unified Government's Commission goal and the implementation of that policy through evaluation of ongoing development proposals that come directly before the Planning Commission a slightly different context.

One of the cases I'm thinking of specifically, we had an application in the fall right after I came back on the Planning Commission from a commercial developer on Central Avenue that wanted to propose some uses for some specific properties on Central Avenue. There is no area plan. There is the Countywide Master Plan but there is no specific plan and I personally felt a little bit of a loss. I mean do we sort of grant what the property owner wants to do? There weren't many people there in response from the local community and without that overarching guidance that needs to be there it is often challenging to make a decision that you feel confident about. I would have to describe it that way. It's hard to feel confident about it, but again, if we're looking at the plan and the staff report, the staff's looks at this very closely. If the staff report says this is consistent with the master plan or it's not consistent but it could meet some other goals and we think there is a strong rationale for approving it, then I personally feel more confident about it and I think we are in a better position to either approve or deny it on that basis.

Ms. Shockey said what we have written down is kind of the desire for some sort of a policy direction on housing mix and what are the gaps and where do you need to go kind of

communitywide and then perhaps putting in place some master plans to help guide the Planning Commission better. That's kind of what I heard. Does that sound right? Okay.

Invest in infrastructure to build community and support neighborhood development while encouraging private investment and community partnerships to meet infrastructure needs.

What types of projects are needed in the Capital Improvement Plan to build community and support neighborhood development and safety? Are there key locations where infrastructure is needed?

Key Opportunity - Infrastructure

Ms. Shockey said the next goal is about investing in infrastructure and the Planning Commissioners do review the Capital Improvement Plan and that helps build and support neighborhood development and safety. Are there key locations where infrastructure is perhaps needed and you think that if there was more investment and infrastructure that perhaps you would be able to achieve some of your other overarching goals? I know the Commission develops their Capital Improvement Plan.

Commissioner Philbrook said I'm going to pair it with what he and I had talked about earlier. We were talking about schools and safety around schools and sidewalks for them and the fact that most of our city, two-thirds of our city, is west of the old city which were old townships so most of those roads were not made for curbs and sidewalks and so it was very expensive to deal with but we will have to deal with it as time passes. What I do like is so far that we have picked, with the help of the schools, areas that we are improving around and pouring money into for curb and sidewalks and talking with the community about that, but I wish there was a way that we

could really increase that significantly. Did you want to address that? **Ms. Shockey** said around schools, putting more investment in sidewalks and infrastructure.

Mr. Connelly said she is correct and we kind of talked about it earlier. School is a major thing for younger people to move into a community and so that's one way to recruit younger people, the type of schools also, but changing some of the areas. Where I live I have been living there for 20 years so my kids are grown, but they had to walk to school and for 20 years there hasn't been a sidewalk right there at the school.

Ms. Shockey asked other infrastructure investments that you think would help achieve the vision for the community. **Commissioner Markley** said I would just say generally and I think probably our Planning Commission friends agree with this, but I'll just say it out loud because I think it needs to be said, one thing that the Planning Commission can help us with is that when someone comes to do a new development or to redevelop an area they need to come with sidewalks. We shouldn't be building anything new if it doesn't have sidewalks and curbs. I know we had that discussion with the casino recently and they weren't real happy about our request, but I think it's important. The only way we're ever going to get sidewalks in most of our neighborhoods is if it comes as part of development because it's so expensive for us to do it ourselves at the Unified Government. If you're building something new, redeveloping something, that infrastructure should be part of the deal. It should be expected that we're going to require that.

Commissioner Bynum said I would just like to kind of tag onto that. I would hope that when we bring projects forward particularly around housing and even more particularly around older adult housing that we have a requirement that there be lighting. Recently I became aware of a senior housing neighborhood that was built without any requirement for lights and that is kind of mindboggling to me. As we look comprehensively about—I think we need more senior housing and I think we want to make sure that we're building safe senior housing and I would just reference that we take a look at communities for all ages and we look at building communities where we can be young all the way through old age and age in place. I think that's an important component of the work that we should be doing here in Wyandotte County.

Foster an environment in which small and large businesses thrive, jobs are created, redevelopment continues, tourism grows and businesses locate in the community.

As development and redevelopment occur, how can we support desired styles of development such as Transit Oriented Development (TOD), job creation and business opportunity?

Key Opportunity - Economic Development

Ms. Shockey said this one is about economic development with Planning Commission support; often communities are successful in terms of economic development. The goal is to foster an environment in which small and large businesses thrive, jobs are created, redevelopment continues, tourism grows and businesses locate in the community. As we develop or redevelop, how can we support the desired styles of development such as Transit Oriented Development and several people mentioned that in the questionnaire that you completed and also job creation and other business opportunities. What are some ways that the Planning Commission could support those goals? Maybe we could start with Transit Oriented Development. Does anyone have any comments on that? **Commissioner Bynum** said I think we certainly can always be reaching out to our partners at the Kansas City Area Transportation Authority and making sure that we're maximizing whatever dollars they might bring to the table for Transit Oriented Development. Also, any other plans that they are bringing to Wyandotte County for expanded transit, and we have been doing a lot of that lately, and so more of that I think is only good for Wyandotte County.

Mayor Holland said I think it comes back to what Mr. Serda said. We need to have the plans to focus our housing infrastructure and the economic development opportunities because without a

plan—we have an economic opportunity that comes in and with a plan you’ve done the neighborhood engagement, you’ve talked to people about what their hopes and dreams are for their community and so when you do have an economic development opportunity you have a place where it’s ready to go rather than having to come in and have a conversation about well is this what we really wanted in our neighborhood, this isn’t what we imagined, we had hoped this would be single-family housing or multi-family housing and now it’s going to be a business. I think every part of town, and we’re working on this, I mean we’re moving a lot of plans forward which keeps Rob busy and his staff, but we’re moving a lot of plans forward so we’re shovel ready on economic development so we don’t have to go through a bunch of wrangling about it. We need to have a conversation first and then when it’s ready to drop it down, it’s not at wrangling at all, it’s a celebration of this is what we hoped for.

Commissioner Johnson said as it relates to the redevelopment I think we need to be thinking as it relates to the planning about making sure that these businesses, the jobs, the redevelopment benefits all of Wyandotte County on both sides whether it be west to east or north to south. Particularly my mind goes to the types of jobs that are created. We want, I think, as part of that dialogue to talk about jobs that our persons in Wyandotte County will be able to get. One thing that is a continued dialogue is about the number of persons that work in Wyandotte County and then leave and the persons that live in Wyandotte County and leave and I would certainly like to as part of our planning and development talk about the type of jobs that will give our constituents a good working honest day living and will also encourage them to stay in Wyandotte County to some degree as well.

Commissioner Kane said I want to piggyback on that. We’ve brought a lot of jobs to Wyandotte County but they are \$13 and \$14 an hour and we talked about the development the other day off of Riverview about you would have to run a bus system out there. I think a bus system at first is fine, but if we’re only bringing in jobs that are paying \$13 and \$14 an hour, we’re not really doing the folks that live here justice because there are a lot better paying jobs elsewhere. With the expansion of General Motors and some of the other facilities they are looking to expand, we need to start attracting people that are paying the \$20 an hour and have benefits to go along with that. It’s frustrating when somebody says we got them a job and its \$13

an hour, well what's minimum wage, not much less. In fact they want to raise the minimum wage to \$15 an hour in certain areas. We have the workforce here, we have the people that want to work here, we just need to do a better job attracting the businesses and they need to be told upfront it's going to cost you X amount of dollars and then some of them say they don't come here because they would be harassed by the unions to join the union. Anywhere you go in the United States a union can organize and the reason unions organize is so you can get those better paying jobs. Commissioner Johnson has it exactly where I agree with him that we've got to do a better job of bringing higher paying better jobs for our people that live here.

Commissioner Murguia said there are so many comments. Even though Rob has done a good job outlining different topics, these are majorly large topics to discuss in a group this large in a couple of hours as we all know. Sorry if my thoughts are a little scattered, but just some comments. I go back to what Jim Walters said, I've been up here for nine years and yet we throw around a lot of language about sustainable neighborhoods and best science suggest that sustainable neighborhoods are mixed income in the way of income and the way of housing stock. Yet like Jim have yet to see a definition of what that means in assessment of a particular neighborhood. For example, I'll use my district. If you look at Rosedale and you look at the median home value, I'm guessing, but I believe that median home value is a little over \$75,000. When you look at \$75,000 and you break that down into a mortgage and you look at that monthly mortgage payment, that's the HUDs definition of very low-income housing. That's not a mixed-income neighborhood. I understand—so what I try to tell people when they look at my district I say this may not be HUD housing, but the value of it makes it low-income housing. People often say to me well that's not quality housing, that isn't very good housing, well to me that's a different issue. What Wyandotte County, in my opinion, has to figure out is we need the formula that Jim is talking about. We need to know what people all need to be on the same page about what defines low-income housing, what defines moderate income housing, what defines high income housing and we at least need to have best science and best guess what is the right formula there. Before we go approving 100 units of very low-income housing just because they're new and shiny and we want to cut a ribbon, we have to figure out how to remove that housing that caters to that population that is not quality housing and how to remove that so we

don't continue to concentrate and layer on top of each other more and more low-income housing issues which brings all other kinds of issues to our community.

In regard to economic development, another very complicated complex issue in my opinion, there are so many factors. There are all kinds of different strategies. I believe what the Mayor says; absolutely there is a strategy and a successful one to develop a plan and to engage the community. There is another strategy where there are so many not so positive things going on that sometimes just pick a place and get started and frankly nine years ago when I came on this Commission, that's what happened. I did a very—the most community outreach in that respect I did a survey for a wish list from constituents and then literally it's like cleaning your room when it's a mess and you don't know where to start. You just start where you're at and kind of build out from there. I think both strategies are good, but I think the key to economic development is that every area is different in Wyandotte County and I think that's like every city and so every area in my area in my opinion needs a champion for economic development for that specific area of what those needs are and what that market is. With that I will give my pitch again that this Commission always says that economic development is a priority and it's very important, but I will remind all of us our Economic Development Department and our Planning & Zoning Department total budget, correct me if I'm wrong, is \$850,000 which is one of the lowest funded departments in all of the departments that we fund. Its contrary we say one thing, but then our actions and our money isn't following what we're saying. I don't know if any of you have ever done what Rob does and reviewed plans, but the level of detail and the time it takes to do that is unbelievable. You have to look over the same building multiple times. Commissioner Walters as an architect can probably tell you the same thing. You need a lot of professional eyes following a lot of details to make sure we get the level of quality of development that we're looking for and so I think that's one way to address things as well. I'll stop there. There is a whole other list, but I'll stop.

Commissioner Philbrook said yes, they need more help, there is no question and as fast as we're growing and as many decisions that has to be made by everybody at this table, we need more information sometimes than we're capable of getting because they're so overworked we're trying to figure out okay, they're doing the best they can. This is nothing against you, Rob, you have great people, but for us to stay ahead of the game, which we're not right now, to be able to

plan and organize we do need more hands, more minds in those areas to be able to do that. Otherwise I'm afraid we're going to end up stumbling over ourselves and making a mess possibly that somebody else is going to have to clean up 20 years down the pike so I have to agree with you on that. Having said that, I'm not sure where we're going to get the money yet, maybe we can go after some people to bring some money into us and help us out especially some of those people that want to come in here and build.

The other thing is I do really like the Transit Oriented Development. I was one of them that mentioned that and it is very important because more and more people don't want to have to drive their cars all the time. They can jump on the bus and ride. I jumped on the bus and rode out to the west part of the city and actually it is a heck of a lot easier than trying to find a place to park out there especially when it's busy on a Saturday or a Friday night and so that is very helpful. I don't have to do it to work. I walk to work but the point being is that there are a lot of people that can't afford multiple cars for a family and they need to be close and so a lot of our building those good jobs, and I agree with Harold Johnson, those new type of jobs that we want to bring in that make more money need to be put along some of those transit lines and we have a bunch of transit lines now. The more people we get along those lines, the more buses we can have.

Commissioner Walker said when I became aware we were going to have this meeting I guess I had a little different expectation in mind of what we're doing. Truly there are many areas; Central Avenue was noted in what I like to call the land of time forgot Turner. We have a commercial sector. We haven't seen any new commercial development along a major thoroughfare that we put an enormous amount of money into 10, 12, 15 years ago, 55th Street. We've got more plans needed than what we've got money to do and I think truthfully because of KU being the big dog, that's why we're doing this Rosedale Redevelopment Plan because there are things happening there and if they weren't there, I question how active we would be in trying to spend that money. Certainly we wouldn't have a contributor. I guess what I would like to see from the Planning Commission is annually or semiannually we have a retreat where we get together and we talk about various issues and goals and so forth and I don't know if that works for the Planning Commission, but I like ideas that percolate up. You're down there on the front lines, you get the biggest crowds usually and by the time it gets to us if everybody has done their

job, things have calmed down and the crowds tend to be less. There are exceptions to that for which there is no solution but to bite the bullet and face the army.

The thing for me is, for example, and I will pick one that I've been joking with some of my commissioners that I see as a problem; is chickens. I have noticed that there are an increasing number of applications for people who want to have chickens. I don't know about urban farming. My dad's people had chickens and I will tell you I would not want that in my neighborhood and I think issues like that have a way of being the occasional application and if the neighbors don't object, but I think there has to be more of a responsibility both at the Planning Commission level and at our level as to is this really the way we want to go, everybody having chickens in their neighborhood. It might start with chickens, but what about ducks, how about having ducks, how about having domestic turkeys. I mean it sounds ridiculous in a context like this, but I would like to see recommendations from the Planning Commissioner's that we've appointed you presumably whoever appointed you thought so because you were capable and had capacity. I hope that's what my fellow commissioners did. I've known Eric for a number of years and I know he is very capable, very bright and I rarely pick up the phone and talk to him about anything related to the Planning Commission. Whatever he decides that he thinks is best that's the way I think it should be. It shouldn't be me calling him and telling him this is how I feel about this. I would like to see the flow back. It's real easy for the commissioner to call you and say I want to be on top of this because I have some interest in this. I would like to see that come back from you guys as to what is it you think we should be doing. Should every neighborhood have chickens and that's somewhat of a can be ridiculously viewed, but when you think of some of our neighborhoods where people don't have space, even a small group of chickens is a problem. **Ms. Shockey** said we're probably not going to solve the chicken problem tonight, but we will put that on the list and I think what you're saying is a bigger picture is the policies. **Commissioner Walker** said the point is not about chickens, but about getting some dialogue back from the Planning Commission other than I see a vote 5 to 1, 6 to 1, or 7 to 1. Recently they approved an oil recycling, you all did, and I can't remember but I suppose we did too, but those kinds of businesses ought to be somewhere other than where this one was in my opinion. **Ms. Shockey** said so kind of more of a policy.

Mr. Serda said I'm more than happy to say in a couple of words what needs to happen with livestock. We need an ordinance and I said this quietly any number of times that have been garnered against stepping on what I think some folks see as a third rail in terms of policymaking in issues that have been in front of the Commission for a long time. The reason I say that is very simple and it goes back to exactly what you're saying, Commissioner Walker, we are faced with decisions where again we have to rely on our individual judgment about whether this fits in that house in that neighborhood on that street and it takes, I have to be honest with you, it takes an exorbitant amount of time and energy in front of the Commission. When I think back in the five or so years that I've been sitting on the Planning Commission the cases that literally keeps us in the Chamber late at night that sometimes goes on for over two hours are about questions like whether or not—you know a gentleman who has a lot of experience in raising horses should be allowed to store three horses on a quarter acre lot somewhere over off Leavenworth Road. I've said openly, and you can look at the Planning Commission transcripts, I've said these are questions that Planning Commissioner Schwartzman is certainly qualified to opine on, he has a lot of experience with horses I think, but I don't. It really stretches things for me and so if there is an opportunity it would need to be some sort of retreat so to speak or something like that where maybe the Planning Commissioners could have a meeting and discuss some of those larger issues and forward sort of a menu of policy issues that we see that we think the Commission could play a role in. Again, we are not the policymaking body. We are largely the advisory body on police issues, the quasi-judicial body on other case review issues. We're handling all of these right now to be honest with you on an ad hoc basis and I think it goes to the crux of what you're saying. **Commissioner Walker** said I'm going to respond because I have made this statement on the Commission. We have been waiting for some time and Jane is involved, she knows, we're waiting on a committee to come forward. I guess I want to get across to you that it's alright to no. You don't always have to approve these with stipulations. Turn them down if you don't think they're right, don't hesitate to not in a neighborhood. If I had my way there would be a moratorium on any livestock until this ordinance is done.

Commissioner Philbrook said to address all of that you know we came before the Commission with dogs and cats. We are right toward the end of chicken, ducks and fowl with specific recommendations. Planning is involved. Rob has a representative there, we have the Legal

Department involved, the whole nine yards and we have people involved that raise those types of animals and we've got recommendations back and so we will be coming before you probably within the next couple of months to tell you what those suggestions are. You guys can make them tighter if you want to or make them looser, but it's going to be coming from the committee to recommend that. The next one is hoofed livestock and if you would like to be on that committee with me, just jump right in there, I would be more than happy to have you. That was one of things that I noticed when I first came on here that we really didn't have good codes around animals and we need, again, the animal people to help take care of that and that's what we would like to call Animal Services now, and we should have about 20 people and we have not half of that. That's where we are in this.

Ms. Shockey said we're going to have to kind of wrap up and I was going to say do we have any Planning Commissioners that wanted to make any comments before we stop.

Jim Ernst, Planning Commission, said I would like to not lose sight of what Commissioner Walker began with before we went to fowl and that is a method for us to give you our opinion. No such method exists currently. Maybe there should be a retreat, something or Planning Commission members on your committees, but right now I can't give you my ideas in any logical form other than picking up the phone and calling you. If we would like a process like that, if the Commission would like a process like that, I think the Planning Commission would probably be for it. **Ms. Shockey** said that's a great comment, great suggestion. **Commissioner Walker** said I would certainly like it. Mayor, you can make that happen, can't you? **Mayor Holland** said with your support, Commissioner, I sure can. **Commissioner Walker** said you've got my support.

Ms. Shockey said I'm going to ask one last question of the Planning Commission Chair. Is there anything else that you want to kind of just wrap up with that you see and have heard today that would be potential ways to support those community goals and ambitions?

Joanne Huey, Chairman of the Planning Commission, said I think Mr. Walker brings up a good point. In my 17 years on the Commission we have not had a retreat and we've had a

change in Commissions, Unified Government Commissioners and a change in Planning & Zoning, but we've also had a big change in what comes before us in Planning & Zoning and livestock has become relevant as well as hooved animals and dogs, but I know our Urban Planning staff is creating ordinances to combat some of those issues. I think a strategic planning session between both entities would be very helpful for all of us and for a Planning & Zoning perspective, we make the recommendation based on staff, staff support and their comments and I think if a UG Commissioner has an opinion, then I think that's the time you need to pick up that phone and call us. We may not know what exactly the UG Commission is expecting from the Planning & Zoning Commission. Any dialogue that can assist in the process would be beneficial for all of us.

Ms. Shockey said I'm going to turn it back over to Rob and we're going to have a Next Step slide at the end so we can kind of wrap up with you.

Mr. Richardson said Patrick is going to handle the section on disclosures.

Patrick Waters, Senior Attorney, said that's actually a pretty good segway talking about communication between board members and Planning Commission members. I did want to talk with you about disclosures and kind of focusing on three main questions that come up to us a lot. Number one, can commissioners talk with members of the public about an application prior to the hearing. Number two; if you do talk to or receive information from someone what do you do with that information. Number three to the point that was just made, can Board of Commission members talk with Planning Commission members and if so how do you do that appropriately.

- Both the Planning Commission and Board of Commissioners act as “quasi-judicial” bodies when they hear zoning matters.
- Due process requires “fair, open and impartial hearings.”

McPherson Landfill, Inc. v. Board of County Commissioners of Shawnee County, 274 Kan. 303, 317 (2002).

Disclosures

First, just in general, I should mention that both the Planning Commission and the Board of Commissioners act as quasi-judicial bodies when you are hearing Planning Commission matters. The Kansas Supreme Court has said that whenever you hear a zoning matter that due processes attaches and that hearing must be fair, open and impartial.

- Board and PC members may talk with opponents and proponents prior to the hearing, but should exercise caution.
- Courts will review any such discussions for bias or prejudice.

McPherson Landfill, Inc. v. Board of County Commissioners of Shawnee County, 274 Kan. 303, 321, 49 P.3d 522, 533 (2002).

Disclosures

Can you talk with members of the public? Yes, you may talk with both opponents and proponents prior to the hearing, but you should exercise caution. Here is why. The Kansas Supreme Court has said that any communications with members of the public will be held under strict review. If an application were to be challenged and someone were to say that there was some type of inappropriate comment made prior to the hearing, they're going to review those communications pretty strictly. **Mr. Richardson** said one more thing on that. There is a difference between the Planning Commissioners and the Board of Commissioners. The Planning Commissioners—I generally say you know you don't have to do that. The commissioners sometimes feel like they have to talk with their constituents and it's really for the Planning Commission side. It's up to you whether you want to or not, but you don't necessarily have to. You can wait and say please come to the public hearing so everybody gets the information at the same time and it will keep your phone from ringing so much or it doesn't matter, but you do have that option. The commission members I think usually feel like you have to take those calls and talk to the people and so there is kind of a difference there between the two Commissions on how you may or may not want to address those comments. **Mr. Waters** said right. Obviously, the safest course would be just to say I'm not going to talk with anyone about it, but practically that's really sometimes not possible. Someone may just come up to you in the grocery store and

start talking with you about some issue and you can't stop them. I would say the safest course of action would be if someone wants to talk with you about an application, ask them to either write you an email or a letter, put their thoughts in writing. That way there is no misunderstanding about what was said, there is no misunderstanding about what your response to that person was, it keeps it pretty clean. If someone does come up to you in person, I would recommend keeping good notes about what was said and what your response was just in case it would ever come up later and there would be some question about what was said.

- No statements of support or opposition to a specific application should be made.
 - Thank you for the information, but because this relates to a quasi-judicial proceeding, I can not offer support for your position until I have heard all of the evidence.
- Disclose all information that you received if it is not already on the record.

Disclosures

If you do talk with a member of the public about an application prior to the hearing, the main thing is just don't make any statements in support or opposition to the application. This would be a sample response that you give. Just thank them for the information, but tell them that you can't offer support for their position at this time, that you're waiting to hear all of the evidence. That would probably be the best way to handle something like that. If you do get information from someone prior to the hearing, what do you do with that information?

Why disclose?

- Allows for rebuttal.
- Everyone votes based on the same information because of the quasi-judicial nature of the hearing.

Disclosures

We are recommending that you disclose all the information that you received if it's not already part of the public record. I will give you a basic example. Let's say that Mr. Smith files for an application for a special use permit for five dogs, you get a call from Mr. Smiths' neighbor Mrs. Jones who says you know what the three dogs he already has are loud and obnoxious, constantly bothering me, I don't think he should be allowed to have any more dogs. Well, you come to the public hearing and the neighbor doesn't show up and that testimony doesn't come in the public hearing and so here you are, you have this information from the neighbor that seems to be relevant to the application that he is not taking care of his dogs well, but the applicant doesn't know that allegation has been made and the other Commission members may not know that allegation has been made. That is where we're recommending that you disclose during the public hearing that you have received that information that supposedly these dogs are being loud and obnoxious. Two things, that allows the applicant to respond to those allegations and maybe he has evidence that proves that it's not his dogs that are barking, it's another neighbor's dog so that allows him the chance to respond and rebut those allegations. What it also does it makes sure that all the Commission members are voting based on the same information because that neighbor may have not spoken to all of the Commission members.

Jim Schwartzman, Planning Commission, said if you speak to someone and you disclose, do you need to get their name, address and all that stuff or just say you talked to someone? **Mr. Waters** said I haven't seen anything in the law that would say that you have to give the name of everyone that you spoke to because from a practical standpoint I just don't know that's possible especially for Commission members. You may get just random people walking up to you on the street and you may not know their name, you may get 100 emails from people on the subject and I don't think you're expected to sit there and list off every single person that you talk to. You can just say in general I've talked to opponents, I've talked to proponents, but the change that we're recommending and something that we're going to come back with you later on this with kind of our recommendation on how to officially adopt this into the meeting process, is to go one step further and not just say I talked with an opponent, I talked with a proponent; but to also say I have information that's not been made as part of the public record and this is the information I have. That way the applicant can respond to that and all the Commission members will know that information.

Mayor Holland said for instance when you're looking at the materials if Ms. Jones came to the public hearing and entered into the record her objection based on that and then she repeats that to you, you don't have any new information to disclose. You can say I talked to someone who was against it, but their information is already in the record so we all have the same information.

Mr. Waters said this may seem like a big change but in practice I think a lot of you are already doing it. I know there have been hearings where if information that you know about hasn't come up, usually a commissioner will just ask the person and say I've heard that such and such happened, is that correct and the applicant will say yes or no or try to explain why that is. From a practical standpoint this stuff usually gets out anyway, but what we're talking about is maybe just adopting a more formal practice where there will be a specific point in the meeting where you can make that disclosure if you haven't already.

Communications between UG Commission and Planning Commission members

- Planning Commission is an independent body. All members are "at-large" once appointed.
- Any communication between Board members and PC members should be for information only.
- No statements of support or opposition should be made.
- Any information not in the public record provided by a UG Commission member to a Planning Commissioner must be disclosed by the Planning Commissioner at the hearing. The same is true for information provided by a Planning Commissioner to a UG Commissioner.

Disclosures

Communication between the Board Members and the Planning Commission members, just remembering that the Planning Commission is an independent body, has numerous responsibilities under state law and its members are all at-large once appointed. Any communication between board members and Planning Commission, the Planning Commission members should really be for information only. It should be for that example where you have some relevant information that you received that you think a Planning Commission member should know about and, again, it's simply communicating to them that you have this information, not making any kind of suggestion of how they should vote one way or the other, that you support this specific application or not; just passing on the information would be okay. For the Planning Commission members if you do receive this information, it's important that you would then disclose that at the Planning Commission meeting and also vice-versa, it's probably less likely to go the other way around.

Commissioner Walker asked, Patrick, is that part of some case decision or is that just the Legal Department's version of best practice. **Mr. Waters** said that is the McPherson case, the Kansas Supreme Court case. **Commissioner Walker** said that it says the Planning Commission and Board Members can't voice either opposition or support for a particular project between them.

Mr. Waters said I'm sorry. I thought you were talking about the disclosures. **Commissioner Walker** said no, I'm talking about this page right here because I've not seen a case that has held this. **Mr. Waters** said I guess just in general that the independence of the Commission and also in terms of—the Kansas Supreme Court has talked about prejudgment. They have definitely talked about that in the McPherson case about avoiding any prejudgment or bias and so to the extent that a Commission member or to tell a Planning Commission member that they felt a certain way about an application, I think that would come under the prejudgment issue. **Commissioner Walker** said let's talk about what prejudgment really is from a lawyer's standpoint. These things don't come in a vacuum and on Thursday night we approve a \$60M redevelopment plan for a project, we have meetings with staff, sometimes the developers do their own lobbying, there may be opposition that they're lobbying with information, ask for appointments; so forth and so on. The concern I have here is that we're given a lot of information in advance of when a particular item is coming up for vote. When we go into a meeting based on the information you now have I seriously doubt that anyone can honestly say they haven't gone into a meeting with a somewhat formed opinion about a project or an application. How can that be any different than this? The fact that I might—Eric is my appointment and so I call up Eric and say I'm going to get in another chicken like thing here, we recently passed an ordinance about special use permits for used car lots before they go on any vacant commercial lot that a developer can't put another thing which if you read the tea leaves that a message from the Commission that even though I think was unanimous, we don't want car lots on every vacant commercial lot in every neighborhood just because it's zoned properly. Now they have to have a special use permit so we expect there will be some judicious determinations. I might call Eric and say you've got a used car lot coming in and here's what the guy proposes, he is proposing ten cars on a—I'll give you an example, on an old Sonic site. Based on what I know about that particular location I don't like that idea. Now you're telling me that based on this that I can't do that or that I shouldn't do that, but I'm saying I haven't made a final determination. I've been very careful to say based on information I have now here is where I stand. **Mr. Waters** said I guess you would have to make that judgment—**Commissioner Walker** asked how does that differ from a \$60M development or a \$100M development where based on what I know going into the meeting I like this project. **Mr. Waters** said right. I know the court has just said that you have to keep an open mind, you can't make any statements that

would suggest that you haven't kept an open mind so I guess you would have to make the judgement as to whether are your statements going beyond that line and that's what my advice would be to just avoid anything like that so you don't even get close to that. **Commissioner Walker** said I would never tell anyone I'm going to go in and vote yes or no. Obviously, that clearly crosses the line. There have been projects where I have been very pleased with it. It's been obvious from my responses and I have been in meetings with other commissioners where that has occurred in a presentation setting. I think it's very important that we understand that this is not law. The court has said what you have up here; this is the best legal advice for best practice. **Mr. Richardson** said, Commissioner, I would say that on legislative issues like the ordinance to say we're going to treat used car dealers differently, that's a legislative matter and this doesn't apply to the—the communication and the judgement part when you're developing policy is different than when it's quasi-judicial and I think as long as you're—the open mind thing—if you say it looks good now but I don't know all the facts yet, if I'm a reasonable person on the jury—**Commissioner Walker** said I think usually that's the way most people phrase it, something akin to that. **Mr. Waters** said just not making any statements that would suggest that—**Commissioner Walker** said no indication of a final judgement before you hear both sides. **Mr. Richardson** said the issue that we've had is that we've had a couple of occasions where somebody has come to testimony and says my commissioner says that they support this project and I don't think that you all do that, but when they do that it puts a cloud over that particular decision. That's why we're giving that extra caution because when they don't understand the distinction between it looks good to me now and I've not made a final decision, but when they come and testify about that it makes everybody else in the room think that there is something that has gone awry and that's what we're trying to avoid.

Eric Gonzalez, Planning Commission, said this also goes to the next step and I don't know if we're going to discuss this or not, is when our constituents want to recuse themselves from an application and sometimes it's disappointing because I needed his support, I needed her support in this particular application, but I definitely understand and very respectful for what they just did and why they are walking out of the room. I want to eliminate that gray area and you tell us when we do and when we don't because it's kind of like our Chairman has said, we want to know what you commissioners think about a particular application. I want to and I have in the

past, I haven't recently, but I just want to know what they feel and to me it's important. I don't know if that's going to sway either way, but when is it that we should and when is it that we shouldn't that is not a gray area, but just clear and cut this is when you should. **Mr. Waters** said it's really a case-by-case basis and we're happy to talk with any commissioner prior to a vote and review any comments that they have made or any interest they have to see if we would suggest that they recuse themselves on a specific matter, but it really is case-by-case. **Mr. Gonzalez** said but we should have something, you should give us something. If it's this, probably shoot at that. **Mr. Waters** said I can do that.

Commissioner Murguia said, Patrick, you're a lawyer, I appreciate that and there are a couple of lawyers around this table, but all of us are just community citizens for the most part that care about our community that are trying to make good decisions for our community. I know what you're trying to do here, but I think when you write statements and you're talking as a lawyer and you write statements that say no statement of support or opposition should be made, I think some people get nervous by this. I'm from a family of lawyers. Those statements don't make me nervous. I would just tell you that I would hope that these Planning Commissioners are getting the appropriate training on those kinds of things and you also have to keep in mind that despite all the training and all that's out there, when you're in the heat of maybe a dispute, they're not necessarily going to recall every piece of training and since they're not lawyers and that's not what they've been trained in our school den, there are going to be situations. I would echo what Hal said, I want our Planning Commissioners, mind in particular, to speak with me openly about their thoughts based on information they have been presented or given in the packet and have a dialogue. No one on the Planning Commission is a professional planner that I'm aware of and I don't think there is a lawyer on the—**Mayor Holland** said yes, there is a lawyer. **Commissioner Murguia** said okay, but the bulk of them are not. My point is I want to be able to have an open dialogue and just for purposes of clarity, commissioners just because they may think a certain way at the time based on the information they have been presented doesn't mean they're going to think that way by the end of the hearing and they have been presented information from Rob and both sides. There are many times just because I've been on here with Commissioner Kane for a long time where both of us have said to each other I went into that meeting thinking one thing because we're human and we came out of that meeting voting a

completely different way. I would just say I hear the rules and I hear what you're saying, but I don't want that to frighten any of our Planning Commissioners or our new commissioners into speaking about—thinking out a decision that affects our neighborhoods. One example and I'll stop; there are some issues that I just don't know about. The issue of police body cameras was a big thing and they had received a grant so it had to come through the Planning Commission at some point, I didn't know what to think. Obviously, I had communicated with my planning appointment. Neither of us was really sure about what would be in the best interest of Wyandotte County. I sought out professional advice from researchers at the University of Kansas. They sent me over best science. That best science had an opinion at the end of it. That's the way it goes, that's best science. You go to them for what they think is the best decision to make. I took that information and forwarded that to my Planning & Zoning appointment. That was pretty clear about what best science was. I'm just saying there are going to be those kinds of situations that—**Mr. Waters** said I think that's fine. I think because you were giving them that information that you received and you weren't telling them that you had made a final judgement or anything like that so that's fine.

Mayor Holland said it's really kind of easy. We can't make definitive statements of support or opposition until after the hearing and so I think we have had commissioners stand in neighborhood groups and say I'm against it, I'm going to shut it down. We've had commissioners say I'm totally for this; we're going to make it happen. When we make those kinds of statements in public settings, it's very problematic should we get sued on the outcome of that decision. We need to reserve judgement and make a habit of saying if I talk to a Planning and Zoning person, I might say I have significant concerns about this and here's what they are or I have significant positive thoughts about this and here's what they are, but until we see the full presentation I can't make a decision. I think that if we finish every sentence about planning and zoning stuff until I've seen all of the evidence, I cannot make a final decision despite where we can share our leanings but I think we need to be very careful with one another, with the neighborhood groups public statements about stating our support for or against it before the hearing. I think it's that simple and we just want to make sure that we're thoughtful about it.

Mr. Ernst said I would like to look at it from a different perhaps unpopular perspective. I guess my idea as a Planning Commissioner is that I am given the material from Rob and his group and that is what I should make my decision on. **Mr. Richardson** said and the public hearing. **Mr. Ernst** said whether someone likes it or doesn't like it. I mean they can provide me with additional information which I would disclose, but the fact that you might call and say I don't really think the car lot ought to be there, I guess as a Planning Commissioner I don't think I'm doing my job correctly if I say oh, Hal doesn't really think there ought to be there. **Commissioner Walker** said I agree with you. You're absolutely right. You should make the best decision and listen to people and any commissioner that would try to dictate to any appointment how they should vote is out of line. **Mr. Ernst** said that's goes back to what the Mayor said.

Susannah Pauley, Planning Commission, said I just want to say that's part of the problem. If you've been appointed by someone and they're calling you and they are telling you their opinion before you meet, you might feel that you are somewhat swayed because this person appointed you in the first place. I just want to make sure that we don't feel like that.

Ms. Huey said being on Planning & Zoning for 17 years I struggled with that initially because honestly there was no type of orientation, you just kind of went up there and there you are. You're just thrown into the mix. Within sometime though we did go through some ethics training, we had some great training available to us and I believe the ethics training and so forth is still an option and available and part of that was the disclosure was addressed. I think that our duty as Planning & Zoning is to respectfully listen to any commissioner on their opinion on a matter and hopefully it's very vague and general as well as the public's, but we are still an independent body and we still need to be respectful of the public hearing so that we can gather all the information included in the packet and otherwise to make an informed decision. We cannot be swayed by what someone else believes to be the correct opinion because we just have to be able to listen and have that opportunity to discern for ourselves what is in the best interest of the ordinances that are in place.

Mr. Connelly said I guess I would like to say as being a lobbyist before, I don't understand kind of what Patrick is saying. I mean people talk to different people and to say that this is legally wrong, or that's the way I'm interpreting what he is saying, I think it's a wrong statement for him because it's not legally wrong for some constituents to talk to me about something. **Mr. Richardson** said it's different between the legislature and this group and your quasi-judicial versus totally legislative. If somebody wants to talk to you about the chicken ordinance and whether we should have two chickens or four chickens, that's a legislative matter. If you want to tell somebody that you're not going to let so and so have three chickens at their house because you don't think it's appropriate there and I'll never vote for that or instead of saying I'll never vote for that you say I would have serious issues with that, but I won't know for sure until after the public hearing. We're doing this because if we get sued and there are depositions, we're trying to keep you all from being called for a deposition and being forced to testify in an uncomfortable way on one of these cases. It's not because we don't trust you or we don't like the way you've done it, this is for your protection if you were to be subpoenaed and be disposed and be put on the stand and we haven't had that luckily. **Mayor Holland** said we have been sued and we have lost based on statements that were made in Commission meetings by commissioners. It's happened and we just don't want it to happen—it doesn't happen very often, but we just want to be careful and thoughtful.

Ms. Huey said for the Planning & Zoning Commissioners I think if you have a concern and you're not really sure how to disclose information, talk to Legal, talk to staff; they can guide you through that process so that we make sure that we are handling things appropriately so we don't face any legal issues down the road.

Mr. Gonzalez said I just want to share a little tidbit for you commissioners that are here. I'm not saying that this is the consensus of the Planning Commission, but when we get applicants with storage units and they want to have storage units in their backyard, they want to have their chickens, they want to park their dump trucks and you know for me personally I'm like why are they even here. This is not what I want in Wyandotte County but yet it's not what I want, I mean I'm scratching my head and I'm like where is the gatekeeper here. Why are they in front of us? I personally don't like that, but it's not about how I personally feel, it's about how I feel about

the residents of Wyandotte County and I think that's what we're all here for is what's best for them and their neighborhoods. Even though we may not get a whole opposition of neighbors or not we shouldn't base our opinions just because of that either. **Mayor Holland** said that's right. **Mr. Richardson** said I have three slides left and I wanted to go through the factors to be considered very briefly. The Mayor wanted me to do this extensively but we're short on time so I'm going to pare that down a little bit.

- The Character of the Neighborhood.
- The zoning and uses of properties nearby and the proposed use's expected compatibility with them.
- The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.
- The length of time the property has remained vacant as zoned.
- 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.

Factors To Consider

You all see these in every one of your staff reports. These are based on the case *Golden vs. city of Overland Park*. If you know where the Big & Tall store is about 90th & Metcalf or 89th & Metcalf, that's the place where this happened. Overland Park made a zoning decision and it was challenged and when the Supreme Court ruled on that decision they said you need to base your decisions on a set of criteria that is known in advance and related to the zoning case. Things like character of the neighborhood, what the surrounding zonings are, is the property zoned suitably as it is; it might be okay to be residential and not turn to commercial and that suitability factor is important. How long has the property been vacant if it's vacate and whether this will result in traffic and in such an amount that it would exceed the street capacity and I would think—you know we have also talked about other infrastructure in that case.

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

Factors To Consider

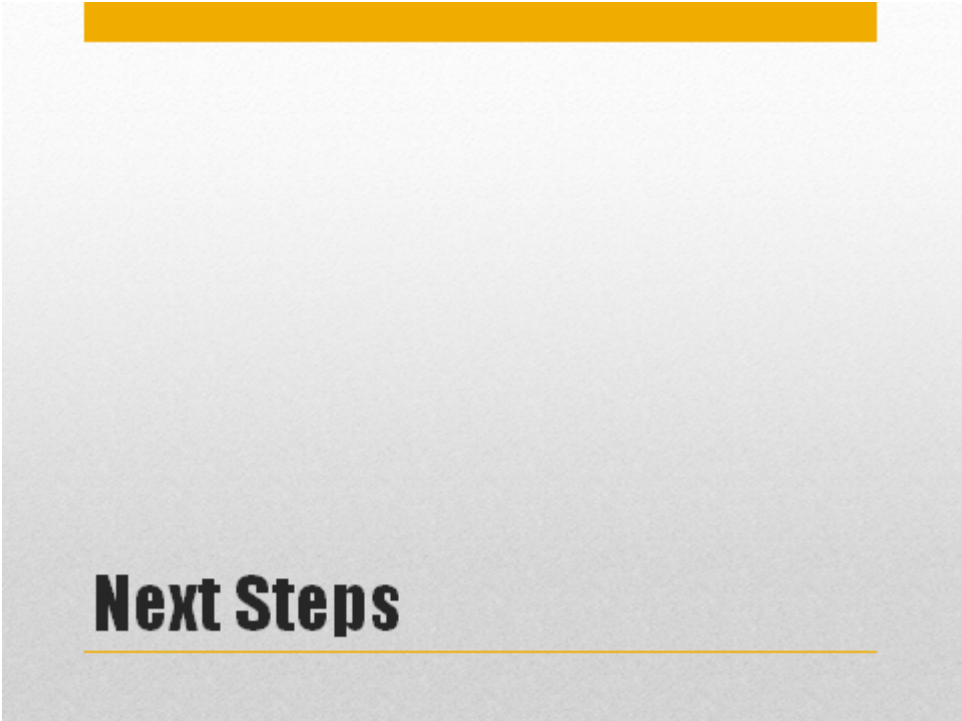
Does it conform to the Master Plan; we've talked about the Master Plans a little bit this evening. Is it necessary for the convenience and welfare of the public, will it injure the appropriate uses of nearby properties, is there noise, vibration, dust, light that would interfere with the enjoyment of the adjoining properties.

- Whether the proposed use will pollute the air, land or water.
- Whether the use would damage or destroy an irreplaceable natural resource.
- The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.
- Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

Factors To Consider

Will there be pollution involved? We do a pretty good job though our ordinances and making them meet the ordinances. We don't have pollution problems generally. Would this destroy an irreplaceable natural resource? Is there a relative gain to the public health, safety and welfare compared to the hardship on the applicant if it were to be denied and would this result in the overcrowding of land or undue concentrations of population? In this part of the country we don't have those issues very much. That's kind of a New York kind of issue, but generally these are the factors the court has given us and there might be cases where we want to say this is really an issue of land use and it's not contained in there and we might talk about that and I think that could be fair sometimes, but generally we need to stick to this unless there is some really unusual reason why we would want to add a factor to this.

I think you all do a good job of these. I would just ask that when you make motions that including these factors to be considered in your motion is a good idea. That way when the court reviews this the first time they have the information before them, they examine the factors and the factors were part of their motion and the discussion before the motion and that gives you generally legislative difference to your actions unless somebody says there was some kind of arbitrary and capricious actions that went on and those generally just don't happen. This protects us in court for the most part when we make decisions.



Next Steps

We want to talk about next steps and I'm going to turn it back over to Sheila to get your thoughts on that.

Ms. Shockey said I kind of heard three things come out of your conversation earlier and the one you just had about disclosures. One was, and tell me if you think this is right, that you would like to have a little bit more analysis put together in terms of overall targets and you specifically talked housing diversity. There may be other targets or information that you want to think about in terms of picture planning for your entire community and I kind of heard that from a couple of people.

The second one I heard was the desire for master plans that would guide the Planning Commission in more detail about different applications that come in and it would help the Commission then also to have a good sense of whether those applications desires fit your community desires.

The third one I just heard was the desire for some kind of communication together, maybe some bigger picture policy direction that you want to kind of work together in a retreat setting or somehow to identify some of those bigger picture policy issues so that you don't have to talk individually as much when you're doing—especially if there is a quasi-judicial

application in front of you so that you have to make a decision. You can still get an idea of what your commissioners think and what the Planning Commissioners thinks, but in a bigger picture. Does that make sense to everybody? That's kind of what I heard. Is there anything else that you all have been thinking about while you have been here tonight or would like to propose as kind of a big picture next step?

Mr. Connelly said I think we should have a little bit training as a Planning Commission on some of these zoning codes and some of those things so we can make a better decision because we rely on staff to give us the information that they do a good job with. I kind of look at all that when I make my decisions and so I think a little more training would be great for us. **Ms. Shockey** said that sounds great and we will put that on the list.

Commissioner Johnson said as it relates to the policy and programs it talks about growing neighborhoods to their maximum potential and this kind of ties into what Commissioners Walker and Murguia were talking about. We talk about maximum potential, to me at least that's a subjective term and I just think we need to better define what those things that we have as vision statements, what is a maximum potential in one area may not be a maximum potential in another area and so particularly in those areas that are more dense. If that neighborhood was developed 50, 60, 70 years ago we need to be more visionary looking out another 20 to 30 years and maybe we don't want to be as densely populated in certain areas. I think we need to kind of define what we mean by that and then be visionary in terms of looking forward into the future for that particular area whether that be a neighborhood or whatever.

The other thing I found interesting and as I think I'm getting to the end of my road of being called a newbie here, I think my newbie card is has just about expired; but in the case of special use permits; if constituents have not met the conditions of a prior approval whether that be a restriction or a requirement I just have a question. It seems to me it should not be sent back to the Commission for a future approval and so unless there is some type of suitable exception that we need to consider as an exception there. **Ms. Shockey** said kind of an explanation of the process a little bit more and how that works. **Commissioner Johnson** said if they have not met the requirements then, in my opinion, I'm just one person; should they be sent back for a future approval.

Mr. Gonzalez said I think the other thing is when we have an applicant come to us and I notice that when they go to the Board of Commissioners the presentation is different and I don't understand why that is. I think that should be changed because if we're going to deny an application and it goes to the Board of Commissioners and then the presentation is totally different, it really needs to be consistent.

I would also like to piggyback on what Hal Walker and, hopefully, maybe our Mayor and the Board of Commissioners can maybe begin to set a precedent to go ahead and initiate a retreat for us. We do have wonderful ideas such as you do as well and we hope that we might get the opportunity to share those with you.

Mayor Holland said I would like to close this session. Thank you, Sheila, for being here and thank you, again, just to repeat to our Planning & Zoning Commission; thank you for the work that you do each and every month on our behalf and in between driving around and looking at the different sites and the different applications. It's a lot of work and we really appreciate your thoughtfulness in it.

Mr. Richardson said I just wanted to thank Sheila and Lauren. They did a great job for us tonight.

Mayor Holland said we have one other item tonight for our 5:00 p.m. It is our End of Year Financial Report which is always riveting and exciting and the Planning Commissioners are welcome to stay for that. **Commissioner Philbrook** said they're going to send this report out to everybody, what they wrote down and all that. **Mayor Holland** said yes, the consultants will get with Mr. Richardson and give all that information to all of us.

Financial Report

Doug Bach, County Administrator, said this is our End of Year and so it's the 2015 Year End Report that we do each year to come through and do a summary of actual numbers coming out of the year. In going through this we will talk about a few of the events that we planned on happening and whether or not those came through and then we will look at some of the things that were other causes that came into play through the course of the year. We will also talk a

little bit more as we're moving forward to think about our Strategic Planning Session for our fiscal or our financial session. I'm going to turn this over to our Finance staff and Kathleen VonAchen our new Finance Director to lead us with our Year End Report.

Kathleen VonAchen, Chief Finance Officer, said I'm very excited to be here and if you have any questions related to the financial performance of the city, I'm happy to talk with you. I would like to introduce my staff. Debbie Jonscher, Asst. Finance Director; and Reginald Lindsey, Budget Director; and they will be making presentations on a number of these slides.

Debbie Jonscher, Asst. Finance Director, said the next two slides are some of the assumptions that we had as we went into the budget season last year.



CONSOLIDATED GENERAL FUND

2015 ORIGINAL REVENUE ASSUMPTIONS

- Additional Casino 1% payment
 - projected \$1.1m in 2015 and \$1.4m+ thereafter
- Mortgage Registration Tax phase-out
 - expected total loss of \$825k between 2015 and 2018
- Potential sale of assets
 - Theater and Downtown Hotel
- Schlitterbahn development
 - positive property and sales tax
 - portion deposited in EMS and Dedicated Sales Tax funds
 - improved tax revenue expected in future years

2

This first slide is on Revenue Assumptions. Last year we were looking at the additional one percent casino revenue. We were projecting it to be at about \$1.1M. We actually exceeded that number and the amount we received was a little over \$1.2M which was about a 15% increase. The Mortgage Registration Tax Phase Out, we were expecting a loss of \$825K between 2015 and 2018. We're on track with that with the majority of that impact did occur in 2015. Potential

Sale of the Theatre and Hotel, the theatre closing occurred in December of 2015 and we currently have a contract on the Downtown Hotel pending. The Schlitterbahn Development, there is no immediate impact, however; future improvements on the site are expected to bring in some additional revenue in the future years.



CONSOLIDATED GENERAL FUND
2015 ORIGINAL EXPENDITURE ASSUMPTIONS

- Employee Compensation
- KPER's increases
- Sheriff Overtime decrease in 2015
- Radio Project Debt
 - \$500k increase in 2016
- 2015 bond refinancing of 2006 debt
 - Est. savings \$1m in 2016 and \$70k annually (2017-2025)

3

The next slide is on Expenditure Assumptions. We had Employee Compensation and increases included five percent for all employees and it was through 2017. KPER increases, we have increases that are ongoing that are built into the budget. The Sheriff's Overtime we were expecting a decrease in 2015 and we did see about a \$295K decrease for 2015. The Radio Project was expected in on the debt. We were expecting about a \$500K increase for 2016. That financing did occur in 2015, but the annual debt service on that final payment actually came in slightly lower, about \$435K. The final assumption was the 2015 Bond refinancing, for the 2006 debt we were estimating a savings of about \$1M and that financing was completed also in 2015. I'm now going to turn it over to Reginald Lindsey for the End Year review.



CONSOLIDATED GENERAL FUND

GENERAL FUND FINANCIALS

FISCAL YEARS 2014 - 2016

	2014 Actual	2015 Amended Budget	2015 Est. Year-End	2016 Adjusted Budget
Beginning Fund Balance	\$ 5,947,000	\$ 7,336,000	\$ 7,336,000	\$ 20,541,000
Revenue				
Tax:	153,916,000	154,709,000	157,659,000	155,179,000
Economic Development Appropriation	-	12,156,000	-	12,524,000
Licenses & Permits	2,040,000	2,037,000	2,334,000	2,052,000
Intergovernmental	3,565,000	3,544,000	3,555,000	3,944,000
Charge for Service	13,049,000	12,950,000	12,599,000	12,543,000
Fines Forfeits & Fees	5,579,000	5,143,000	5,109,000	5,335,000
Interest	1,544,000	1,625,000	1,535,000	1,625,000
Miscellaneous	9,323,000	16,215,000	16,275,000	6,610,000
Total Revenue	189,216,000	211,712,000	202,957,000	201,412,000
Expenditures				
Personnel	146,109,000	142,154,000	141,660,000	144,552,000
Contractual	27,423,000	21,340,000	25,671,000	22,444,000
Commodity	5,333,000	5,326,000	5,405,000	5,403,000
Capital Outlay	2,559,000	5,061,000	4,740,000	5,517,000
Debt-Annual Appropriation	-	-	-	-
Economic Development Appropriation	-	12,156,000	-	12,524,000
Other Developments	555,000	1,181,000	1,181,000	841,000
Transf./Cont./Grants & Claims	4,655,000	5,013,000	7,555,000	5,436,000
Reserves	-	1,045,000	-	770,000
Total Expenditures	187,927,000	207,295,000	189,162,000	209,937,000
Ending Fund Balance	\$ 7,336,000	\$ 12,927,000	\$ 20,541,000	\$ 13,095,000
Fund Balance as a % of Expenses	3.91%	6.15%	11.02%	6.23%
General Funds Mill Rate	51.594	51.468	51.468	51.536
County-wide Assessed Valuation	\$ 1,095,659,000	\$ 1,095,740,000	\$ 1,095,740,000	\$ 1,129,433,000

Reginald Lindsey, Budget Director, said the Financial Statement we have here looks at the Consolidated General Fund for the County Consolidated Parks Fund and also the County General Fund and also the City General Fund. The time periods we're looking at is 2014 Actuals, 2015 Amended Budget, and an estimated Year End for 2015 and also the adjusted 2016 Budget. We can see in 2014 we ended with a \$7.3M Fund Balance. As we go over to 2015 we have an economic development appropriation contingency that's built into the revenue side and also the expenditure side. This is an accounting transaction that doesn't go in or out of the revenue or expenses and we can see in the 2015 Amended Budget that we have \$211K in total revenue. Part of this \$211K includes a one-time payment for the Cerner land payment that was \$9.5M and it also includes penalties for the casino that were like \$2.2M. You can see we planned to have a \$12M Fund Balance and if we look over here at 2015, you can see we have a \$20M fund balance. Some of things that happened here in revenues we had \$3.5M more in revenue come in than we had planned in our budget. Also, we had \$5.7M less in expenditures than we had planned for and so our Fund Balance jumped up \$12M from 2014 and \$8M from 2015.

Commissioner Walker said the actual budget, are you telling me that we budgeted \$8M out of the Fund Balance for this year's expenses when we approved the budget? Am I reading that right? Are you telling me that at the end of 2016 if your adjusted budget as proposed, the far right, we're going to go back down from 11% at the end of 2015 to 6.2% and we budgeted that \$9M. I can't hardly see that number. It's in the black line at the bottom on the far right. Is that \$12M? **Mr. Lindsey** said that \$13M Fund Balance right here? **Commissioner Walker** said you're telling me we spent \$7M of the Fund Balance that we could have had. No, well explain that difference to me between \$20M and \$13M. **Commissioner Markley** said we didn't know we had it yet and so it's extra money. We didn't budget to have this big of a Fund Balance as we ended up having. It isn't that we spent it; we didn't know we had it to spend. **Commissioner Walker** said so we still are going to have it unless we find a way to spend it. Is that what you're telling me? It makes a big difference to me because this year we're going to make some decision on 2017 big sales tax cash flow and if we've got \$20M, maybe I would be more inclined not to put as much in Reserve as I think we ought to. If we're going to spend \$8M of our existing Fund Balance on new programs, new benefits, construction, whatever; then it's going to make a big difference in how I look at the \$12M and how we ought to spend it. That's why I'm a little confused. **Mr. Lindsey** said the 2016 Adjusted Budget does include some one-time payouts to pay back some of our internal funds and then also employee compensation and so that's one of the things where you see the Fund Balance.

Mr. Bach said we really did intentionally know we were going to drive up the Fund Balance in 2015, Commissioner, you know the difference between—it was going to be and when we built our budget if you look at the 2015 Amended Budget projecting a \$12.8M Fund Balance, we were anticipating we were going to go back down to around five or six I think of the original and so from the land sales that we received last year we were going to roll some of those—we spent some of that money last year, but we're rolling some of them to the bottom line and we knew we were going to spend them this year. We knew we were going to see them up and then take that money right back down for some of our Capital expenditures and some of our repayments to some of our Trust Funds. There was an intentional move that we went through and work on that did put us in a position to see that up and then take some of that money back out. **Commissioner Walker** said okay.

Commissioner Murguia said, Doug, just as a reminder as a point of reference for commissioners, can you tell us where we would like our Fund Balance to be? You know what I'm trying to say, a reasonable Fund Balance I guess. **Mr. Bach** said it comes up later in the presentation, but where we ended last year really is the target area we're trying to get our Fund Balance to at a minimum that it would not be less than 10% which is that \$20M number if our budget stayed at the \$189M. Obviously, as our budget grows, we expect our Fund Balance to grow as well.



CONSOLIDATED GENERAL FUND

SIGNIFICANT BUDGET VARIANCES AND TRENDS
FISCAL YEAR 2015

General Fund total revenues - \$202.7m; 1.6% above budget (excluding economic development contingency appropriation)

Tax Revenues:

- Property Tax – remain flat with 2014 at \$58.5m
 - Mill levy reduction of 0.4 mills used in debt service fund to pay for the public safety radio system
- Property Tax Delinquency Rate reduced from 6.4% to 5.8%
- General Fund Sales/Use Tax - \$35m (2014) to \$37m (2015); +5.7%
- BPU PILOT revenues – flat at \$31m (2015); Rate 11.9%
- Delinquent Ad-Valorem – 3rd consecutive year exceeding \$4m in UG tax distributions (all funds); \$3.2m to General Funds
- Mortgage Registration Tax - \$1.6m totaled in 2015
 - includes estimated \$500k loss due to State's rate reduction

6

Mr. Lindsey said this slide goes into more detail of what occurred on the Revenue side of the budget in 2015 and comparing it to 2014. The General Fund total revenues were \$202M; 1.6% above budget and that excludes the economic development contingency appropriation. Under Tax Revenues we had property tax remain flat with 2014 at \$58.5M; a mill levy reduction of 0.4 mills was used in Debt Service Fund to pay the Public Safety Radio System. Property tax delinquency rate reduced from 6.4% to 5.8%. General Fund Sales and Use Tax increased \$2M or 5.7%. BPU PILOT was flat and the rate was flat also. The revenue came in at \$31M in 2015 and 2014. Delinquent Ad-Valorem Tax exceeded \$4M for the third consecutive year in a row;

\$3.2M went to the General Funds. Mortgage Registration Tax was \$1.6M in 2015. It was a \$500K loss. The rate was cut 23% so we would have had possibly revenue of \$2M.



CONSOLIDATED GENERAL FUND

SIGNIFICANT BUDGET VARIANCES AND TRENDS
FISCAL YEAR 2015

General Fund total expenditures - \$188.8m; 3% below budget (excluding economic development contingency appropriation)

- Personnel
 - KPERs Pension - decreased from \$21.9m (2014) to \$18.4 (2015) due to 6.9% KPERs rate decrease
 - Overtime Cost - up \$652K in 2015 or 16.4%
 - Workers' Compensation - down \$245K compared to 2014 or 15%; under budget by \$20K or 1.5%
- Contractual Services
 - Total Contractual Services up \$751K compared to 2014 or 2.7%; under budget by \$2.8m or 9%
- Commodities
 - Total Commodities up \$72K compared to 2014 or 1.3%; under budget by \$863K or 13%
 - Fuel - down \$484K compared to 2014 or 27%; under budget by \$473K or 26%
 - Auto Parts - up \$381K compared to 2014 or 30%; under budget by \$96K or 5.5%

This slide here looks at what went out as far as the expenditures. **Commissioner Walker** said I will throw this out here. You don't have to answer tonight. I would be interested—it's not a big revenue source, but annually we get a certain amount from the Committee of American Casino. Could you develop for me a last three, four, five year numbers on how much we're actually receiving and what we're receiving from them to verify that we're getting what we're supposed to be getting. **Mr. Bach** said yes, I believe they've made the maximum payment. It's based on a percentage of gaming revenues that they would do and I want to say it then went up to a maximum number of about \$440K. I will have staff verify that to you that they have met that payment. I don't think we see—we don't go through anything else for verification because it's a number that comes up to the limit, but I haven't paid a lot of attention to that for the last year or two so I will have them verify and come back to you. **Commissioner Walker** said don't go to a lot of trouble here. I just wondered where those payments were. Whether they were see a decline in revenues or they were still capping out.

Mr. Lindsey said this slide here, again, looks at the expenditures as compared to 2014 Actuals and also 2015 Budget. General Fund total revenues were \$188M which was 3% below budget and that excludes the economic development contingency appropriation I spoke about that runs in the neighborhood of about \$12M. Personnel, in the KPERs Pension line item, we had a decrease of \$21.9M in 2014 and an \$18.4M—actually a decrease from \$21.9M to \$18.4M in 2015. The rate dropped 6.9%. In Overtime we were \$652K above 2014 or 16.4% above. Worker's Compensation, we were down \$245K compared to 2014 or 15%. We were under budget \$20K in 2015 or 1.5%. This is actually after we had cut the budget last year for Workers' Comp. Contractual Services, we were up \$751K compared to 2014 and the Contractual Services was under budget \$2.8M or 9% for 2015. In the Commodities category the total Commodities was up \$72K compared to 2014 and they were under budget \$863K. A big part of this was that fuel was down \$473K in 2015 or 26% and compared to 2014 fuel was down \$484K. Auto Parts were up \$381K in 2014 or 30% and that has to do with our aging fleet. As our fleet ages we have to spend more on parts and we were under budget \$96K in 2015 and this was after we increased the budget.

Commissioner Murguia said just a real quick comment. I know we're running close on time, but I do want to make a couple of comments. To me, unless I'm interpreting this wrong, Doug or Reggie; it just seems like even though we've had the break on fuel, you can't fight inflation and so every now and then we get lucky, but because of inflation it tends to balance out. At least that's sort of the way I interpret the slide. I know we've had a savings, we're under budget which is good, but still when you just look at the economy based on those commodities at the bottom, it's kind of interesting like auto parts are up even though fuel is down so that's a struggle.

I do want to give Doug kudo's for the last slide real fast where you were talking about delinquent properties. The property tax delinquency rate is reduced from 6.4 to 5.8%. That amazing, that's very good and I'm very excited. Now, I'm not minimizing that when say this, we're still growing though. The delinquency rate is still growing, it's just growing, in my interpretation of this at a slower rate and so we're headed in the right direction in my opinion, I don't want to minimize it, but I do think we need to do more of whatever we're doing that got it from 6.4 to 5.8; that critical.

Commissioner Bynum said I don't understand Contractual Services. Can you explain that entire sentence? **Mr. Lindsey** said the Contractual Services is made up of money we pay for insurance premiums, what we pay attorneys, also any kind of contract that we have that's where it's usually paid out from. We pay jail expense from there that the Police Department pays to the county. **Commissioner Bynum** said so what I don't understand is the sentence. It's up \$751K. **Mr. Lindsey** said it's up \$751K in 2015 compared to 2014 and then it was under budget for 2015 \$2.8M. **Mr. Bach** said what you're seeing is we thought we were going up and one of the big factors he noted is where we pay ourselves somewhat so it doesn't necessarily help the total budget, but the jail expense we saw a great decline in that last year with our numbers so that meant the transfer of money that we will budget in the city budget to send to the county budget which is where it pays for that because when they are municipal crimes arrested under the city Police Department and those charges belong back to the city charge, then the city will pay the county for those jail days. That probably, Reggie, I would guess that has to be one of the biggest influences on how we came under budget and why we budgeted so high because those expenses are usually up there and then there were probably other ones that are related. I don't know contractual probably hit it, we have medical that's going to fall under that for how much the Sheriff would have to pay out in medical expenses and so that's kind of an ongoing increasing expense, but 2015 we saw that stabilize and even decline a little bit because our numbers went down. **Commissioner Bynum** said okay.

Mr. Lindsey said I'm now going to turn it over to Kathleen.



CONSOLIDATED GENERAL FUND

THREE YEAR GENERAL FUND FINANCIAL FORECAST
FISCAL YEARS 2017 - 2019

	2016 Adjusted Budget	2017 Forecast	2018 Forecast	2019 Forecast
Beginning Fund Balance	\$ 20,541,000	\$ 13,086,000	\$ 17,165,000	\$ 24,654,000
Revenues				
Tax:	155,179,000	170,761,000	174,562,000	177,522,000
Economic Development: Appropriation	12,524,000	9,635,000	10,259,000	11,145,000
Licenses & Permits	2,052,000	2,072,000	2,092,000	2,114,000
Intergovernmental	3,944,000	3,945,000	3,945,000	3,945,000
Charge for Service	12,542,000	12,112,000	12,356,000	12,666,000
Fees Forfeits & Fees	6,335,000	5,662,000	5,690,000	5,715,000
Interest	1,625,000	1,660,000	1,697,000	1,735,000
Miscellaneous	6,610,000	5,345,000	5,323,000	5,404,000
Total Revenues	201,412,000	212,095,000	216,984,000	221,595,000
Expenditures				
Personal	144,552,000	149,539,000	150,374,000	151,225,000
Contractual	32,444,000	31,060,000	31,060,000	31,060,000
Commodity	6,403,000	6,035,000	6,035,000	6,035,000
Capital Outlay	5,517,000	5,555,000	5,555,000	5,555,000
Debt- Annual Appropriation				
Economic Development: Appropriation	12,524,000	9,635,000	10,259,000	11,145,000
Other Developments	641,000	642,000	641,000	644,000
Transf/Cont/Grants & Claims	6,456,000	5,521,000	5,521,000	5,521,000
Reserves	770,000	775,000	775,000	775,000
Total Expenditures	209,937,000	209,795,000	210,273,000	211,995,000
Ending Fund Balance	\$ 13,086,000	\$ 17,165,000	\$ 24,654,000	\$ 34,226,000
Fund Balance as a % of Expenses	6.23%	8.22%	11.72%	16.51%
General Fund's Mill Rate	59.506	59.506	59.506	59.506
County-wide Assessed Valuation	\$ 1,126,433,000	\$ 1,162,221,000	\$ 1,185,466,000	\$ 1,209,175,000

Ms. VonAchen said since tonight we're also going to present to you a very preliminary three year natural forecast and this is the same table only it has new years on it. The first column is the Amended Budget for the current fiscal year, the 2016 Budget, and those are the same numbers that you saw in that previous slide. The next three years are for fiscal 2017, 2018 and 2019. You start out with the beginning Fund Balance and then you come down to the revenues, monies coming in, and then monies going out expenditures. How this slide works, in case you didn't already figure this out, you start out with your opening balance plus the revenues minus expenditures and then you end with your ending balance. We're expecting to come into the future fiscal year of 2017 with a \$13M Fund Balance there at the bottom. What we are projecting here is that over the course of the next three years we will be growing our Fund Balance by varying amounts. In 2017 we expect to end the year up \$4M, the next year we expect to end the year with an additional \$7.5M more dollars, and then in fiscal 2019 we expect to end the year with another additional \$10M. You will notice here that our projections estimate that we will keep the mill levy stable at the current rate of 59.5 and we have also estimated that assessed valuation will grow by 2% each year. Given this scenario we will achieve the 10% minimum target for our Reserves at the end of fiscal 2018. On the next slide I'm going to talk a little bit more about the detail of all of these assumptions.



CONSOLIDATED GENERAL FUND

FORECAST ASSUMPTIONS FOR 2017 - 2019

- Fund balance improves by \$4m in 2017, \$7.5m in 2018, \$10m in 2019
- \$12m new sales tax revenue due to early retirement of STAR bonds
 - Annual \$9m in General Funds beginning 2017
 - Annual \$3m in other funds (EMS and Dedicated Sales Tax funds) beginning 2017
- Property Tax revenue projected to increase 3% in 2017; 2% thereafter
- Economic Development Appropriation reflects changes due to recent debt refinancing
- Charges for services revenue projected to increase 2% annually
- Personnel costs for 2017 reflect current MOU salary and benefit costs
 - 2018 & 2019 projections reflect contracted step increases, pension and other benefit costs adjustments
- Contractual services and commodities held at prior year actual levels
- Capital outlay commitment in 2016 continued in forecast years

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Overall this is what I just pointed out. The first year our Fund Balance will grow by \$4M, \$7.5M more in 2018 and \$10M in 2019. The forecast assumes that \$12M will be brought into the city coffers as a result of the early retirement of the STAR Bonds. \$9M of that will be deposited into the city General Fund beginning of fiscal 2017 and \$3M of it will go to other funds, EMS and Dedicated Sales Tax funds. The \$9M is what we're looking for to spend on special services that are reflected in the General Fund. We're also projecting that property tax revenue will increase by 3% in 2017 and then 2% thereafter. Again, we have included the economic development appropriation. It's a contingency that is reflected both in the revenue side and the expenditure side and so we've reflected that changes as a result of recent debt refinancing that we're currently working on is the most. Charges for services revenue are projected to increase by 2%. Those are all the assumptions for the revenue side.

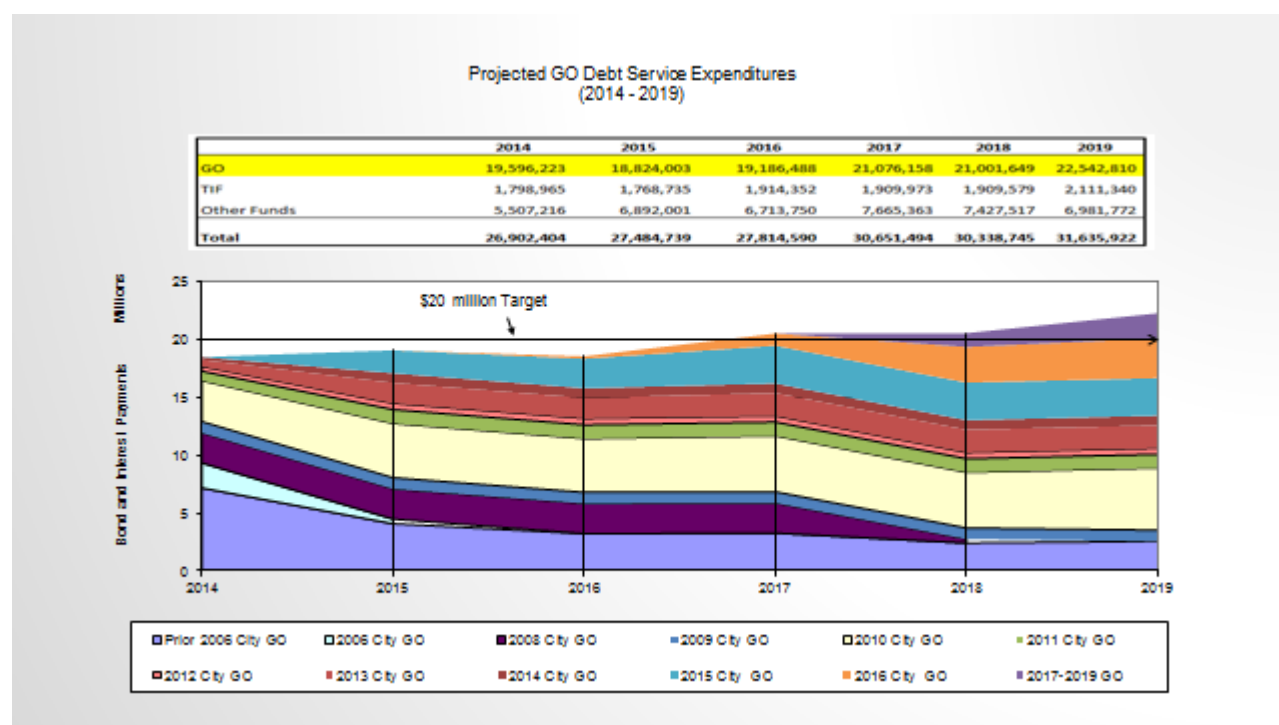
On the expenditure side personnel costs in 2017 only reflect the current MOU salary and benefit costs. Beginning in 2018 and 2019 projections only include contracted step increases, pensions and other benefit cost adjustments that we know of. They do not include any increases to regular salaries at this time beginning in 2018. Contractual services and

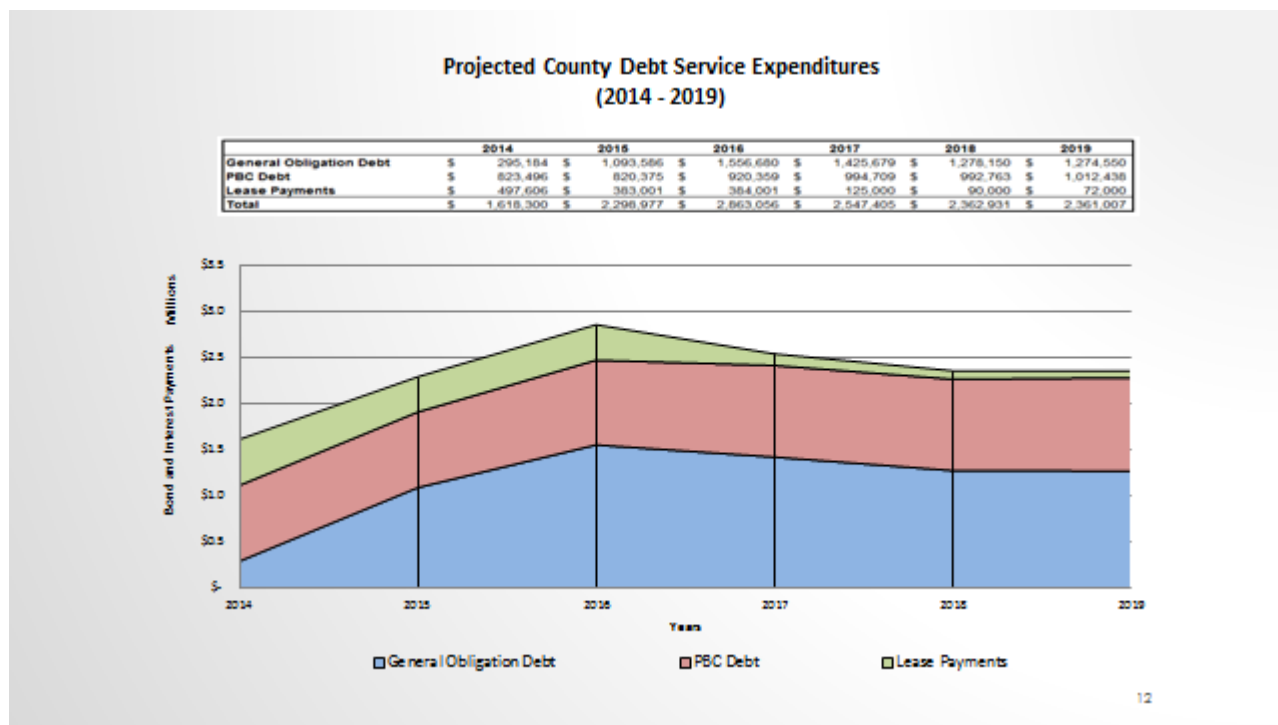
commodities are generally being held stable with prior year actual levels and we're continuing our current commitment to funding our Capital outlay needs beginning in 2017 and throughout the fiscal year, the forecast years. Are there any questions about the forecast?

Mayor Holland said it makes some assumptions. We are going into our retreat to evaluate this very issue. We're going to go into our retreat to look at—this assumes we don't reduce the mill levy and we're going to talk about tax relief. It assumes we don't increase our Capital Outlay and we're going to discuss that. It assumes that we don't give any more cost-of-living increases to our personnel and so we're going to need to talk about that. What it gives us is a baseline assumption of when that money comes in and everything remains the same without any strategic changes by this Commission that's what would happen and so it's really a baseline that this is going to be the slide we will start with when we go into our retreat. Then we will start looking at how we want to allocate that STAR Bond money and other revenues as we go forward, but giving a baseline—I just want to reemphasize this is simply a baseline and the assumptions are key to it and we will be the ones that decide what the final assumptions are as we build our budget for 2017. We're going to have that retreat opportunity, but when we get to our retreat in April this is the slide we start with in terms of what the assumptions are and every good idea we have probably lowers that Fund Balance down.

Commissioner Murguia said, Mayor, this isn't the summary that—Commissioner Walters, this isn't the summary that you requested. No. **Commissioner Walters** said no. I guess that's still in the works. **Commissioner Murguia** asked when can we expect to see that summary, hopefully, well in advance of our—**Mayor Holland** said I'm not sure what summary you're referring to. **Commissioner Walters** said I asked Emerick a month or so ago just to itemize all of our initiatives for 2016 that we included in the budget just so I could use them as a tool to remember what it was that we included in the 2016 Budget; new personnel positions, new ideas and new expenditures that we included in the 2016 Budget because I want to keep track of when we actually got those accomplished and he is still working on that. **Mr. Bach** said the initiatives that—I actually have that in my quarterly report tonight so you will see those with—I did it on the fourth quarter. I thought it would be important to go ahead and layer in some of those things we started in the first quarter so those are included in my first quarterly report tonight. They're

not financial, I mean they affect financials, however; they're not numbers showing out. They are activities and what's happened in relation to those things that were funded in this year's budget. **Commissioner Murguia** asked will you highlight that when you go through it. **Mr. Bach** said it is. **Commissioner Murguia** said you said you're going through it. **Mr. Bach** said yes. I will go through quickly on a lot of points because you want the detail for everything that we did in the quarter, but I have all that set out separately within that report.





Mr. Bach said I'm going to probably say the next portion of this is about the debt. Debbie, if you want to hit that. I don't know that there is anything that is really of landmark details to move through this. It shows our trend up. I think these are strategic things we have to look at and plan as we go through the budget coming through this, but I would say we could skip this section and move on if we want to get down to the meeting. These are both city and county debt. I did want to touch on this as we come into the end and the Mayor jumped into it a little bit, but as you know as we went through the assumptions that were made in the budget if we don't do anything different from where we're at today, really from our decisions, we aggressively get to the Fund Balance line we're trying to get to. We in fact get to that 10% and we exceed in it in a couple of years, but as noted we didn't make any assumptions to go in and say well we're going to reduce the mill levy and there is some gradual decline coming to it.



2017 BUDGET ISSUES & DECISIONS

- Increase Fund Balance
- Restore Trust Funds: Employee Health, Water Pollution Control, Environmental Trust, and Workers' Compensation
- Capital Facilities and Equipment
- Property Tax Levy (Mill Rate)
- Tax Lid – Anti Growth Policy

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We did not make any assumptions to go beyond the directive we have for salary increases other than those known expenses that we would be facing past 2017. Those are both big factors that you can weigh in on either side. We also know the restoring of the Trust Funds. We still have some hefty payments to make in a few of those that we get back into and so how we layer those back into it and while we noted on there that we're going to continue where we're at for Capital Equipment and Facilities, we didn't build any big bump there. As you noted, Commissioner, when you were looking at our costs for equipment and parts, it's not as much inflation as it is old equipment. That's where when we're not replacing a lot of equipment; you spend more time repairing it or more parts buying into that equipment as where it is from an inflationary factor that comes into play. **Commissioner Murguia** said that's an important clarification. **Mr. Bach** said it is and so it is one that we can hold down somewhat because the inflationary factor on parts is probably only about 1% to 2% and 9% is because our equipment is breaking down.

Just noting on these things, and the bottom one on this list which we have to wrestle with as we continue to watch the legislature and hope we're able to make some ground is what happens with the Tax Lid. When we think about what we might want to do with this year's budget and going forward if we jump in and say okay this year we're going to a property tax relief and we use our sales tax dollars for that because of the Governor's Anti-Growth Policy and

the way they put the Tax Lid in place we will want to think about whether we keep the taxes at their constant rate so we can work with that growth in the future and then can give it back at a later date. The way that's structured now, and it's across the state, because that's what I've had discussion with all my constituents in the other communities, they put every incentive in place for local jurisdictions not to reduce their Tax Lid now because of the way this bill has been placed, but we will see how it drives forward. As the Mayor said, this sets out our baseline to go into this retreat session that we're looking for in April. These are kind of the big issues, but I know there are many other issues that you all have that we want to factor into and those are the points of direction we will be wanting to get from you all as we come out of that meeting so we can build a budget going forward. **Commissioner Murguia** asked, Doug, is the CNIP Project over with that the sales tax—are we at the end. **Mr. Bach** said yes, there is no money built into any future years that we're doing with CNIP unless there is just something lingering that somebody had funded out. **Commissioner Murguia** said that Sales Tax money that we used is that Sales Tax appear in sunset. When does it sunset? **Mr. Bach** said 2020. **Commissioner Murguia** asked what are we doing with that money, just rolling it into the General budget. **Mr. Bach** said the CNIP we debt funded. **Commissioner Murguia** said but if we debt funded it based on the Sales Tax revenue from—**Mr. Bach** said future years, coming from it. We took a chunk of it—**Commissioner Murguia** said so we already spent it. **Mr. Bach** said yes. We did it in the two chunks and said that's how we got a couple million dollars and said we're going to roll that out—**Commissioner Murguia** said so we've spent all that money. **Mr. Bach** said yes. I think we're spent through 2019, there may be some left in 2020 if it all comes to play, but we've got enough to cover it. That will be another issue that does not get too far away when we start looking at amount of elections because that will be a renewal on that side as well and that's kind of a 2018 issue.



PROPOSED 2017 BUDGET CALENDAR

2016 Board of Commissioners Budget Planning	
September 28, 2015	Review of CMIP Projects - Public Works & Safety Standing Committee
October 26, 2015	Review of CMIP Projects - Public Works & Safety Standing Committee
October 19, 2015 3PM-7PM	Commission Strategic Planning Session
2017 Board of Commission Budget Planning	
February 25, 2016 (Thursday)	2017 Budget Public Hearing (7PM)
March 10, 2016 - 5PM (Thursday)	Special Session – 2015 Financial Year End Review (5PM)
April 2016	Commission Strategic Planning Session
April/May 2016	CMIP/CDBG – Committee of the Whole workshops (TBD)
April/May 2016	2016 Citizen Survey Results
June 2016	Administration 3 x 3 with Commission (Budget forecast/input)
County Administrator's Proposed 2017 Budget Presentation/Workshops	
July 7 (Thursday)	County Administrator's Budget Presentation (5PM)
July 8 (Friday)	Budget Workshop/Set Maximum Mill Levy
July 12 (Monday)	Budget Workshop (5PM)
July 14 (Thursday)	Budget Workshop (5PM)
July 19 (Monday)	2 nd 2016 Budget Public Hearing (5PM)
July 21 (Thursday)	Budget Workshop (6PM)
	Budget Workshop (5PM)
	Budget Adoption (7PM)

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This is just a proposed calendar that I've set out at this time. It's different, but as you all know that we start the budget process, you all have really been getting into this where we can start working things in September or October. We start the CMIP Projects. Public Works comes before the committee, we get direction, we build it, and we make a lot of good direction back to that committee as we move into the winter months so we know where we're planning and where we start to build on those sides of the equation so we're not just leaving that for the summer months. We've had our first public hearing and then that Strategic Planning Session is noted here in April. I think we're about to come upon a date and hopefully that's getting finalized. Looking at presenting the budget around July 7th and then moving through it in a couple of weeks and I know that kind of gets aggressive. I can push it back before the Fourth of July, but that doesn't necessarily gain us any workshop sessions because we're not going to meet on the Fourth of July, but it gives us a number of workshops. The emphases behind this for me is to get the work done in the middle section because I know we have some public meetings there, but we also get together and I think we plan through some of the bigger things that we want to do to get targeted and get on the same page for what gets presented. We can finalize this later in the year. Obviously, I'm not presenting this for discussion for finalization, but just for an FYI at this point.

March 10, 2016

Commissioner Walker said going through this tonight and maybe it was expected just for information, I felt disadvantaged and unproductive and not being able to more intelligently comment on this material. The reason in part was because I didn't get it in advance of the meeting. I don't have it now and so looking at it I felt I was unable to either challenge support or do anything that I might have been able to do plus the fact that we're jammed for time probably made that even more difficult. I mentioned it to Jane whether she had gotten an email on it because when I checked my emails about 1:00 p.m. I didn't have it. She got hers at 4:56 p.m. I understand—I don't have a staff person or staff people to put this stuff in front of me as it comes hot off the press. I would like to get this kind of stuff a little bit further in advance than we do. I think I've made this comment before. Apparently I have it waiting on my computer at home and I can print it out and review it after the fact. I guess I want to ask a question. Is there a reason that this couldn't have come out two days ago? I mean we are in the third month of the year and none of this data is new. **Mr. Bach** said I'll say two answers to that question. We didn't get it done until this morning, but the information provided to you is really information for you to review, digest, and then come back and discuss it in April. I was hoping to get it to you a month in advance of when I am expecting all that good feedback and information to come from and so it sets it out as really just a straight presentation to run through here's what it is—there is a lot more detail to come into every one of these things and we want to spend time, and we should and I think that's more the retreat, because when we say here is where the increases are and you're seeing numbers go up and down I mean there's each one of those topics, Sales Tax, good influencing factor why we saw increases and why our budget ended up in a better position in 2015 than we had projected because those revenues went up, but kind of breaking down each one of those, those are the detail questions we will get into. On the Expenditure side we saved some money too. Those are kind of the heavy hitters and that's why—I didn't present it from the standpoint thinking we were going to do a lot of back and forth tonight. I was thinking it was more get it to you so you have it a month and then we get into it. **Commissioner Walker** said okay, that's reasonable. I think in general I like to get information not at the last minute or the last day and come down here and then be on occasion made to feel well you got your email. I'm burning up my home printer printing off all the information that I get from this job. If I don't do 100 pages a week, that's a good week because it all comes digital and that's cool, this is the world we live in, but the sooner I can get it the more I can be informed. Tonight is not a good

example because we're not really doing this, but I don't want to get a document at 1:30 in the afternoon and then be expected to come down here and have an intelligent discussion about it. I'm just not that good, I'm sorry.

Mayor Holland said I think your point is well taken and I think the balance we tried to make is there is some information that's helpful for everyone to get at the same time and to have presented by staff to walk us through it. It can't be at decision time. We can't get information that we're expected to make a decision on the day of, that's not good enough. We do need the week in advance. You know we did move our full agenda review for the standing committee's up to two weeks instead of one week so people had two weeks to read through the packet and that was for that exact same reason because you're going to be expected at standing committee to make a decision. Now, if it's something like the goals for a particular department, we will have that on the agenda but that information gets presented at the meeting because it's not necessary to make a decision on the information and so I think—sometimes there is an effort to want to make a presentation of data to everyone at the same time so they receive it at the same time and get the same presentation. The same information that people have without presentation people can go 20 different directions with and if we can do a presentation, I think that's trying to be helpful. If you were asked to make a decision tonight on this, that would be patently unfair because it's just not enough time. **Commissioner Walker** said I was just making the point. **Mayor Holland** said I appreciate it. **Commissioner Walker** said there is a lot of stuff that's coming across digitally that I've got to first printout and then read and it's hard to do it because I don't live on the computer. I do my emails a couple times a day and if you're in between there, I don't have them on my phone.

Commissioner Philbrook said with a presentation like this then you're expecting to hear quantos, a bunch of questions between now and our retreat that you can address. Are you wanting us to wait for those questions until the retreat? **My Holland** said my hope is you would use the next month to get your questions answered and to put the questions together so the staff will have time to present to come with solutions to those questions at the retreat. **Commissioner Philbrook** said well I was hoping that's what Doug was asking for. **Mayor Holland** said yes, that's our expectation.

Ms. VonAchen said I just wanted to comment that I'm very appreciative of all the interest that you've exhibited about the financial performance and the forecast. I think it's wonderful to see all of you so engaged and the Finance Department will be very happy to try their very best to get the information, the future presentations done in enough time so you will have time to review it at the time when there is decisions to be made. This was really just to provide some general information and thank you so much for asking your good questions, I really appreciate it.

Commissioner Walker said since you're new, I was here for more than 30 years and I retired from here as the Chief Legal Counsel, Ken was working with me at the time, and so I understand the staffs viewpoint that sometimes things just cannot come together quick enough from all the diverse, but when it seems like something that ought to have been already done quite some time ago in general form and it was just a matter of putting it on that, I just didn't feel like I could ask any questions, it was just kind of ad hoc as I reacted to something.

Mayor Holland said we are going to adjourn downstairs. We will adjourn downstairs at 7:30 p.m. because it will take some time to transition the video, but we will reconvene downstairs in the Commission Chambers at 7:30 p.m.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 7:16 P.M.**

dt

Bridgette Cobbins
Unified Government Clerk

March 10, 2016