

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

**PLANNING & ZONING AND
REGULAR SESSION
JULY 28, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, July 28, 2022, with ten members present on-site or via Zoom: Bynum, Commissioner At-Large First District, Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Davis, Commissioner Eighth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Brett Deichler, Interim Assistant County Administrator; Patrick Waters, Deputy Chief Counsel; James Bain, Assistant Counsel; Gunnar Hand, Director of Planning & Urban Design; Juliann VanLiew, Director of Health Department; Erika Holliday, Substance Use Coordinator; Mark Heath, Assistant Fire Chief; Major Richard Harrison, Police Dept., Damon Mitchell, District Attorney's Office; Alley Porter, Commission Liaison; Kathleen VonAchen, Chief Financial Officer; Jud Knapp, Land Bank Manager; Monica Sparks, Acting UG Clerk, and Brittanie MacDonald, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

I will now call this meeting to order. Clerk, roll call, please.

Roll call: Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan, Garner.

Mayor Garner said the invocation tonight is going to be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ. We'll do the Pledge of Allegiance immediately following the prayer.

Mayor Garner said I'm going to turn it over to our Clerk so she can announce the revisions that have taken place on tonight's agenda.

Monica Sparks, Acting UG Clerk, said tonight we have several revisions to our agenda. The first revision is the order of business will be changed. We will take our full commission meeting first and our Planning & Zoning will follow thereafter.

Under the Administrator's Agenda, Item No. 3 has been removed from the agenda. That is the report on the Annual Comprehensive Financial Report for the period ending 12/31/22. In addition, Item No. 4 – the update on the finance assessment, will be heard first.

Mayor, those are the only changes on the agenda.

REGULAR AGENDA

ADMINISTRATOR'S AGENDA

Mayor Garner said at this time, I'm going to turn it over to our County Administrator and she will walk us through the resolutions and the items on the Administrator's Agenda.

Commissioner McKiernan said I was just curious as to why the Annual Comprehensive Financial Report was pulled. I thought that was—since it was included in our packet, I figured it was finished. Historically, on an annual basis, that has been presented to us. I was just curious.

Mayor Garner said there were some items that the Administrator's going to work on with that team to bring some clarity. It will come back around at a later date.

Commissioner Ramirez said the CAFR is a state law obligated audit that is required to be reported to us and the public. We use it to help us do the budget. No offense to Cheryl and the work of her audit, but this is extra, the assessment. The audit is a state law.

I'm going to be open and I'm very upfront, Mr. Mayor. You do not control this Commission. It is not a me, myself, and I Commission. It is a we Commission. We work together.

This audit is something that we use to help us guide our decisions when it comes to the budget, and it seems I'm not even being listened to.

Mayor Garner said I'm going to have our Legal Counsel respond to your concerns.

Patrick Waters, Deputy Chief Counsel, said, Commissioner, it's my understanding that the report will be given to the Commission before the budget is adopted. I will defer that to our Administrator.

Commissioner Ramirez asked, when will our Finance staff be able to provide their presentation on the report? We can get the report, but it's our Finance staff who is able to break it down and provide us the analysis. We can read the report all we want, but I want the analysis from our Finance Department. They have the expertise, not I.

Mayor Garner said for clarity, let me make it clear. This is a process. The process has not been completed. I ask that you be patient with this process. As we go through this budget process, there are several other steps that need to take place. Your patience is valued. Your concerns are heard. The information you requested will be brought forward.

Commissioner Kane said I'm in the same boat. I mean this is my 18th budget and I like seeing this stuff upfront so we have time to read it, absorb it, look at it, your own analysis, and ask questions. We're getting ready to start this budget so I want this report as fast as possible.

Commissioner Markley asked, is the document in our packet then a draft because my understanding was that was the final report. **Mayor Garner** said that is correct, Commissioner.

Commissioner Markley asked, it is the final report? **Mayor Garner** said to my understanding, yes.

Mayor Garner said no further questions, I'm going to turn it back over to our County Administrator so she can start her report.

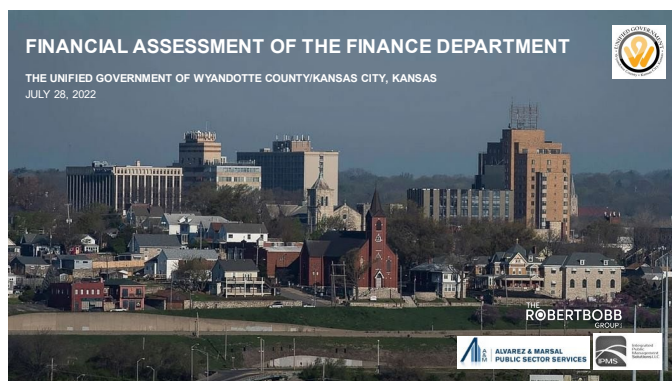
Item No. 4 – 211829...UPDATE: FINANCE ASSESSMENT

Synopsis: Update of Finance Assessment, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Cheryl Harrison-Lee, Interim County Administrator, said as part of the first 100 days, I've talked about the need to evaluate the organization, to look at those areas where we do well as an organization that I call centers of excellence, as well as look at those areas that we might need to improve in.

As we look to the next 25 years, UG forward incentives is a process that allows us to press towards some marks of excellence. As we celebrate 25 years of consolidation and we look to create a financially stable organization of the future that has the capacity to invest in infrastructure, pursue economic development opportunities, and retain as well as attract the talent pipeline that is needed to make Wyandotte County a city of choice for new residents and businesses. We have an opportunity to reflect on our processes, procedures, and activities.

At this time, I'd like to introduce Mr. Robert Bobb and his team, along with Alvarez Marshall, and IPMS.



July 28, 2022

Robert Bobb, President & CEO, The Robert Bobb Group, LLC, said we've had the opportunity to spend several months working and analyzing and working in conjunction with the Director of Finance and some incredible employees within the Finance Department. I wanted to—being somewhat of a municipal junkie, as I might add, there are some incredible professionals within that department. I think you all should be very proud of the fact that many of the employees are long term and have been with the Unified Government for a number of years and they bring some incredible experience. But like in every jurisdiction and every element, there are opportunities for improvement. I've seen it in my 40 some years of managing municipalities all across the US and most recently, being a State Administrator and Director of Homeland Security for the District of Columbia government.

Our report is not one that is based on we gotcha. We see a number of those types of reports in local government, but we will absolutely call it the way we see it. It's not being disrespectful to any of the professionals within the department or who are part of our analysis, I might add.

So, the report that you have that we've been engaged in over—before I start my comment with regards to our report, I'd just like to say that in every jurisdiction that I've worked, there's always someone who I pin as a local hero. There is significantly the case here with regard to the Finance Department. It doesn't mean that we're singling out any one individual, but one of the highlights of my career was going back to my home city after Katrina and leading a team that restored the city's financial operations when many of the employees' families were scattered throughout the United States. And then there were individuals who stayed within the Finance Department, did the budget, worked on the comprehensive annual financial report, but there were some local heroes.

During the course of our study, after the cybersecurity breach, I found one individual that I put my pin on. That was the Payroll Director. It's incredible that you can go through this whole situation with a cybersecurity and not have any of the employees of the Unified Government miss a payroll. That was pretty incredible notwithstanding the fact that he did spend some time at Ft. Polk, LA, during his term with the Army.

You always, in every municipality, there are nuggets of heroes and sheroes. This Unified Government is no different, and that's why we're very proud of the opportunity that we've been given to conduct this analysis.

I'm going to be up and down with our team, but there's one overarching comment that I'd like to make and it gets back to Commissioner Ramirez wanting to see the comprehensive annual financial report. The fact that you all are right in the midst of your budget, your budget is structurally unbalanced. That's just the reality. The revenues that you collect are not sufficient to cover the operating expenses, and we've been able to validate that. That creates difficult decisions that you all will have to make over the next several weeks.

The other thing that I'd like to add, before our team comes forward, is the fact that it's critical in today's society and in today's local government, that as we work through our budget, as we work through our municipal finances, is that we consider the issue of equity, inclusion as part of the overall financial operations. We're going to highlight that as part of the policies for the Unified Government is that one of your policies include—your financial policies include the issue of equity, inclusion, service to communities, particularity communities of color and communities where there is disinvestment. Maybe that's not the case here, but it's clearly the case in many of the jurisdictions that we've seen, including my own jurisdiction of Washington, DC.

At this time, we've given you our report. We're going to discuss the organizational strategies that we've seen. We're going to discuss the issue that we've done an analysis of the use of—just give an example, P-cards in a local government.

Assume it's the best practices they're using. Every government that I've managed, but in every case, we also have to ensure that the use of those cards are being used in conjunction with the policies, the practices, and procedures. In your case, you have 300+ of those cards issued to municipal employees. We're so clearly, we recommend that the millions of dollars that's being spent on those cards. It doesn't mean that anyone is using the cards in an abusive way or abusing those cards, but we definitely will be recommending that there will be some type of forensic audit periodically just to make sure that we all have a clean bill of health, as it were. As we go get our annual physicals, government itself, also has to do the same thing.

We also have looked at all of your policies with regard to—and I might add that there's a policy just for every aspect, it seems, of the Finance Department. When we look at the financial policies, we want to make sure that financial policies also have a financial plan. It's one thing to have a policy on paper, as yet another thing to be able to operationalize every policy that you have. We're going to highlight some of those in our presentation tonight.

We're also going to speak to the issue of the Workday Program, which is an excellent opportunity to reform certain components of how the government operates and how it functions. We're also going to recommend that there be an independent validation and verification. You're spending \$8.8M plus on a program and there needs to be an independent evaluation and validation, not only from the RFP, from the work product itself, and how it's going to be implemented. Candidly, there's a disagreement between our team and the Director of Finance as to whether or not that should be done. I would say candidly it needs to be done and it should be done for your sake. If everything turns out 100%, great. But your implementing a program that's going to be long term, long standing for many, many years and, thus, you should have an independent verification and validation process upfront. It's not too late, although the program's scheduled to go live in October. There's some issue as to whether or not a go live in October is the appropriate time versus at the end—the beginning of your new fiscal year, but that decision has already been made and it's not too late.



Presentation Team



ROBERT BOBB
President & CEO
The Robert Bobb Group, LLC

Mr. Bobb leverages more than 40 years of executive management experience in both the private and public sectors. He is the owner, President and CEO of The Robert Bobb Group, LLC (RBG), a multi-faceted private/public sector consulting firm specializing in restructuring and turnaround management consulting. RBG's primary objective is to help governments, schools and businesses find financial and operational solutions, greater efficiency and long-term viability.



BYRON C. MARSHALL
Managing Director
Integrated Public Management Solutions, LLC

Mr. Marshall has worked 30+ years as has worked as the Chief or Deputy Chief appointed administrative official, in five in large local governments, and as CEO/Executive Director of several and nonprofit agencies. He specializes in advising local government leaders on Government Operations, Economic Development, Strategic Planning and Budgeting. Among other professional honors, Byron is a Fellow in the National Academy of Public Administration.



NANCY L. ZIELKE
Managing Director
Altman & Marshall Public Sector Services, LLC

Ms. Zielke has worked for 40+ years for various state and local governments, public utilities, and higher education institutions including 26 years as Finance & Budget Director in various public entities. She specializes in CFO Advisory and Government Transformation Services to improve financial and operational outcome to state & local governments. Nancy is a recognized and known leader in public finance and active in GFOA where she served as the elected GFOA President.

2

So, I'd like to introduce the members of our team. Byron Marshall. He was here just a few weeks ago presenting his group's findings. Of course, Nancy Zielke. I don't think Nancy is a stranger to you all. Nancy and I have worked on some of the most challenging, difficult projects around the country where municipalities were in Chapter 9 bankruptcy in many cases. When I was the receiver over the Detroit public schools, she came with me to help on the financial side; the most corrupt school district in the US.

Byron Marshall and I, we've known each other since Byron completed his master's degree. I didn't hire him when I was first City Manager of Kalamazoo, MI, but we've known each other for many, many years. He's an expert in many, many areas of local government.

July 28, 2022

So, we have a team of individuals who we've seen It all, I might add. We make these recommendations not on the basis of some gotcha. We're making our recommendations because we believe that our recommendations will help to secure the future for the next 25 plus years, after October. You have some significant challenges in front of you.



Table of Contents

Section	Slide Number
Executive Interviews	4
Organizational Improvement Strategies	5 - 11
Operational Improvement Recommendations Overview	12
Detailed Operational Improvement Recommendations	13 - 32

3

My final point is, as you work to hire a new county administrator, he or she will need a blueprint for going forward. Hopefully, this work that we're doing, work that Byron's team has done, the work that you all will be doing with respect to your budget coming up in the next few weeks, will help to provide a footprint for he or she, whoever that person or that individual is.

So, this time I'd like to introduce Byron or Nancy. Neither one of you want to go up, right?



Executive Interviews

The RBG Team conducted interviews with executive stakeholders to gain their insights and perspectives on the financial operations of the Unified Government of Wyandotte County/Kansas City, Kansas (UG)

Interviewed	
Name of Interviewee	Role
Kickoff Meeting	Finance Department
Honorable Tyrone Garner	Mayor/CEO
Cheryl Harrisotlee	Interim County Administrator
Kathleen VonAchen	Director of Finance
Debbie Jonscher	Deputy Chief Financial Officer
Reginald Lindsey	Budget Manager
Michael Peterson	Assistant Budget Manager
Pam Kahao	Accounting Manager
Rebecca Sandow	Grants Manager
Make Grimm	Research Manager
Ron Green	Payroll Manager
Alyse Villareal	Debt and Economic Development Administration Program Supervisor
Becky Berger	County Treasurer/Revenue Director
Elizabeth Bergman	Municipal (debt) Financial Advisory, Baker Tilly
Brian Johnston, Esq	Health Benefits Advisory, Jackson Lewis P.C.

4

Nancy Zielke, Managing Director, Alvarez & Marshall Public Sector Services, as the short bio said, I've been in state and local government CFO, budget business for about 40 years. I started when I was three but over the years, I've worked in many governments. In fact, for 25 years I was actually serving in either finance or budget director for governments here in the Midwest.

Secondly, I was thinking about this this morning as I was coming in is the fact that I have worked almost in 65 different communities over the past 15 years helping organizations like Wyandotte County/Kansas City, KS, to improve their processes, to improve the way they do business, to improve operating results, as well as financial results.

Secondly, I'm also very involved with an organization called Government Finance Officers Association, GFOA. I'm involved. I was the National President a few years ago and really believe GFOA really puts out really excellent recommended practices. So, you're going to hear a lot about GFOA tonight and getting the best practices that we really are encouraging the Unified Government to follow.

This slide really basically talks about who we interviewed. Basically, we visited with over 15 individuals across the Unified Government including the Mayor, the County Administrator, as well as most of the Finance leadership. Like Robert said, we really appreciated their cooperation as well as their willingness to really visit with us where they thought, as well, improvements could be made.



Organizational Improvement Strategies

Best practices in government support the need for the Finance Office to be a key resource in building trust and open communications about the financial health of a community

Observations:

- The Finance Team is very knowledgeable about best practices and their roles within the Finance Department
- The UG has maintained the current bond ratings of Aa by Moody's and AA Standard and Poor's
- Division leaders expressed concerns about the ability to recruit and retain professional employees and the lag time in the processing of Human Resource (HR) requests
- Finance leaders expressed workload challenges in meeting competing demands (e.g., new ERP system implementation tasks, recent cyber security breach challenges, and other special projects) which are inhibitors to being 100 percent successful in their jobs
- Finance Team would like to see more interdepartmental strategic planning, sharing of information, and improved communication on policy and operating issues

Improvement & Enhancement Strategies:

- Need for improved communication to the stakeholders (e.g., County Administrator's Office, Elected Officials and internal stakeholders) in a clear and concise manner
 - For example, June Budget Assumptions presentation included too much detail about national and regional issues and not enough clear and concise policy considerations related to the UG
- Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making
- Create centralized Grants Management reporting and compliance function across all UG Departments
- Shift Purchasing Office to become a division under the Finance Department
- Assess processes and opportunities for centralization of UG revenue and cash management functions

5

Additionally, there's a wealth of information the staff put together for us and we really thank them for the information they provided. So, I'm going to take a few minutes and I'm going to kind of first talk about the organization itself. The Finance Department, as Mr. Bobb said, I would need to say, it's probably one of the most knowledgeable as well as thought-provoking departments I have seen. Mr. Bobb said this is a very senior organization. A lot of tenure with a group of people. But, again, a very dedicated group of individuals.

The Unified Government has been able to maintain your readings with Moody's and S&P. I think a lot of it has to deal with the hard work of this department. However, when we visited with the staff, we said, what keeps you up at night? What are your challenges? The first

one is people. The fact that the leadership expressed their concern and that gets to their hardship and the ability to retain and recruit employees. At the same time, they expressed concern about sometimes the challenges in trying to work employment whether it's a reclassification of a position or even hiring new employees through HR process. I know you talked about that a couple of weeks ago, but that's a challenge for this very important department.

The Finance leaders also expressed somewhat of their challenges. I said, how successful do you feel you are meeting your job? They said, not 100%. So, we asked why. Part of it is the competing demands. You're implementing a new ERP system. You've gone through a cybersecurity breach, which caused all types of challenges for your organization, as well as a number of special projects that are upon you. All of these are really inhibiting your staff from giving 100% in what they're doing.

Finally, the Finance team, again, what they told us was in confidence, but they're really hoping to see more inter-departmental planning, more visioning, planning for the future, sharing of information, as well as improving the communication amongst themselves, as leaders, especially as it relates to operating issues.

So, we identified five kind of operational or organization improvements that we would like to recommend to you tonight.

Just real quick, the first one really talks about communication. That headline on the slide really kind of states it. The Finance Office is a key resource to build trust as well as open communication about the financial health of the community. So, communication is really important and how the Finance leadership communicates very important information. So, we're going to talk about some improvements we see needed in the area, but talk about some enhancements in the budget and strategy unit, creating a more, I would say, a more robust and even enhancing the greatest management function you have, shifting Purchasing back to Finance instead of a direct report to the County Administrator's Office, and then finally maybe doing a more expansive review of your revenue and cash management practices.



Organizational Improvement Strategies

Need for improved communication to stakeholders in a clear and concise manner

Observations:

- Best practices in government support that communication is essential for developing a local government's budget
- Finance is responsible for communicating complex financial and programmatic information to many different stakeholder groups
- Best practices support that planning, strategizing, and negotiating are some of the most important skills that a finance officer must employ to develop and manage a budget effectively
- Good communication is at the core of mastering these skills
- Recent Finance Department presentations have included a significant amount of detail that needs to be presented in a summarized and conclusive manner

Improvement & Enhancement Strategies:

- Finance needs to focus on improving clear communication to enhance collaboration and build trust within UG officials and the community
 - *June Budget Presentation was reviewing economic trends versus driving the conclusion of needing to address a structurally unbalanced General Fund Budget*
- Ensure that budget and financial presentations are in **clear, simple, and conclusive manner**
- Finance should present assumptions or financial results without delving too far into the details of the specific issues unless asked
- Presentations should be summarized with meaningful conclusions
- Finance should seek training opportunities in how to communicate complex information and financial data that will drive decision making purposes

6

First let's talk about communication. Again, we really feel that this is really important for some improvements are needed in making clear and concise communication. Now what we found, in fact, we've been watching the Unified Government Commission meetings for the past couple of months, and actually we went back in history as well, and what we found is the information that staff's preparing is very factual, lots of data, lots of information, but many times what we saw is the fact that it was very difficult to see what the conclusions were.

What we would encourage the Finance Department to do is to really think through how to take that many times dense information, that very detailed information, summarize it up and provide a more conclusive presentation to you, as the Commission. The fact that a lot of the information is very informative but, again, being able to present it in a clear and concise manner, we think, is very, very important.

Presenting financial assumptions, back, I think, it was early May, you had a budget presentation on the assumptions. I thought it was very, very informative, but what it did not do was really to tell you what does this mean and what does it mean to our financial health of the community, what is this information, what do these assumptions mean as it relates to developing a balanced budget.

Then, finally, we'd really encourage the Finance Department, across all the leaders, to really kind of think about what type of training or what type of tools are out there to improve the communication both orally as well as written presentations.



Organizational Improvement Strategies

Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making

Observations:

- Budget & Strategy Office has FTE authorization for 8 FTE with only five positions are currently filled
- Budget is not involved in developing revenue budget
- Priority based budgeting is not complete
- Analysis of current year expense and revenue trends is completed at a high level without any deep analysis of what is causing the variations from budget
- Budget is not involved in labor negotiation projections and/or economic incentive analyses
- Budget document does not include department goals and performance measures
- Surveyed communities have similar program operations with the Budget Office being a component of the Finance Department vs. County Administrator's/Manager's Office

Comparison of Budget FTE and Organizational Alignment

Name of Government	Budget (Expenses)	# of Funds	Population	Total FTE	Budget FTE & Alignment
Wayne County, Kansas City	\$420,291 (22)	29	286,064	2,405.80	8.0 Finance
Johnson County, KS	\$1,459 (22)	27	628,052	4,171.74	10.0 County Manager's Office
Sedgewick County, KS	\$480,191,394 (22)	17	115,416	3,782.84	5.0 Finance
Wichita, KS	\$600,391 (22)	35	387,532	3,967	6.0 Finance
Overland Park, KS	\$127,559 (22)	19	204,549	1,586.52	6.5 Finance
Topeka, KS	\$3391 (22)	17	125,369	1,144	4.0 Administration & Finance Services
Grand Rapids, MI	\$1480 (22)	17	205,023	1642	8.40 Fiscal Services
St. Paul, MN	\$811,291 (22)	16	305,877	3,000	7.0 Financial Services
Lincoln, NE	\$626,400 (22-23)	64	289,102	2,532.96	4.5 Finance
Alameda County, CA	\$274,291 (22)	29	131,817	1,709	4.0 Finance

7

Second recommendation had to deal with really enhancing the budget and strategy unit. I know it's kind of difficult to see here, but we looked at some of the other organizations, other governments here in the state of Kansas as well as some what I call some peer organizations. We found, for the most part, the Budget Office was typically always reported to the Finance Department except for Johnson County. Johnson County, and it's been like this for a number of years, the Budget Office reports directly to the County Manager's Office. Part of this was a change when the real need for Budget to really focus on strategy, planning, and the long-term financial planning. Budget is always forward-looking, meaning looking at the future.

The other side of the Finance is the Accounting, managing the transactions. So, there is a difference between the planning as well as the transactions.

One of the things that we are recommending here is the fact that this function be transferred or realigned up to the County Administrator's Office. Secondly, we also saw some items as they relate to some improvement areas.



Organizational Improvement Strategies

Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making

Improvement & Enhancement Strategies:

- Realign Budget & Strategy function with direct reporting into the County Administrator's Office**
 - Fill vacant positions and retain Budget Planning & Strategy function in Finance
 - Combine Research Office function with Budget & Strategy
- Shift Revenue Budgeting to Budget**
 - Create Revenue Consensus Team with Budget & Strategy, as the lead
 - Revenue Consensus Team would include active participants from CFO, Research, Revenue, and Appraiser Offices to ensure assumptions are validated and monitored
- Establish Goals & Performance Measures**
 - Future year budget document should include department goals, objectives and performance measures that aligned to Board's strategic plan and UG wide goals
- Enhanced budget analysis and reporting**
 - Expand the focus of the quarterly report to include analysis of what is causing the spending and revenue trends and propose solutions where appropriate
 - Budget reporting should include the status of department operating and CMIP spending trends
- Centralization of data analysis for decision making**
 - Best practices support the use of data and analysis for decision making purposes to improve the quality and long term sustainability
 - Research Office be directly aligned with the Budget & Strategy Office for enhanced data analysis
 - Research & Budgets should be involved in revenue forecasting, labor negotiations, economic fiscal impact, and coordination of UG data and reporting needs

8

The first one is the fact that you have a very talented Research group as well. Mike Grimes, and it used to be bigger, Mike is down to one person, but the fact that a lot of information and you,

as elected officials, you need data. You need data for decision-making purposes. Mike has the tools, he's got the information, but what we found is that group was being more reactive versus being proactive. What we're recommending is to combine that with the Budget staff as well as fill in all those Budget positions and make it more of a strategic Research and expanded Budget function.

Revenue forecasting, that's currently done today through the CFO Office. What we found is we looked at other Budget organizations, that revenue forecasting is typically part of the Budget Office. So, we're recommending that to be realigned back within the Budget and strategy group but creating a revenue consensus team, very similar to what the state of Kansas does, where you bring in the experts. What we're saying here is, bring in the CFO, bring in the Director of Research, your Director of Revenue, your County Treasurer, as well as your Appraiser and use that group as a team to develop your revenue assumptions, your revenue forecasts, and monitoring the revenues.

Goals and performance measures. In looking through your budget, in fact, your budget that's 1,011 pages, we read through it and we looked through it. Best practices really support that budget should have goals, objectives, and performance indicators/performance measures. Your budget lacks that at this point. In fact, GFOA even cited that in your Award for Excellence. We really encourage you, as you look at future years, to create performance metrics, create department goals. They're aligned to the Unified Government's overall strategic plan.

I talked a little bit about the budget analysis piece. We looked at the quarterly reports that the staff prepares. They're very good reports, very detailed. We looked at past reports and it looked like the same information was being presented to you over the past several years. The takeaway was, we did not see the analysis that went with it. So, if you saw sales taxes being down or if you saw overtime increasing, the why. Why is that happening? Why is sales tax down? Why is overtime up? So, we're encouraging the staff to spend more time doing the analysis to answer the whys related to that.

As well as your quarterly reports do not have any discussion on CMIP projects. What's the status of your capital projects? Are they on target? Are they off target? Are they overspending, underspending? The same thing from a department spending level as well. We encourage you to also add those to your quarterly reports.

Finally, I talked a little about this already about the centralization of data analysis for decision-making. You, as a governing body, need to have good, factual information. You need to have the data as you make your decisions. That's one of the reasons why we're saying, let's enhance the role of the Research. Let's merge that in with the Budget to provide you the information you need especially if you're going to continue to look at performance or priority-based budgeting



Organizational Improvement Strategies

Create centralized Grants Management reporting and compliance function across all UG Departments

Observations:

- Grants Management Office is to provide guidance on UGwide grants management policy that: 1) seek and receive federal funding; 2) engage in grantmaking; and 3) execute policies and procedures to comply with local and federal regulations
- The Grants Management Advisory Committee is to standardize, streamline and improve UG's grant management practices to increase collaboration and partnerships between departments
- The current Grants Manager was very professional and knowledgeable about reporting and compliance needs
- Current COVID grant related reporting is currently handled by the CFO's Office and not the Grants Management Office
- However, the Grants Management Office function is not a fully centralized function for grants management, reporting, compliance along with grant seeking opportunities with many UG departments performing similar functions

Improvement & Enhancement Strategies:

- Assess grant management, reporting and compliance needs with goal to centralized grants management function
- All State & Federal grants should be appropriated in the budget
- Current UG charter states that ALL funds shall be a part of the budget process
- Grants Manager should have supervisory oversight of all grant management functions (including ARP) including compliance, monitoring, reporting and cash drawn requests
- Monitor processes and internal controls across the UG departments financial and operational performance of grants
- Finalization of grants management policy and procedures
- Establish trainings for key internal stakeholders on governance, program, and fiduciary oversight, and subrecipient monitoring

The next slide talks about grants management. You created a Grants Management Office several years ago. First of all, I need to say that your Grants Manager, when we met with her, she's very knowledgeable. She's one of your senior employees and a very, very good accountant, excellent employee as well. But, what we did find is the fact that it's not truly centralized. You still have grant activity occurring in many of the departments. Additionally, there's not a central place for compliance. What we're recommending is to take a look at grant activities that are occurring across all the Unified Government departments and see how that can be centralized so the fact that the Grant Management Officer has oversight of not only applying for grants, doing grant making, but also doing the compliance, the reporting, as well as the training that's needed within the grants activity.



Organizational Improvement Strategies

Realign Purchasing Office to become a Division under the Finance Department

Observations:

- In review of City/County Governments, we found that the Purchasing or Procurement function is usually a component function of the Finance Department
- Section 2946 of the Unified Government of Wyandotte County/Kansas City, Kansas Procurement Code stated that the "The purchasing division headed by the purchasing director shall be a division under the finance department"

Improvement & Enhancement Strategies:

- Realign Purchasing function to the Finance Department for improved accountability of how resources are spent and managed
- The Purchasing Director should be a key member of the Finance leadership team to improve procure to pay processes within the UG

Comparison of Purchasing FTE and Organizational Alignment

Name of Government	Revenue (Estimated)	Population	Total FTE	Purchasing FTE & Alignment
Wyandotte County/KSCS	\$420,294 (22)	160,384	2,405.80	8.0 County Administrator's Office
Wichita, KS	\$600,300 (22)	397,532	3,067	10.0 Finance
Overland Park, KS	\$327,550 (22)	204,340	1,380.52	9 Finance (Decreased)
Topeka, KS	\$339M (22)	125,810	1,144	6.0 Administrative & Financial Services
Johnson County, KS	\$ 1.41B (22)	626,032	4,173.74	5.0 Financial Management and Administration
Sedgewick County, KS	\$480,191,394 (22)	515,456	3,292.84	8.0 Finance
Grand Rapids, MI	\$546M (22)	205,013	1642	4.5 Fiscal Services
St. Paul, MN	\$811,294 (22)	305,877	3,000	15.45 Finance
Lincoln, NE	\$626.0M (23-22)	289,302	2,102.96	9.0 Finance
Athens-Clarke County, GA	\$274,290 (22)	131,857	1,769	7.0 Finance

10

The next thing we talked a little bit about was Purchasing. What we recommend is the realignment, again, shifting Purchasing where it's a freestanding department today or division, putting that back underneath the Finance Department. Again, here in Kansas, as well as the peer organizations, we found in all the other instances it was part of the Finance Department. It makes some great sense from a transaction perspective being able to help look at strategic sourcing and spending trends to merge that back in as well. We think it has some great opportunities. In fact, even your own Charter even states the fact that the Purchasing Division should be part of the Finance Department, so we highly recommend you take a look at maybe reorganizing that as well.



Organizational Improvement Strategies

Assess processes and opportunities for centralization of UG revenue and cash management functions

Observations:

- Recently hired County Treasurer/Revenue Director was very professional and knowledgeable of cash and revenue management practices and need for continued refinement of business processes to improve accuracy in cash receipts
- Recent process and organizational improvements to Motor Vehicles has streamlined operations and improved customer service (e.g., wait times)
- There are over 40 different cash location point of sale locations across the various UG Departments

Improvement & Enhancement Strategies:

- With the large number of cash collection locations, a comprehensive and detailed assessment of cash and revenue management practices is needed to improve accountability, accuracy, and timeliness of cash collections and receipt postings
- Recently hired Revenue Director needs to have input into any proposed reorganization of the cash management and reconciliation processes
- Prior to the purchase of any new Point of Sale cashing system a review of all UG tools and applications should be completed
- Examine opportunities for centralization of cash receipting for Delinquent Property Tax Collections within the Finance Revenue Division, as part of cash and revenue management review

11

Finally, the area of revenue and cash management. This past February, you hired a new County Treasurer/Revenue Director. Very, very talented, very knowledgeable individual as well. What we're recommending is the fact that you take a look at your cash collection and revenue practices. I was astonished, and the fact I had to start pounding this on my own, the fact that they had said there were over 40 locations today across the county where you take cash from whether it's permits or licensing or fees or fines, but to take a look at what's the best way to

increase that accountability and accuracy in that cash reporting and cash management practices. Some initial review was done to maybe start switching some of the reconciliation back to the Accounting Division. What we're recommending is the Unified Government should take a look at that, and with your new Treasurer, let's include their input into that decision-making process.

The staff also had discussed the need for a point of self-cashiering. I would say that's probably correct. If you have 40 different locations you're accepting cash from, but let's look at all the tools that you have available, including tools from the state of Kansas that may be available there as well.

Finally, the last item was something I was talking to the County Treasurer from Johnson County Revenue Director and the fact they just did kind of an efficiency reorganization, their Finance Department as well and deal with the delinquent property tax collections. Most recently, Johnson County moved their Delinquent as part of their Finance Department for several reasons. One, customer service. If an individual is dealing with the collections as it relates to some of the back paperwork, having to walk across the hall or down or up a flight of stairs to the cashiering operation is not real customer-friendly. As well as what they found is there's an interrelationship between the actual property collection itself and the delinquency, so they most recently merged the delinquency within their operations as well. We're encouraging you to take a look at that as you take a look at your overall revenue and cash management practices.

At this point, I'm going to kind of turn it over to Byron. Between Byron, myself, and Mr. Bobb, we're going to kind of go over operational improvements, improvement/enhancement recommendations kind of in nine different categories.

Before I move, any questions on the organization?

Commissioner McKiernan said actually this isn't a question for you so much. I do appreciate this information. I'm sure you've been working very hard to prepare this to bring it to us. Maybe it's for our staff, maybe it's for you. One thing I like to get is information before a meeting. I was handed this report, very good, 32 pages right before the meeting was convened. That doesn't give me any time to study this report to ask thoughtful questions while we have you here in the room to respond to thoughtful questions. So, I'm hoping that as we do additional reports, we will get those materials early enough that we can look through them

thoughtfully and prepare ahead of time, because I'm not able to keep up with all the information that is on this report, even though what you have presented so far is excellent and we appreciate your work.

Ms. Zielke said, Mayor and Commission members, in addition to what Mr. Bobb has presented here, again, this is a 32-page high-level report. There's a companion sister document to this, as well, that we're providing back to the Administrator, which goes into a lot more additional narrative and analysis as well, but this is kind of our summary conclusions.



Operational Improvement Recommendations

— During a series of 14 key stakeholder interviews and review of industry best practices the following operational improvement strategies are recommended to drive financial excellence within the UG:

- Recommendation 1. Understanding & Monitoring Financial Health of the Community
- Recommendation 2. Revamp Priority Based Budgeting Processes
- Recommendation 3. Review Need for Independent Verification and Validation (IV&V) of Workday ERP Go-Live Readiness
- Recommendation 4. Need for Procurement Card Assessment
- Recommendation 5. Bidding of External Audit and Other Finance Service Professionals
- Recommendation 6. Need for Risk Management Operational & Organizational Assessment
- Recommendation 7. Need for Financial & Operational Plan for Cyber Security Preparedness
- Recommendation 8. Role of the Finance Office in Economic Development
- Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

12

Byron Marshall, Managing Director, Integrated Public Management Solutions, said there are nine recommendations here dealing with operational improvements. I'm going to speak to three of the first four and turn it over to Nancy and Robert.



Recommendation 1. Monitoring and Understanding the UG's Financial Health

Observations:

- We asked for, but never received the set of metrics (dashboard) used to measure the financial health of the UG, and how well the government was performing against those metrics
- We were able to ascertain that there are policies that determine, for example, the minimum fund balance for the GF at the equivalence of 2 months of expenditures (17%)
- We did not locate a tool for forecasting and monitoring cashflow and cash position
- UG's level of bonded indebtedness is high when compared to other jurisdictions in the State, UG financial policies limit bonded debt to 10% of GF expenditures and is being met. However, no clear strategy was articulated for reducing the debt load from the current high levels. No plan was articulated for addressing the structural imbalance in the City GF.
- The unreserved Fund Balance was used to balance FY22 Adopted, and FY22 Preliminary Amended, GF budgets

Improvement & Enhancement Strategies:

- Publish a dashboard of key indicators of financial strength and [their trends], such as :
 - # of days of operating cash on hand (by major fund)
 - % of total costs that are fixed, e.g., wages, funded and unfunded benefits, debt service- compared to current revenue. Fixed costs are more difficult to control during times of fiscal stress. A high level of fixed costs also lessens the amount of money available for discretionary or unexpected expenses.
 - Long term debt per capita, and as a % of GF revenues.
 - Per capita operating expenses
 - Per capita operating revenues, vs inflation
 - Per capita operating expenses, vs growth in service demand
 - Level of unreserved Fund Balance
 - Use of Fund balance (reserves) for one time needs
 - Budgeted vs Actual revenues and expenditures
 - Amount of Unrestricted cash on hand
 - The composition and relative strength of the tax base

13

The first one is a recommendation dealing with monitoring and understanding the UG's financial health. One of the first meetings we had with the CFO's Office was a good meeting. We asked, how do you monitor the financial health? What are the metrics that you use to

determine whether the government is operating the way it should? We didn't get, at that point, a dashboard which is what we were looking for that suggested these are the key things you look at, these are the trends, and these tell us whether things are going well or not. What we ultimately found, though, is that information is available. It's actually in a very detailed, long-term financial forecast that's been done for the last few years. So, maybe it was a communication issue, but you have the information.

Now we were able to ascertain that there are policies that determine, for example, the minimum fund balance for the General Fund and for other funds also. We didn't locate a tool for forecasting and monitoring cash flow and cash position, though, in the long-term financial forecasts, they are forecasted over five years. It's not a monthly or quarterly report that we saw that would show you cash that was available that was not obligated in some other way.

The level of bonded indebtedness is high when compared to other jurisdictions in the state. You have a 10% ceiling and you don't approach that. You're somewhere around 6.9, I think. We didn't see a plan for reducing it and maintaining the structural balance, restoring the structural balance for the city.

Several times the unfunded, I'm sorry, the unreserved fund balance is used to balance the budget. That's not a sustainable practice. Here's what we suggest, that the data that's used to monitor and to develop the long-term financial forecast be summarized, made into a dashboard, and published on a regular basis so that the Commission knows, at a high level, here's the things that are going well, here's the things that are not going well, and then here's what we can do to improve those things.

At the rate you're going, your government's not sustainable, at least the General Fund portion for the city government. Your revenues don't keep up with your expenditures. Your fixed costs are increasing faster than your revenues. Now, in your long-term financial forecast, the Finance Office points out some of these things and they suggest that something needs to be done. What hasn't happened yet are the issues that have been raised, have not been operationalized.

One, let me go back. You need a plan, you need metrics, and they need to be operationalized. That's not just specific to the Finance Department. That was part of what we said about the overall government. The good thing is you have good staff in the Finance

Department. They seem to have a handle on many of the issues that are vexing the government, but we think the process needs to be a little different.



Recommendation 1. Monitoring and Understanding the UG's Financial Health

Improvement & Enhancement Strategies Continued

- Develop a set of benchmarks to compare the UG's financial condition to those of its high performing peers
- Provide regular financial updates, with detailed analyses to the UG Leadership and Governing body -- based on the dashboard and trend analyses. Describe not on what is happening, but why, and what should be done to address significant variances.
- In conjunction with other Directors, (Planning Economic Development, Community Development, Police, Human Services, etc., develop plans, with options, for the County Administrator and Mayor to present to the Board that address:
 - The structural imbalance in the KCK GF
 - Reducing the level of long - term bonded indebtedness
 - The backlog of unmet infrastructure needs and the Board's other six goals
 - The millage rate for City residents
 - Equitable development and job creation throughout WyCo/KCK

14

You have a long-term financial forecast. You've been publishing it for at least, we could go back to 2019. In these forecasts, and they're four-year shots or five-year snapshots, they almost all show deficit spending. In fact, the 2023-2027 report shows that in this current year, you can have about a \$9M shortfall, and there'll be a shortfall next year, and then a couple of years where it's balanced, and then you have a shortfall. They explain in the report why the shortfalls can occur. Do you have key issues like, as I said, if your fixed costs are high.

If you have problems with capital equipment replacement needs. You have \$250M in deferred maintenance. To bring your streets from poor just to average, would take about \$34M a year for the next 18 years. Many of these things you probably already know, however, there's no plan to address them.

You actually have a financial policy that says, amongst other things, you shouldn't use fund balance to pay for ongoing expenses unless you have a plan for mitigating that problem over time. You may say that we're gonna use fund balance for the next five years, we're gonna use \$15M, we're going to replace it in this way, and we're going to be fixing these structural problems. So, you have the policy, you have the forecast, but what you don't have is a plan for addressing the issues.

In my way of thinking, or our recommendation would be, when you receive your budget proposal, you also receive your five-year forecast. The five-year forecast tells you the challenges that you have. The budget should be balanced and begin addressing some of the problems and long-term problems. It may be this year. If you've got to balance a budget that would require that you terminate some services, now you could do that in one year, you could

do it in two years, you could do it in five years, but you have to do it. There's no way—you wouldn't do this at home. You wouldn't say well, I'm going to continue spending more money than I'm bringing in. You would figure out a way to cut it. You wouldn't go on vacation. You'd do whatever you had to do. It's just if your Finance Department has identified the issues, the proposals need to be brought to you and, as a policy body, you've got to make hard decisions or else.

Your current way of operating is unsustainable. It's unsustainable in the sense that your revenues exceed expenditures. You're not taking care of your infrastructure. It's just getting worse; it's not getting better. It's going to cost you more. Your debt load is high. You're not addressing bringing it down in a logical planned way.

Mr. Bobb said I always like interrupting my colleague. I just want to say this more pointedly than what Byron said. Your budget is, as we see it now, not sustainable. Revenues does not equal expenses. What happens is, you're drawing down from your fund balance to balance the budget. There needs to be a plan so that you don't continue to draw down fund balance to balance the operating budget. It's like your home budget. Operating revenue covers your expenses and when it doesn't, you can't just continue to go to your savings account to balance ongoing operations. That's just a reality of what we have seen, and that's the challenge that you're going to face in the next few weeks when you go through your budget process. If you're going to make that decision to draw down fund balance, then you should also have a plan to restore your fund balance in a way in which you're going to grow your revenue base.

One of the—we haven't gotten to it—but one of the recommendations that we're making is that you go back, take a look at all of your economic development projects, everyone that you have signed a contract to conduct for new business, new incentives and determine whether or not the revenues that you're generating from those investments are, in fact, being realized. If they're not, then you need to take some action. If you had 200 new deals over the last 5 years, pull all 200 of those deals in a conference room, somewhere, with your attorneys, with your analysis, and you find out whether or not those businesses that you've given an incentive to, in fact, have performed pursuant to those incentives. If not, then there's an opportunity to, again, grow your revenue base.

Commissioner Markley said not really a question but kind of a statement. Commissioners, this is a criticism of us, not of our Finance Department. Over the years, we have taken from fund balance rather than make difficult decisions to cut programs. It is a habit that we have to break, so this isn't on them. They've told us. We've known for years. This is not new information. These guys have been telling us. It's all our fault. They've been telling us, you have a structural deficit and we have taken money out of our savings to cover that rather than make hard choices. It is what it is. I'm not offended, I mean, you're telling us what we need to hear but that's on us. We've made those choices.

Mr. Marshall said we weren't blaming the Finance Department. We were just stating the facts as we see them. We weren't blaming anybody.

Commissioner Markley said you were too nice to say it's the Commission's fault, so I'm just saying it for you.

Mr. Marshall said so here's one of the things we suggest, a series of things we suggest. One is that the Finance Department and the Administrator develop a set of benchmarks that the Board adopts, that compares your financial condition to those of high-performing peers. So, here's where we want to be. Then you have a process for measuring whether you're getting there or not. You're going to need metrics. That you get regular financial updates with detailed analysis based on these dashboards and trends that describe not only what is happening, but why. It should be not only what is happening, but why and what should be done to address any significant variances.

Then, in conjunction with other directors, the Planning Department, the Economic Development Department, Community Development, Police, Human Services, etc., that the Administrator and Mayor work to come to the Board with plans that deal with the structural imbalance, reducing the level of long-term bonded indebtedness, dealing with the backlog of unmet infrastructure needs. The Board has seven goals, infrastructure is one of them, but dealing with the other six goals, figuring out how you're going to address the mill rate for city residents, in particular, and developing an equitable plan for job creation throughout the county.



Recommendation 2. Revamp Priority Based Budgeting Processes

Background:

The UG has initiated a Priority Based Budgeting (PBB) program:

- This best practices based approach to financial management and budgeting "...emphasizes strategic planning to accomplish the goals and objectives identified by municipal leaders and members of the community
- Benefits "...achieved in communities that have adopted this style of budgeting," include increased transparency, increased community involvement and more accountability."

For PBB to be successful, several elements are necessary:

- UG wide goals
- Prioritization of those Goals
- Allocation of funding based upon the priorities set
- Metrics for measuring progress towards achieving those goals

- Regular reporting on progress being made towards achieving the prescribed goals, and
- Mid-course corrections as necessary to adjust goals, funding metrics, etc.

Observations:

- **Goals:** The Board has identified six goals, but they are not related to a Strategic Plan for the UG enterprise
- **Prioritization:** It is not clear how the goals have been prioritized no to what extent priorities to into consideration, mandated vs. core vs. discretionary services
- **Allocation:** It is not clear that the budget is allocated based on priorities specific to the goals
- **Metrics:** We did not discover any UG wide metrics by which to gauge success or progress
- **Progress Reporting/Mid Course correction\$//A**

15

So, this kind of rolls into this whole notion of priority-based budgeting. You've got your goals, but you don't have measures, outcome measures and objectives that I'm aware of that we could find. There's some that Finance is using, but we couldn't see any that Budget is using rather, but we couldn't see any that the Board has really adopted and they don't translate into business plans for the departments.

If you ever have a goal that deals with health and improving health outcomes, what does that look like? What's the percentage? How much money are you spending on programs, specific programs? How does that relate to what the Health Department's supposed to be doing? Aging is supposed to be doing, etc.? Same thing with public safety. Public safety is not just the Police Department or the Sheriff, it is the perception of safety as well as the reality of it. It's paved streets, it's eliminating vacant lots, it's not having a lot of code violations and visual clutter that make people feel unsafe.

The best practice approach is in priority-based budgeting, but you're missing some of the pieces. You have the goals and you have some prioritization, but it's not clear how the priorities have been set or balanced. The allocation, it seems to be based—we're not sure how the allocation is made actually. There's a weighing process, but it doesn't seem to be necessarily attached to the goals. You have to set what you say are most important amongst the goals.

The other group recommended that you array your services around particular clusters: health and human services, administrative services, planning, economic development, etc. That is another way that those work groups would work cross-functionally to address the seven priorities that you have. Your priorities are interrelated. Public safety is actually related to how well your citizens respond to you. That was one of your issues, right, making people feel as though they heard, that they're connected with what you're doing.

We're thinking that it would be useful to go back and look at your strategic plan, realign or re-look at your seven goals, attach metrics to them, and then allocate the budget based upon that. That also has to be done along with addressing the structural imbalance, which means you have to start with what are the mandated services? What, by law, do you have to do? What does that cost? What are the basic services that citizens expect from government? Safety, health, traffic, public health, those kinds of things. Then, what are the other things that are discretionary, the nice to do, to make life worth living. Those are kind of hard things to eliminate or reduce, but until you get balanced, well, I don't need to say any more about that.



Recommendation 2. Revamp Priority Based Budgeting Processes

Improvement & Enhancement Strategies:

- The Mayor, County Administrator and Board should work together with the community to develop a Strategic Plan for the UG. It should incorporate, at a high level, the various departmental strategic plans
- The planning process should revalidate the Six Board Goals included in its Strategic Plan Dashboard, address the long-term fiscal health of the UG and the community, and develop metrics that quantify success and measure progress towards success
- In the immediate term the budget process should take a multi-year focus as a means of tackling tough problems like the structural imbalance of the City General Fund, the long term debt load, the tax burden attempting to lower taxes and fees and addressing the backlog of deferred infrastructure maintenance and replacement
- The prioritization of goals should also include identifying, costing out and prioritizing:
 - **Mandated Services** Legally required
 - **Core Service**- Basic Service needs safety and public health
 - **Discretionary Services**- Good to have to make the community better place to live
- The goals and metrics should be viewed through a cross functional lens, e.g., public safety involves more than the criminal justice system...it also involves a sense of safety affected by disorder, debris, overgrown lots, code violations, poor lighting, etc.
- Reports on progress towards goals should be made on a regular basis, easy to digest, should be regular and published
- A fair and easy to administer system for reward and accountability should be established

I just finished talking about working on a strategic plan and looking at mandated services, core services, discretionary services, and then having metrics that show whether or not you're getting—whether you're achieving those things. But, also, having regular reports that are published like a report card, and that those clusters report out and department heads report out. Ideally, you start with the Administrator who's supposed to achieve the goals that you give him or her, right? It needs to be a fair way of measuring that. Those roll down to department heads. They have business plans that they're supposed to be accomplishing your goals. They should be evaluated on that and then ultimately down to individual employees. Citizens, also, should see what you're trying to accomplish and how well you're accomplishing them.

We're going to skip me and go to Workday because this is one of the other key issues that is facing you right now.

It's always good to have someone else take an independent look, particularly when you're spending \$8M plus. I've seen these programs. Sometimes it starts off at \$5M or \$2M or \$8M, and if you don't control those costs, you'll end up with \$10M, \$11M. I won't spend a lot of time on it.



Recommendation 3. Need for IV&V of Workday ERP Go-Live Readiness

Best practices in government support the use of strong Governance structures to provide oversight leadership of major system implementation efforts

Improvement & Enhancement Strategies:

- **Need for Executive Leadership presence on Executive Steering Committee**
 - Project implementation governance structures should include the organization's executive leaders
 - Executive Steering Committee should be aware of the go-live strategy plans, data conversion strategies, training, risks, and post go-live success measures
 - The County Administrator should be the Project Executive for the Workday initiative including immediate briefings on the project status, risks, and go-live strategy
 - The County Administrator should be the final decision maker (as the Project Executive in whether to GoLive)
- **Review of Project Readiness through an Independent Verification & Validation Assessment**
 - Having an independent verification and validation focuses on an unbiased review of the requirements of a software development project including the overall readiness of an organization to move into a future state (go-live setting), is common industry standard.
 - While the normal technology implementation strategies are for a more normal and comprehensive review, an immediate abbreviated IV&V review should be done to confirm the readiness of the organization for the targeted October 1 go-live date.

20

We've laid out a number of questions, and your team, staff can agree, disagree, confirm. What we would ask is that they confirm the question that we've raised. If the answer to those questions is satisfactory, that means they're moving in the right direction. But even if they answer those questions, there should be a few dollars spent on an independent evaluation and validation of this very important program.

I will make one other comment, Mr. Mayor. One of the mayors that I worked with, every year when he got into the budget with his team, he always said the first thing we want to fund—what are the necessities. We're going to fund the necessities because we know in every budget there are a lot of niceties, and many times—and so his whole program, he would always ask his team, what are the budget? What are the legal things that we need to do first? What are the necessities? Once we fund those, then we can talk about how we fund the niceties. In every budget there are niceties that are not tied to the overall priorities of the necessities. There's one of your colleagues, and I can tell you who it was a little bit later, Mr. Mayor.

Ms. Zielke said I just want to make one other comment about the need, again, for the whole Workday ERP. First of all, it has to deal with project governance. Every major project, especially technology, you always have an executive committee, a steering committee that helps make decisions. What we're recommending is the fact that we really feel the County Administrator, or her designee, should be part of that kind of, as it's called now, a working

committee. The fact that the county administrator, in some cases, could serve kind of as an unbiased because right now your steering committee consists of your IT Director, your HR Director, as well as the CFO all with some vested interest. We're saying that maybe there should be another voice on that committee to help drive decisions.

Additionally, we also have recommended that the County Administrator just, again, based on best practices, should also be the decisionmaker of go-live, no go-live.



Recommendation 3. Example of Key Components for High-Level Readiness Assessment

1. Risk Management - What are the documented risks thus far? - Have they been weighted by impact and likelihood (e.g., red, green, yellow)? - Are there mitigation plans for these documented risks? - Are the risks and plans discussed at an appropriate executive steering team level regularly? - What mitigation strategies have been developed and who is monitoring the actions? - Is the UG at risk of missing statutory or regulatory deadlines for automation that is intended to meet program requirements? - Is the UG at risk of failing to meet a critical milestone? - Is there risk of failure, major delay, or cost overrun in their systems development efforts? - How does the implementation plan address prior year external audit findings? How is this being validated? - What impact does the recent Cyber Security incident have to the plan and what revised planning protocols have been put in place?	2. Implementation Cut-Over - Review of cutover plans and checklists including plans for war room readiness, e.g., who is staffing, how long it will be available, how personnel contact them if there are issues 3. Training Plan - What sessions have been completed, what are still outstanding? - Has the training been end to end training and role based? - What is the schedule to have appropriate personnel been trained? - What form of training evaluation has been used to make sure the new processes and technology enhancements have been mastered into core competencies? - If personnel fail, how are they retrained (some people learn different ways (tacile, visual, audio))?	4. Change Management Plan & Strategy - What is the communication strategy and what key communications have been distributed? - Are there leadership action plans that inform leadership of implementation status and how they should be communicating to direct reports (and flow down to all levels)? - What are the future state organization chart and updated responsibilities? - Have the various prior year audit finding been reviewed with workflow processes define and appropriate training complete? - What existing legacy system processes are being refined and have the personnel performing those roles will need to be reemployed and retrained? - Is the future state business process documentation ready and have personnel been trained on them? - Status of new and revised financial accountability policies and standard operating procedures? - What is the plan to review and update these as the system stabilizes and annually after that?
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21

So, after you kind of answer the types of questions that we're really feeling that you really need to get answered before you say we're gonna pull the switch in the very near future. It doesn't mean we're saying to put your implementation on hold. We're saying expand and get the governance structure and do this type of assessment that answers these seven key questions in the area of risk, cut over, training,



Recommendation 3. Example of Key Components for High-Level Readiness Assessment

5. Data Conversion & Integration Plans - How has data been configured and cleaned prior to integration? - What is the data integration plan? - What is the plan for legacy prior year fiscal year data? - What is the plan for current fiscal year data? (e.g., nine months of financial transactions will be in the existing legacy system) - What systems will be integrated within Workday and which existing systems will not? When were these decisions made and why?	6. Testing Plan - Have "user stories" been created to validate the end-to-end business process testing requirements? - What testing plans have been executed and planned? What have been the results of the testing completed to date? - What are the testing "gates" prior to the next phase of go-live? Have they been appropriately met? Are there documented approvals? - What is the testing plan for data integrations?	7. Go -Live Plan & Post Implementation Monitoring - What are the Key Performance Indicators that will measure the success of the implementation? - Is there a Circle of Excellence set up for long term success post-implementation? - What is the system security profile review process to review segregation of duties and strong internal controls? - What are the plans for a post go live evaluation? - Determine current state of key change impacts, magnitude, and perception of changes Post GoLive - Explain current awareness and engagement levels across the UG? - Determine if any additional resources are needed to support employees to work effectively in the new Workday system - Identify perceptions and concerns regarding what needs to be done to sustain changes
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22

change management, implementation, your testing, and go-live.

So, what does good look like come October 2nd, come January 2nd? How do you know what success looks like? We're saying, let's define those. Let's do this assessment and put the process in place.



Recommendation 4. Review and Update the Purchasing Card (PCard) Policy

Best practices support that governments need to maintain appropriate controls that are aligned with an approved purchasing policy, to ensure the ongoing success of a purchasing card program

Observations:

- P-Cards can offer significant benefits if utilized properly
- There is significant use of PCards within the UG
- Based on data obtained from UG Finance Department Accounting:
 - Approximately 24,000 PCard transactions per year, over each of the last three fiscal years
 - Annual purchases average \$6.86M over that period -- for a total of \$20.6M
 - In FY22 year to date \$4.4M had been expended with 363 active PCards
- Per the Purchasing Director, PCard and other Purchasing policies and procedures, are often not followed, and have not been updated since 2007

Improvement & Enhancement Strategies:

- Immediately assess current PCard purchasing practices and spending trends
- Review P- Cards currently issued to determine whether they are justified and necessary
- Conduct an in-depth, external audits of PCard usage and areas for improvement
- Update the policy and procedure manual and educate cardholders
- Review merchant category codes (MCC)P-Cardholders to identify any Supplier/Commodity/Service type to identify any adjustments needed to further restrict improper purchases
- Hold P-Card holders and those who approve their purchases held accountable for unauthorized purchases.

23

Mr. Marshall said we know this is running a little long, so we're going to try to speed it up. One of the ways of beginning to address some of the issues which are related to expenditures and revenues, is to look for efficiencies. We recommend that you—one of these small things is to look at your P-card policy. Robert mentioned you have about 360 some people who have purchasing cards, P-cards. P-cards can be very beneficial to government. They can be—they cut out the paperwork, allow people to get things very quickly. They still need to follow the bid or quote responsibilities, but they can speed things up for somebody who needs something right away.

On the other hand, they need to be monitored closely so that folks don't circumvent your policies or inadvertently screw you up in another way. For example, I want a computer. I don't want to go through the normal process. I've got a \$2,000 limit. I go to Best Buy and buy a computer, a laptop, because I need one. Well, that's okay, maybe. But if that laptop is not supported by IT, that's not useful. IT then has to figure out how they're going to spend resources on dealing with that particular piece of equipment or the software. That's one thing.

You may also have a blanket purchase order where it might be cheaper to go through Procurement to get things. So, if everybody's out—if the process is not being monitored, it can go awry.

The other thing that can happen is if it's not monitored properly, people can buy things that are prohibited. That's supposed to be controlled in a couple of ways. One, through your MCC codes, the merchant category codes. Another is that they're supposed to be reviewed. Purchases are supposed to be reviewed by someone higher up in the organization. Right now, you do about 24,000 P-card transactions a year, looking at the last three full fiscal years. In talking to your Deputy Finance Director, that's a couple of thousand a month that their staff is trying to do a second review. That's a lot. They don't have a huge staff so they may miss

July 28, 2022

something. The first level is me. I'm the person buying this stuff. I'm supposed to do it correctly. The next person is my supervisor who's supposed to review and sign off on it. Third level is Finance.

Well, you've spent over the last three years about \$20M doing P-cards. That's a lot and it's little, and it's all in perspective. I think on average, with 300 and some odd people, that's about \$300 per individual transaction. You can do damage with \$300 transactions, but maybe things are going just fine. But what we suggest you do is one, assess your current P-card purchasing policies. They have not been changed, officially, since 2007/8. So, they don't necessarily—they may not be up to stuff. We've seen a couple of other versions that were proposed, changes that were never signed off on by the prior administrator, so at least there's some thought giving to making the change, but no change has been made.

Review the P-cards currently issued to determine whether they are justified and necessary. Maybe you don't need 360 some people buying things with P-cards. In most jurisdictions where I worked or been the city manager, I shot away from P-cards. I didn't carry one because people could abuse them and I just didn't need the headache. Again, they can be done well, but you need to look at who has them and whether they need them.

We recommend you conduct in-depth, external audits of P-card usage on a regular basis to see if there's an opportunity for improvement. Update the policy and procedures manual and re-educate the cardholders. The fact that somebody has a card, if they haven't been talked to about it in years, they may not even know what the policies are. If I signed this policy in 2007 saying I have a card and there's certain things I can and cannot do, it's now 2021/22, I may have forgotten. It doesn't mean I'm venal, it just means I forgot. So, it's probably in your best interest to re-educate people. It's also in your best interest to let people know that you're watching and paying attention because \$20M is \$20M. There may be some opportunity for savings there.

Then we recommend that you look at the current merchant classification codes to make sure that they are as stringent as they should be so some things just cannot be purchased, and that you look at people who make personal purchases, which they're prohibited from doing, to make sure that you're following your processes with respect to that too. They can be terminated. They can be disciplined. You don't have to reimburse them. Some of the things that they buy, may become the property of the locality. Those things are in your current

policies, the policy that's in effect, the real policy, not some of the other ones that are floating around. We think those are worth looking at. Hold P-cardholders, and those who approve their purchases accountable for unauthorized purchases.

Mr. Bobb said I just want to say something a little bit more. The use of the P-cards is not unusual in government, in the municipalities that I managed, and federal government, etc., but your policy, it doesn't mean that employees are out to do something wrong. It does mean that if, in fact, there is abuse of those cards and has been proven, then the employee should be terminated. There's no if, ands, or buts about it. My grandmother used to say that one bad apple spoils the whole bushel, so it should be taken seriously.

The policy that Ms. Harrison-Lee has, it's a very simple policy. It says that if you use the card for personal use, you will be terminated. The policy that was not approved by the prior administrator is a several page document. It's a great read, but the policy that we have now, it's just one page. Employee signs off on it and is very clear what your responsibilities are for misuse of those cards.



Recommendation 5. Bidding of External Audit and Other Finance Service Professionals

Best practices in local government support the competitive selection process for various finance service professionals including external audit services, banking services, financial advisor, and other debt financing team professionals

Financial Services	Contractor	Original Issue Date	Term & Renewal
External Auditor	Allen, Gibbs & Houlihan (AGH)	2002	RFP in 2016. Extended in 2021 for 3 years; expires in 2023
Depository Banking Services	UMB	2012	Original agreement was three years with additional 1-year extensions; last extension renewed in 2022 and expires in 2023
Bond Counsel	Gilmore & Bell	2004	Annual fee schedule
Municipal Financial Advisor (Debt)	Baker Tilly (formerly Springstead)	1995	Current RFP proposal signed in 2021 and expires in 2023

Observations and Improvement & Enhancement Strategies:

- Best practices support that governments select external auditing services that include a broad scope of financial presentations and perform their audits in accordance with the Generally Accepted Government Auditing Standards
- It is a common practice for governments to enter into multiyear agreements and undertake a competitive selection process
- Complete a **competitive process for the selection of independent auditors at the end of the term of each audit contract and rebid every five years**
- If a new external audit firm rotation does not result from this process, the UG's accounting policy should require that the senior external audit engagement partners and senior managers, be rotated to provide a fresh perspective
- Other Financial Services like banking services, financial advisory services, bond counsel and other bond finance team members should also be frequently rebid, **every five years**
- The UG needs to ensure that the finance department does not rely too much on the external finance service professionals for non-debt service related functions
- The UG's Financial Accountability Policies be enhanced to also define the selection process for the selection of Depository Banking, Municipal Advisors, Bond Counsel, Underwriters, and Bond Trustee services.

Ms. Zielke said one of the things that we asked staff to provide us is a list of all the professional service contracts that fell underneath the Finance Department or ones that may not be directly underneath them, but they were Finance kind of related professionals. Thanks to the Accounting staff, they've helped us put together a pretty extensive list, plus we looked at the contracts themselves.

What we're trying to say here in this recommendation is, in all cases, you are competitively bidding professional services. What we're saying is, best practices are saying is the fact that in some cases, you re-bid these or even you look at new service providers over at

least after five years. As you can see here, we just kind of summarized a couple of them. Your external auditor, even though you've done RFPs, you've used the same external audit firm since 2002. UMB, your depository banking service, since '12. Bond council, again, it's Legal's determination with that but, again, Finance Department works with them. Gilmore & Bell has been here since 2004, as well as your very important municipal financial advisor since 1995. Used to be Springstead. They were recently acquired by Baker Tilly.

Again, all great firms. You've done RFPs over the past several years. What we're saying is best practices usually say, every five years you bid these out. Some jurisdictions even go as far as if you've been the auditor, you've been the bond counsel, you've been the FA for a certain period of time, you have to sit out. You have to have a sunset period before you can kind of reapply. We encourage you to take a look at that, but at the minimum, especially on the audit side, you want to make sure that if you're going to continue with the current practice, that you get assurance from your auditor that they're switching out partners. They're switching out staff. Staff had indicated that is the case but, again, just looking at what best practices are and from GFOA and ICMA, they really encourage governments to try to look at that every five years.



Recommendation 6. Need for Risk Management Operational & Organizational Assessment

GFOA's best practices in government finance support the needs for established Risk Management programs:
"To identify potential events that may affect the government and to protect and minimize risks to the government's property, services, and employees."

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) defines enterprise risk management as:
"A process, effected by an entity's board of directors, management and other personnel, applied in strategy setting and across the enterprise, designed to identify potential events that may affect the entity, and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of entity objectives."

Source: GFOA Best Practices: Enterprise Risk Management

Observations and Improvement & Enhancement Strategies:

- A more detailed review of all risk management functions of the UG is needed to ensure long term strategies are in place to minimize risk to the UG's property, services and employees
- We could not find a comprehensive portfolio of the various risks management strategies and services
- The assessment should evaluate the uses of insured versus self-insured policy areas for risk areas, as such, cyber security, officers and liability, property & casualty, workers compensation, building and facilities, settlement of judgement and legal claims, etc.
- The review should include assessment of the operational oversight and day to day monitoring of risk claims, exposure and monitoring

The next area has to deal with risk management, not that risk management is a direct responsibility of Finance, it came up in a discussion. We were taking a look at what's included in the budget; what types of costs are included. What we found is the fact that we could not find a comprehensive portfolio or a comprehensive or single organization within the UG that really manages risk. Risk meaning your property casualty; your workers comp, something you'll hear about in a few minutes; cybersecurity risk insurance; building facilities; settlements; judgments and claims, there's not a single central organization for that.

What we recommended here is the fact that the UG should take a look at the risk. Determine how you're going to fund it. Should you pay as you go or should you buy insurance for these projects? Besides that, having somebody monitor, manage, and forecast that, including that in your long-term financial plans going forward, as well as there should be a group within the organization that does the ongoing oversight and the monitoring of the risk as well.

Bob's going to talk a little bit kind of at a broader perspective. I talked more specifically as it related to risk related to policies. Bob's going to talk a little bit more about the enterprise risk.



Recommendation 6. Example Future-State Enterprise Risk Management

What is Enterprise Risk Management (ERM)
ERM is a coordinated strategy for addressing the complete spectrum of risks faced by an organization. ERM offers a comprehensive view of organizational challenges that are strategically aligned and help improve the understanding of how to prioritize and manage risks.

The Process:
The process of planning, organizing, leading, and controlling the activities of an organization to minimize the effects of risk on an organization's strategic activities, assets, and business objectives.

Why embrace ERM?
A consistent and systematic approach to proactively identify uncertainties, with a focus towards the "vital few" enterprise risk that matter most to the Unified Government of Wyandotte County/Kansas City's ability to execute on its Strategic Plan, achieve its performance objectives, and support its Core Values.

Key Benefits:

- Integrates views of risk**
ERM helps employees understand and prioritize risk in all parts of the organization.
- Minimized losses from risk events**
Problems will always arise, but ERM can help with preparation in mitigation of negative impact.
- Establishes a risk culture**
Everyone will be a part of the team to protect the UG from unforeseen threats.
- Creates an ongoing process**
ERM examines risk management to continuously handle threats.

Mr. Bobb said this is more for the staff but we should elevate our whole program about risk and look at industry best practices, both in the private sector as well as what municipal governments are doing. They're incorporating this whole concept of enterprise risk management which looks at risks in a much broader way in terms of how municipalities address its risk management programs.

I'd like to finish up with one very important policy initiative and that is the Unified Government has a whole list of policies from GFOA policy that you've incorporated. But one of the policies that we would recommend is that you develop your financial policy to address the issues of race and social justice initiatives as part of your overall financial policies.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies:

- **Develop Financial Policy to Address Race and Social Justice Initiative (RSJI) operating priorities**
 - A growing trend in financial management and budget policies and practices is to identify community Race and Social Justice Initiative (RSJI)
 - Cities like, Seattle, Madison, Portland, and King County WA, have formally adopted strategic planning priorities and budget strategies to address racial disparities and achieve racial equity in within their communities
 - Best practices shown that governing bodies are acknowledging that race matters. The movement for racial equity includes grassroots community, organizations, philanthropy, governments, and other institutions.
 - The UG should develop financial policies, strategic plan and priority-based budget policies that are inclusive of RSJI priorities
 - Review of how monies are spent across the City/County and the review of budget priorities to ensure equitable allocation of funds to address UG adopted policies
- **Develop Policy for Environmental, Social and Governance/ Diversity, Equity, and Inclusion**
 - Governments are adopting policies for the prioritization of Environmental, Social and Governance/ Diversity, Equity, and Inclusion in local development projects and/or government operations.
 - Diversity, Equity, and Inclusion are as important as job creation and capital investment as measures of economic health. *For example, studies have shown employees prefer to work in regions and for employers who prioritize this agenda*
 - Inclusive regions can more effectively leverage their talent to generate economic vibrancy and create greater opportunities for historically disadvantaged individuals

32

We find that a growing trend in financial management and budget policies and practices is to identify community race and social justice. Cities like Seattle; Madison, WI; Portland; King County, WA; have formally adopted strategic planning priorities and budget strategies to address race disparities and achieve racial equity within their communities.

Best practices show that governing bodies are acknowledging that race matters. The movement for racial equity includes grassroots community, organizations, philanthropy, government, and other institutions.

We would recommend that as you look at your policies going forward, that you develop financial policies and strategic plans and priorities, based-budget policies that include race and social justice issues.

Ms. Zielke said it says we're on policies. Sorry, Bryon, I'm just going to go back to policy and we'll kind of finish the latter part. Bob's correct. A lot of communities have really enacted which I think is a really important issue with their communities dealing with race, social justice initiatives. In fact, Seattle has one of the most interesting budgeting processes that as they develop their budget, all of the budget items are identified to one of the strategic initiatives related to RSJI. As new funding proposals come before their city council, they have to align or the departments have to report how it aligns to not only the strategic goals of the city council, but also the race and social justice initiative as well. What this has really helped them to do, as Mr. Bobb just said, is to really better place or better reappropriate, reallocate dollars to some of the underutilized and more of the disadvantaged areas of their community. So, it'd be something we'd really encourage the Unified Government.

The other side of this has to deal with government, I mean with environmental social governance, ESG. You see a lot about it in the newspapers, but we did not see where your

financial policies were addressing that from a financial side. That's important especially the financial policies related to economic development. We think it's important for you to consider that as you expand your economic development strategy and in your policies. What we have seen from studies is that many employers prefer to work in regions where employees have a prioritized or issues are prioritized. Additionally, monies are coming from the federal government for things such as going green. The fact that we did not see where the Unified Government had any policies in place as it relates to where you're going from a financial sustainability perspective.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies Continued:

- Complete an updated detailed review of the currently adopted financial accountability policies to ensure alignment with all GFOA's key essential, informative, and discretionary element
- Develop financial and operational metrics to monitor the compliance of the approved policies
- Review, refine and create detailed operating procedures and working desk manuals for the implementation of the policies
- Monitor compliance and frequent reporting to the Mayor and County Commission
- Develop a policy and related multi-year strategies to address the structural budget deficit in the City General Fund budget, to ensure budget is balanced without using the fund balance or one-time actions
- Develop a Board Approved Strategic Plan that sets priorities for the community and identifies quantifiable outcome measures to which resources can be aligned
- Develop a multi-year debt reduction strategy to reduce the reliance on General Obligation debt
- Modify policies to identify term of service and procurement selection guidelines for financial service team professionals

32

Slide 32 then really talks about other areas. First of all, I've got to applaud your staff. You guys have some of the most, I'd say, well-defined financial policies I have seen. The fact, in fact, your Finance staff even submit into GFOA a financial challenge. You're one of 12 cities that was recognized at meeting at least 50% of the required criteria. Well-written, well-defined. But what we found, Commission, is the fact that many cases we could not see where they have been fully operationalized. I think that's a word. I like it. Melissa, I think we should put it in a dictionary, but the fact that they have yet to really deploy those across the organization.

The procedures, we asked to take a look at working procedures, desk manuals, and we could not find consistently where the policies trickled down to procedures and working manuals. Great example is in the area of your Debt Manager. Again, a wonderful individual, but a lot of what she does, she does a very, very good job in managing your debt portfolio, but none of it's documented. What she does ties to the policy, but it's not documented, as well as if she's ever gone from the office, no one could just move into her office and pick that work up because there's no desk manuals. Just examples of what we're saying.

Additionally, a lot of the policies have not been updated since 2018. We really encourage best practices, say you should review those on an annual basis. In reading through them, for example, in April of last year, GFOA and Gatsby changed the name of your comprehensive annual financial report. It used to be called CAFR. That acronym was really identified as a very slang term to many of our friends in South Africa. So GFOA encouraged organizations to change it to become the annual comprehensive financial report. What we, as we read through the policies, this has been over a year, you're still referencing in your policies that term. That, again, as governments, you should take a proactive look and changing that as well.

Additionally, some things that we did not see specifically. We're really encouraging the Board to do a strategic plan, if it's referenced, throughout your policies, but we didn't see where you had that strategic plan in place.

Byron mentioned this earlier the fact that really needing to develop a multi-year debt reduction strategy, especially as we know our general obligation or our debt ceiling capacity and the concerns with the amount of debt for the community, as well as making sure that somebody's monitoring these policies. Every policy has a section in it that says metrics. Every policy I looked at said, information to be provided. So, the policies need to be updated so you have those metrics in place so you can monitor those as well.



Recommendation 7. Need for Financial & Operational Plan for Cyber Security Preparedness

Best practices are for organizations to deploy processes, training, and controls to maintain the reliability of its IT systems and protect against cybersecurity threats, mitigate intrusions and plan for business continuity

Observations:

- Cybersecurity threats continue to become more sophisticated and are increasingly capable of impacting the confidentiality, integrity, and availability of government key financial systems and applications, including those of critical controls systems
- While the UG was able to have limited financial activity, the ability to meet federal grant reporting deadlines, posting of cash receipts and normal account payable processing, completion of the 2021 CAFR, and quarterly financial reports, to name just a few, were impacted and/or delayed
- Best practice organizations have adopted cybersecurity incident response plans that are reviewed regularly including annual reviews of the effectiveness of those plans

Improvement & Enhancement Strategies:

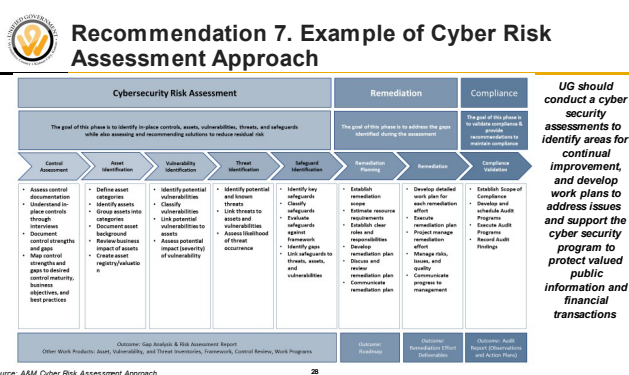
- A plan should be deployed to institute processes, training, and controls to maintain the reliability of its systems and protect against cybersecurity threats as well as mitigate intrusions and plan for business continuity via data recovery
- Conduct a cyber security assessments to identify areas for continual improvement, and develop work plans to address issues and support the cyber security program to protect valued public information and financial transactions
- The UG's Emergency Disaster Recovery Plan should also be reviewed with updated provisions for business continuity during any unforeseen future cyber incident

27

We're going to go back a couple of slides here. Go back to Item No. 7. It has to deal with cyber risk. Mayor and Commission, I know you don't want to hear anything more about cyber risk. I know it's been on your plate, but your Finance Department really, I would say, went through some very challenging times back in March and April. The fact that impacted your ability to pay vendors. You got payroll out because of the great work of your Payroll staff, but it's put your

annual comprehensive financial report behind. It's gotten your quarterly reports behind. You're reporting to the federal government, so it had a major impact on your financial operations.

Best practices, whether it's from government or even industry, really encourage governments, as well as industry, to adopt cybersecurity incident response plans. In fact, we even looked at your debt disaster recovery plan but as it was provided, we didn't see any reference to cyber in there as well. So, we're encouraging you to put a plan together, especially with the importance of that, heaven forbid, we have another another cyber instance, but taking a look at a plan and what it involves.



So, the next page of this just kind of outlines. I know it's really difficult to read, but what does a risk assessment include? I mean, it includes taking a look at your assets. It takes a look at how vulnerable you are. If you have another incident, how will you pay employees? How will you process vendors? How will you accept cash? So, putting a plan together so, heaven forbid, you're prepared for the future if this happens again. Also, what best practices say you should also do testing, testing of that and do drills so you can put the plan into action as you move forward.

Recommendation 8. Role of the Finance Office in Economic Development

Best practices in local government finance promote that the "finance officer or budget officer should lead or be a key participant in the analysis of the economic and fiscal impacts, as well as the risks and uncertainties, associated with proposed economic development plans, strategies or individual projects".

Source: GFOA Role of the Finance Office in Economic Development

Observations:

- The Finance Department role is not clearly defined, and the current staff involvement was limited in economic development incentive development and analysis
- Finance has previously prepared an economic development incentive report. The last update of the report was in 2020
- The General Fund Budget includes current economic development project agreement costs and revenues that relate to lease payments on a major soccer stadium parking facility
- The Finance Office should have a defined role and key participant in the analysis of economic and fiscal impacts, as well as the assessment of risks and uncertainties, associated with economic development plans, strategies, and proposed projects

Recommendation No. 8 really has to deal with the role of the Finance Office and economic development. When we talked with the staff, we did not walk away with a real clear understanding of what their role was in economic development. In fact, GFOA really promotes, in fact, we even put the quote up here is the fact that the Finance and Budget Office need to be key participants in the analysis as well as managing or monitoring the risk of development projects. In some cases, as your CFO had said, she's very involved in development projects. Sometimes they're brought in at the end. Sometimes your own staff does kind of the impact analysis. Other instances, you use outside firms to do that.

Your General Fund also includes development costs or development agreement costs in it as well, but we really think it's important that the Finance Office, Finance and Budget are a key player in your development process. Not only in helping look at the impact, as well as managing the risk.



Recommendation 8 Role of the Finance Office in Economic Development

The UG Finance Office should:

- Assist in creating and updating an economic development plan
- Create financial incentive tools and policies
- Analyze and/or assisting with creation of individual development proposals prior to finalization
- Be an active participant in the negotiation of development agreements with the Economic Development Director & General Counsel Office
- Monitoring compliance with ongoing development agreements
- Apply digital technology to assist with annual reporting
- Forecasts of the available financial capacities of incentive tools within legal and policy limits
- Weighing economic impact of overall project including community impact

Improvement & Enhancement Strategies:

Complete an Economic Incentive Assessment:

- Complete a comprehensive review of State of Kansas and local established economic development tools and incentive programs to evaluate their benefit and impact to prioritize growth strategies and create more value.
- Re-evaluate their transformational strategies and commit or recommit to human-centered design to prioritize individual's experience

Benefits of the Economic Incentive Review:

- Improve the overall economic development tools and programs to achieve higher-performing economy and better understand your competitive position in the current market
- Incentives often play a significant role in the attraction and retention of businesses at the city level
- Study potential changes to current incentives based on economic environment, identifying opportunities for cost reduction and the estimated value of incentives packages for various projects.

The next slide really kind of talks about the roles. What should the role of the Finance Office be? Again, working with your development staff hand in hand and in reviewing, creating plans, taking a look at the analyzing of the plans, and understanding the impact. Something real important is they need to be at that table, at the table with your Economic Development Director along with general counsel. It should be a team approach as it relates to that.

We also recommended the monitoring of your incentive projects. In fact, your last economic incentive report was done in, I think, 2020, the one I looked at. I don't think one was completed for last year. There probably needs to be a serious look at the monitoring. Out of those, I think there were 34 or 35 active incentive projects. Who is monitoring those to ensure that if development x said they were going to be bringing in 2,000 employees of which, out of that, 38%, or pick a percent, were going to be Wyandotte County residents, who's monitoring

that to ensure that the incentive projects are bringing in what they said? We're saying that Finance Office needs to work hand in hand with Economic Development to monitor that.

Additionally, what we're encouraging the Unified Government to do is to complete a review of your economic incentives. Take a look at what the state—the incentive program the state of Kansas offers, along with what you have established just to make sure that your incentives and your tool kits are proper. Are there things that you could be offering that maybe you haven't offered in the past? Not only with incentives themselves, but maybe there's other federal resources that you're not looking at. Evaluate your agreements or your plan based on the benefit and the impact that they would have. Maybe, for example, if your incentive says that we want to bring in high technology types of companies. Well, how does your policy relate to that, as well as the relationship of your policy to what your strategic economic development growth is? A lot of communities are doing that. Again, they're tying it to their strategic economic development plan.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies:

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 - Governments are adopting policies for the prioritization of Environmental, Social and Governance/ Diversity, Equity, and Inclusion in local development projects and/or government operations.
 - Diversity, Equity, and Inclusion are as important as job creation and capital investment as measures of economic health. *For example, studies have shown employees prefer to work in regions and for employers who prioritize this agenda*
 - Inclusive regions can more effectively leverage their talent to generate economic vibrancy and create greater opportunities for historically disadvantaged individuals

32



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies Continued:

- Complete an updated detailed review of the currently adopted financial accountability policies to ensure alignment with all GFOA's key essential, informative, and discretionary element
- Develop financial and operational metrics to monitor the compliance of the approved policies
- Review, refine and create detailed operating procedures and working desk manuals for the implementation of the policies
- Monitor compliance and frequent reporting to the Mayor and County Commission
- Develop a policy and related multi-year strategies to address the structural budget deficit in the City General Fund budget, to ensure budget is balanced without using the fund balance or ~~other~~ **other** actions
- Develop a Board Approved Strategic Plan that sets priorities for the community and identifies quantifiable outcome measures to which resources can be aligned
- Develop a multi-year debt reduction strategy to reduce the reliance on General Obligation debt
- Modify policies to identify term of service and procurement selection guidelines for financial service team professionals

33

Mr. Bobb said we're done.

Mayor Garner said thank you. We're going to open it up for discussion.

July 28, 2022

Commissioner Johnson said thank you to Mr. Bobb and your group for this very thorough presentation. I have to say right off the top, yes, race does matter. Communities of color. Money spends just like everybody else's money spends. Before I get started, though, I want to also appreciate the work of our CFO and the Finance Department. CFO VonAchen, if I'm not mistaken, was recently acknowledged as a CFO of the Year Honoree by the *Kansas City Business Journal*. Did I get that correct? Is that correct? So, we want to appreciate you for that acknowledgement.

For this Commission, when we talk about making difficult decisions, some of that includes making unpopular decisions that are not always politically beneficial. Everyone on this Commission knows that I have never been one to want to touch that fund balance, that's our savings account, unless it is done strategically and reasonably. I think to date, we have not really seen that, as far as I can remember.

As I recall this proposed budget that Ms. Harrison-Lee has presented to us, is unbalanced only because it reflects what we consider to be our budget priorities and what that budget would look like if we were to approve all of the various requests. So, that's just to let us know if you do everything that you say you want to do, this is what it's going to look like. That's not to suggest that we approve an unbalanced budget. I want to make sure that everybody understands that key. If I'm wrong Ms. Harrison-Lee will certainly correct me on that.

We have to be willing to, well, let me just say this. There was a time when I was on the ED&F. I had asked that we would develop a dashboard. Every successful organization that I was a part of had one, and I think that we need to have one. I believe that we were working towards that end, but it sounds like from your report that perhaps some of that information is already privy to us or at least to certain parts of our Finance Department.

I still want to ask that we develop a well-working dashboard. But overall, we still have a long way to go financially, we really do. I think that what I'm hearing is that we need an overall financial plan that includes policies and procedures that will be long-term because we cannot eat the whole elephant at one time. We have many needs. We have a certain number of dollars that are coming in and I know that there are different thoughts about that, which I'm not going to get into tonight. We need a plan that will encourage future commissions to stay the course so that we can get to the place that we need to be and not get sidetracked along the way

sometime by what I would consider to be political voices in our ears. We have to be very focused, as a Commission, and work together towards a long-term plan that will get this city and this county to the place that we ultimately see ourselves.

Commissioner Bynum said I have some questions and comments that are kind of maybe partly for staff and maybe partly for the consultants, I'm not sure. I'll start with thank you. It's very interesting and enlightening to have you look through all of this with us and bring us such a detailed analysis. I really appreciate it. I know that, I believe, you said that you have a full document beyond just the slides.

Mr. Bobb said yes. We're preparing one.

Commissioner Bynum said you are. Okay, because we will want that. I would like also that document from the reports we saw a couple of weeks ago in an electronic format for especially Commissioner McKiernan.

On page 13, slide 13 in the packet, you speak to the metrics and the dashboard that we should be utilizing to measure the financial health of the UG. I know Commissioner Johnson just spoke to the dashboard. Do you have a dashboard template that we might see?

Mr. Marshall said we can give you elements of a dashboard that would be useful. Again, a lot of that information, a lot of those metrics are captured in your long-term financial forecast. But we can help you put one together for sure.

Commissioner Bynum said and then the other thing was, can you help us identify the metrics? I'm sure our staff knows, but I think I was seeing you present that really we need this information brought to us in a much more readable, digestible way.

Mr. Marshall said that's what was suggested.

Commissioner Bynum said so I would be looking for metrics that you would utilize and then the dashboard form. That was just one. As you were commenting on one part of this presentation, in my mind, I made note of have you read our most recent detailed staff and Commission work on our infrastructure needs. And then you commented on the \$38M annual that we need over the next 10 years to come in line with infrastructure, which tells me that you have read that. It's so daunting for anyone, us included, to look at a number that big that we know has to be allocated for such a critical component of operating a city or a county and

juxtapose it against what you were identifying as the structural imbalance in the budget. I think we all can feel that pain.

When we talk about what are the services that a city absolutely must provide, I think we know that infrastructure, public safety, and personnel are pretty much high up there, at least in the top five. I guess I share that with you because it is incredibly difficult to find ways to decide if we're going to do those things, then what will we not do. I appreciate you at least sharing with us, reminding us of the task that we face especially as we move toward trying to adopt some sort of budget that's reasonable for all involved while dealing with these really critical infrastructure needs that we know that we face. So, maybe it's more of a comment.

I was curious for our staff, and maybe my fellow commissioners to remind me, how many of say our last five or six prior year budgets, have we used reserves or fund balance to balance our budget? I don't know if anybody knows that off the top of our head. I certainly understand it wouldn't be a practice you would want to engage in year over year. I don't think we have. I can remember a time, multiple years back in my time on the Commission, when we were speaking regularly during budget cycles of doing more cash projects and fewer debt. We probably have strayed away from that in the last few years, but that was certainly a very real part of our budget discussions, at least in my early first two or three years here. We were very much focusing on more cash, less debt. For whatever that's worth.

The other thing I think is really interesting is for us, I think one thing that your analysis tells me very clearly is that this organization needs a new strategic plan. The one that you're utilizing with the goals and everything you've studied, is a minimum of 6 years old and 45% of the folks on this diocese were not present for that process. So, I think a new strategic plan is an immediate need, and I'll just say that to all of us.

Commissioner Ramirez said thank you to you and your team for coming before us and bringing this to us. My first question is simple. Why, and I know this was finance-based, but based off the other audits, why weren't commissioners interviewed as well? We're the ones that make the final decision. We interact with staff and Finance. We interact with the budget. We're the direct voice of our communities. Why weren't our perspectives brought into the mix as well? We all have a unique perspective that could have helped.

Mr. Bobb said that's a good question. In fact, with the time that we're working on this project, we should have done exactly what you are suggesting and that was to have individual interviews with each member of the Commission. Absolutely, to get your perspective and that way we would have had a more global review of your thoughts with regard to the finances and the services. So, absolutely. I don't think it was an oversight on our part. We were just focused in one particular area. But, in fact, were we to do this again or if anyone else does it, your input, your perspective as elected officials, is very important to the overall process. It gives a much broader picture of where you stand financially, what your thoughts are, and also it gives us an opportunity, would give the consulting group an opportunity to not only hear your thoughts and your concerns and what you value, but it would be an important part of the process.

Commissioner Ramirez said I completely agree, we should have probably been part of the conversation, but for some reason we were not. So, I ask, Mr. Mayor and Ms. Harrison-Lee, that moving forward with any other assessments or audits, we are part of that conversation. It's not just administration and the Mayor's Office. We talk about a three-legged stool. We're part of that three-legged stool and we should not be left out.

The other comments, I know we have a structural deficit within our budget. We keep talking about we need to make hard decisions and cut this and cut that and cut that, but I don't think we've had a conversation about the other side, growing our revenue. We haven't. We keep the same—as a Commission, as administration, keep making tough decisions, but where are we talking about our revenue growth? Part of that is our economic development. I understand Cheryl is going through right now and coming up with a strategic plan for economic development, but there have been a couple of projects.

Willie Lanier, example one, would have been a catalytic project here for our downtown area. Apartments and a renovated Jack Reardon Center, but it wasn't brought back before us for whatever reasons. That's part of the revenue growth is creating those opportunities for economic development. I thank Cheryl for wanting to create a strategic plan of how to get there and what we can do, but we need to continue to bring that revenue growth conversation into the overall conversation as well, not just cut and dice our budget. We need to look at the other side.

Mr. Bobb said I think Byron will have some comments on it, but I'd like to answer your question by going back to Commissioner Johnson's comment and that is, collect everything

that's owed you first. I mean, we look at the point that you're making us do economic development, but part of the process that we somewhat overlook in local government is, let's go grab and get everything that's owed us. A lot of times we'll find that there are companies that owe us, there are individuals that owe us, and let's go collect everything that's owed us first, as one of those important first steps.

What I stated earlier, and I've seen this and been part of it, a lot of communities provide significant incentives for developers and for development, but we don't go back and look at whether or not the agreements that we made for that development and the incentives that were to accrue to the municipality that, in fact, we got what they said they were going to do. That's why I stated earlier, look at every development deal you have. Bring your attorneys, your staff, and, in fact, bring the companies to the table as well. Look them dead in the eye. You said you're going to produce 20 jobs, 30 jobs, 50 jobs and you haven't produced those, then there should be some kind of penalty. We find that in a local government guilty, right? We sometimes, for the sake of economic development, we give away the store and then we come back later and we find out that we need money to run the government.

Mr. Marshall said just to respond briefly. We don't know about individual projects. We don't want to talk about what should have, should not have been approved. We do think you ought to go back and look at your projects where you've already given incentives. If appropriate, claw back incentives that people didn't do what they were supposed to do. You also have your current tax collection rate, you have a delinquency rate of 7% or your collection rate of 93%, depending how you want to look at it. Sedgwick, 98; Johnson County, 99, so you're leaving money on the table there. You figure out why you're not collecting all your taxes.

One of the things we recommended was that there'd be an economic development strategy put together because you have a lot of land that's not developed. You also have your vacant land that your Land Bank authority, Land Bank entity controls. There needs to be a strategic way of dealing with that. We agree with you, it's not just cutting, it's also increasing your base and collecting what's owed you.

Commissioner Ramirez said and that's what Cheryl is currently working on is creating that strategic plan for us so that we can get there. Just a couple of other—two more things to Kathleen and your team. This is an invitation to the government efficiencies task force to give

that CAFR presentation because the public needs it, especially the task force I'm chairing. We're looking for those efficiencies. We need that information. So, this is an invitation. I will reach out to you so that you can come to the task force and give that presentation. Commissioners, any commissioners are welcome to attend.

The last one is just more Cheryl. Again, for the government efficiency task force. We had this conversation yesterday how we can fit in this picture, how the task force, how we can create those relationships and that synergy so that what we get presented can happen because the task force is all community members. As you say, they're the other part of the three-legged stool. When we go through these deficiencies, I would like you and I to have a conversation of how my task force can fit into this broader conversation.

Commissioner Kane said I think Commissioner Markley said it best. We caused some of this problem and we're the blame. We're trying to get as much done for the community as possible and here we are.

I do thank you for your work. I do like page 23 where you talk about the external auditors and rotating those folks. I think that's important. I wholeheartedly believe that some of the commissioners should have been involved. I'm the senior commissioner. I knew what you guys were doing and I thought well, surely they'll ask. Who knows something about what? Maybe we could give you the insight of some of the work that's done. The Health Department, the way they handled the COVID thing out there at K-Mart was phenomenal.

We have an outstanding workforce here, and there's always room for improvement. What I'm hoping in your report is you point out some of the things that needs improvement. I hope you also point out is where we can get some sort of training and some more information because it doesn't work if you just point out that there's a shortcoming here? How do I fix that shortcoming? Where do I get the knowledge to fix that shortcoming? Every job that I know there's continuous training, and you can never stop no matter what you're doing. I think that's in every job that we have here. Point out some of the needs for improvements, but also point out where we can get the answers to get better.

Commissioner Burroughs said if there's anything I've learned since being on this Commission is that we are smarter collectively. Many of these things that were discussed this evening, I've

heard individual commissioners talk about. Unfortunately, we're not talking together and collectively working together in the manner that we should. This information is beneficial to us so thank you, Madam Administrator, for allowing an outside voice to be heard over the voices that we have with one another because sometimes the message is greater when it comes from a different source than ones we deal with on a daily basis.

I agree with what the commissioners have stated this evening. I've already gone through and marked up my report to take on my challenges that, as a commissioner, to do my part that I can't state how much I appreciate you acknowledging the work of our staff. I think it's very important that they understand that the decisions that we make, they are tough decisions when somebody's ox gets gourd, it kind of gets your hair up in a rough and some of us don't have that to fight back with. I will share this with you, collectively we are smarter and we can do better than what, I guess, we've been identified as doing. I can't state how much I sincerely appreciate an outside voice pointing out many of the things that many of these commissioners up here have stated in the four years I've been here. You put in a report and I appreciate it.

Mayor Garner said thank you all so much for your presentation. I'd just like to add to what Commissioner Burroughs said. We can do a lot working together and that's really what I've been advocating for from day one is collaborating. The task force that's been put together, I know Commissioner Ramirez mentioned that. Those task forces have been put together to just do that, bring community, bring staff, bring elements from your Mayor's Office, as well as our commissioners together to find real solutions to problems. You've heard me say it before that we know impacts the lives of real people every day.

I heard Commissioner Markley and Commissioner Kane mention that it's the Commission's fault. I don't think that this consulting group came into place blame. We've got to have a good look at where we're at so we can kind of create a strategy where we need to go moving forward. Not to place blame on anyone. What this does is offers this Commission, this Mayor, and this staff—and we've got a lot of good employees here. I think that's been mentioned over and over again, that are really dedicated to their work, dedicated to providing the best level of service to the residents of Wyandotte County and Kansas City, KS. But at the end of the day, this Commission ultimately makes the decision. I don't see so much talking about blame as my call to action is, let's move forward and work together collaboratively,

putting people of this county above politics; above what I've seen in my 32 years as an employee here, above privilege, power, and influence that I've seen in certain circles and start doing what's right for the people of Wyandotte County and Kansas City, KS.

I've heard the voices. I've seen the tears. These audits reaffirm that we've got a lot of work to do. One of the things that I've talked about is we've got to lower the tax base. How do you do that when you lower mill levies to lower your property taxes when we have so many needs? These are the hard conversations that we need to have.

When I listened to Commissioner Johnson, he hit it right on the nose. We've got to start making hard decisions because that's what we're elected to do. Some of these decisions are not going to be popular because of the condition that our county is in, but there is hope if we start doing what we need to do now on behalf of the residents of Wyandotte County.

We can get and crawl our way out of this situation, but what we can't do is we can't keep doing the same things we've done and expect a different result. I've said it before, not only are people hurting, this taxing, the deficits, it's not sustainable. You've heard it from other people. I've said it time and time again, what you're going to do is you're going to tax people that are in poverty deeper into poverty, and you're going to tax people out of Wyandotte County. The taxes and the fees and the BPU PILOT that everybody looks at is going to keep development opportunities, that Commissioner Ramirez talked about that we need, those developers are not going to want to come in here and do business. We have to take a hard look at how we're doing things and come up with strategies and do what's best for Wyandotte County moving forward.

I believe that we're at a crossroads right now. One of the things—and I applaud Ms. Harrison-Lee for locating these auditors, outside, independent, not connected, not affiliated that are really talking truth to power about what needs to be done. It's really shedding the light that we've got a lot of work to do. I'm optimistic, but I'm cautiously optimistic.

Economic development is really what is the key thing that we need to look at. We need to come up with these strategies, a real concrete strategy on economic development. I've said it. You want to invest more in the areas that have been disinvested, but you can't leave western Wyandotte County out as well. You've heard from Bonner Springs and Edwardsville. There's opportunities that still exist west of 435, but where the need is at is in these disinvested, disenfranchised areas. It was interesting to hear these auditors tonight say how we need to tie financing to race because it matters. When you look at these disinvested, disenfranchised areas,

they just so happen to be communities that are poor, of all races, and predominantly black and brown.

To me, the economic segregation has to stop. I've been to too many meetings where I've seen people begging for goods and services and things that in any major city, they shouldn't have to beg for. Economic development and looking at those opportunities, especially when we have over 4,500 parcels of Land Bank properties, we really need to look at that and how we can leverage those properties with developers to bring about the type of resources and goods and services and the brick and mortar developments that can add to our revenue base. I know that Ms. Harrison-Lee is looking at that. I know that Commissioner Johnson's task force is also looking at how to improve the dynamics for developers.

One concerning thing to me is when I talk to our development team is that I was told point blank, we don't court developers which I found ironic when I asked that question. Then you talk about the bureaucracy in the process. So, there's a lot of opportunities for improvement, and I'm confident that we can get to where we need to be. I just want to let the public know and I want this Commission to know that we've all got to work together for the greater good.

I hear a lot of politics. I've heard a lot of politics thrown here and there since I've been Mayor. This isn't about politics for me. Never has, never was, and never will be. I'm here because I care about the people of Wyandotte County just like you do. I don't want to politicize what needs to be done for the great folks of Wyandotte County that are really counting on us to get things done.

So, I encourage everyone to come to the table. We need to have a retreat at some point to come up with a strategic plan to really envision and reimagine where we need to go as an elected body. The budget cycle, we're almost to our conclusion, am I correct? Okay, so we still have time. You all have time to work with me, work with staff, work with Ms. Harrison-Lee and even work with our constituents to really get the information you need to make an informed decision on what our budget will look like moving forward.

I encourage you to make those hard decisions. I've said it before, we need to identify what essential services are. That should be our starting point. Our auditor said it well, you've got things that we can't cut and we've got to look at what things can be cut responsibly and move forward.

So, anyway, thank you all again. I appreciate everything that you've done. Awesome report. We're going to keep this moving.

Action: **For information only.**

Item No. 1 – 211857...RESOLUTION: SETTING PUBLIC HEARING REGARDING ADOPTION OF THE PROPOSED 2023 BUDGET AND PROPOSED AMENDED 2022 BUDGET

Synopsis: A Resolution Calling and Providing Notice of a Public Hearing Regarding Adoption of the Proposed 2023 Budget and Proposed Amended 2022 Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Patrick Waters, Deputy Chief Counsel.

Cheryl Harrison-Lee, Interim County Administrator, said this item is the resolution setting the public hearing for the budget adoption. I will ask Counsel Patrick Waters to discuss this item.

Patrick Waters, Deputy Chief Counsel, said state law requires that we publish notice of the annual budget hearing. This is separate and apart from the revenue neutral rate hearing that you set previously. This resolution would also set the budget public hearing for Monday, August 22nd.

Ms. Harrison-Lee asked, any questions?

Mayor Garner asked, is there a motion to approve?

Action: **RESOLUTION NO. R-42-22,** “A resolution calling and providing notice of a public hearing to be held on August 22, 2022, at 7:00 p.m., regarding adoption of the proposed 2023 Budget and proposed amended 2022 Budget of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner**

Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.

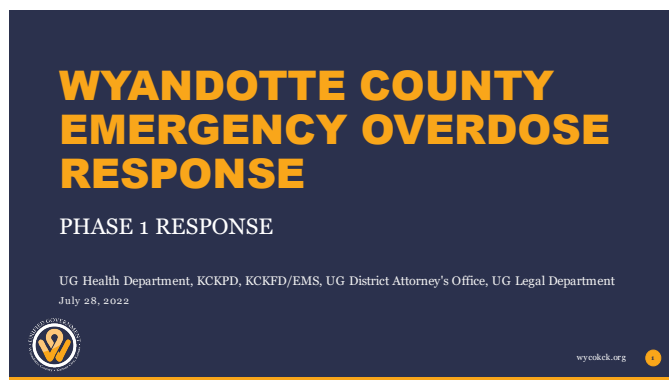
Mayor Garner said there's a motion and a second to set the public hearing for August 22nd, the proposed amended 2022 Budget for August 22, 2022. Is there any questions or any comments? No further discussion, Clerk, please give me a roll call.

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

Item No. 2 – 211827...UPDATE: UGPHD/PD OPIOID CRISIS

Synopsis: An update regarding the opioid crisis from the UG Health Department in coordination with KCK EMS, KCKPD, District Attorney's Office, and the UG Legal Department, submitted by Juliann VanLiew, Director of Health Department.

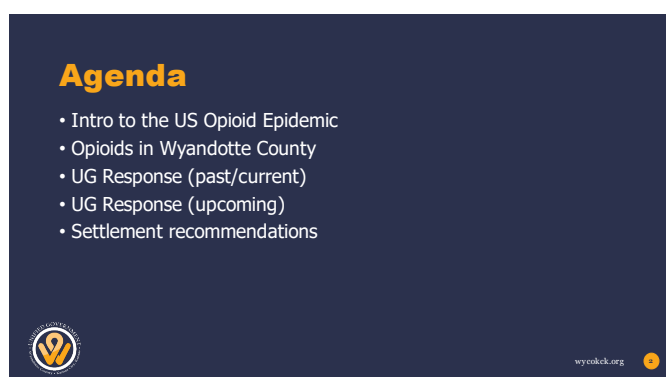
Cheryl Harrison-Lee, Interim County Administrator, said at this time, Mayor, we have an excellent example here of collaboration between our Health Department, our District Attorney's Office, our Legal Department, as well as KCK EMS and the Police Department. It is regarding the opioid crisis. We have a joint presentation. This is an opportunity to see kind of this collaborative effort of staff working together to address one of our community's issues and how we might look at being able to utilize funding as a result of that to address this crisis.



Juliann VanLiew, Director of Public Health, said we are not just here as the Health Department this evening. We are here as a collaborative group of departments that are all

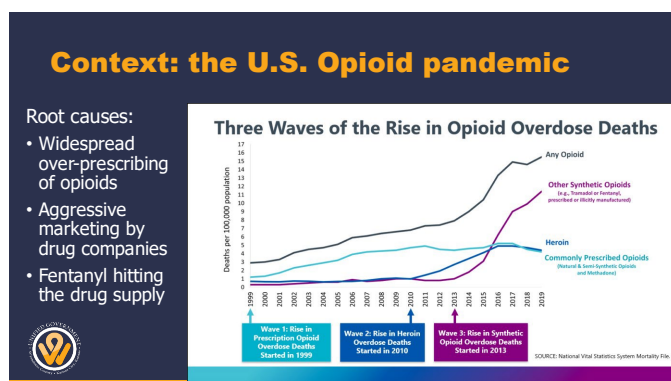
facing the same issue. Wyandotte County and the people who live and work in our community are increasingly bearing the burden of the disease of substance misuse and abuse, specific to opioids. So, this evening, you're going to hear from each of our departments related to the work that we've been doing in this area. We're going to discuss some upcoming work that we plan to embark upon, and our Legal Department is going to begin the discussion with you all around master settlement money that is coming to the Unified Government in coming months and years.

I want to, very quickly, also thank our Assistant County Administrators Bridgette Cobbins and Alan Howze. They have both very strongly supported and encouraged our departments in working together on this and on other issues. I think it's important that we recognize that.



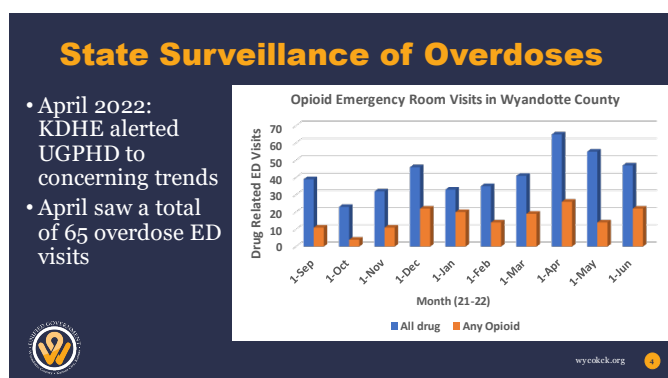
So, this evening we're going to quickly run through what the current situation is in Wyandotte County, what we're seeing, what we've been doing, what's upcoming, and then, of course, we're going to throw to Legal.

First, I want to introduce a new member to the Health Department team. Erika Holliday is with me. She is the Health Department's first ever Substance Use Coordinator. She comes to us with a decade of experience in other communities, actively preventing and mitigating the harms of opioid misuse. We are incredibly grateful that she's joined our team here. I'll pass it to her and then we'll go through our presentation jointly.



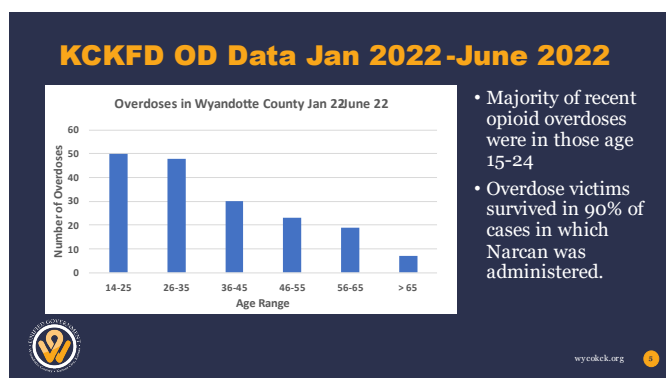
Erika Holliday, Substance Use Coordinator, said I'm extremely excited to be a part of this team. Before we dive in, I do want to just go over a couple of terms with you all just so we're all clear about what's being discussed tonight. When we talk about opioids, we're talking about a class of drugs that includes heroin, synthetic opioids such as fentanyl, pain relievers, oxycodone, Vicodin, morphine, etc. We've been discussing fentanyl quite frequently which is specifically a synthetic opioid, a pain reliever. It's much more powerful than other opioids and it's approved for treating severe pain typically advanced cancer pain. Lastly, we'll later be talking about naloxone and Narcan, which is a medication that can be used to reverse opioid overdoses, prevent injury and death.

Whenever we're talking about the overdose crisis, we're not just talking about Wyandotte County. This is something that has been seen across the country. We see two increases here. The first being from increased prescription drugs prescribing, and then secondly the big jump you see is when fentanyl hit our drug supply. So, once again, I just want to stress this is affecting Wyandotte County as well with the rest of the nation.



Earlier this year there was an emergency alert placed on our county by KDHE which alerted that we are seeing a spike of overdoses occur in our emergency room. This kind of alerted all of

us. We already knew there was an issue, but because we're seeing more overdoses than ever, such as in April, there was 65 total overdose visits in our emergency rooms. This is a time to take assertive action and so that's kind of why we're all here today to collaboratively say what we've been doing and what we want to continue to do. I think the rest of my team will share data that they have found as well that kind of matches this alert and overdose.



Mark Heath, Assistant Fire Chief, said I'm focused mainly on EMS. This slide right here talks about in the fall of 2020, we noticed a sharp rise in the amount of overdoses, the amount of Narcan that we're using on the rigs has increased. As you can see, this is just the breakdown for the first six months of this year. Obviously, 14 to 25 is the largest; 26 to 35 is the next group.

To do a brief description of a Narcan, it's the fantastic drug that we carry on our rigs and is out in the field. It literally slams the door on opioids. If somebody is having a fentanyl or an opioid overdose, it literally blocks the receptors so no more and it actually knocks it off. Where the opioids have the most problems, it knocks out versus respiratory drive. The pills that are out there now, they don't know how much fentanyl is in them or they don't think there's any fentanyl in them. As simple as one pill is causing the overdose. That's what causes the problem.

Wyandotte Overdoses and Deaths

- Since 2020, over 25% of youth overdoses occurred in people that are under 21 years of age.
- 12% of those overdoses resulted in death
- Narcan was not used in the majority of those instances.
- **Mapping of overdoses shows that ODs are occurring throughout Wyandotte County. There is not a primary neighborhood or region being affected.**



wyandotte.org

In jumps my crews. Since 2020, 25% of our youth overdoses have occurred in people that are under 21 years of age. 12% of those resulted in death. What my numbers show is us getting Narcan on scene as fast as possible. In 90% of those patients that we give Narcan to, has a positive outcome and we can stop the overdose. Unfortunately, in the 12%, those were unviable patients so they were gone before we could get there.

Narcan is the most effective tool that we have in the Fire Department. We've had it for a long time. It was approved in 1971. When I became a medic in 1992, it was a side note, but now we are seeing the amount of Narcan used today. In 2018, in this period of time, we used 35 doses of Narcan. This year, we're over 160 as of right now. What we've seen in other parts of the country is now hitting us very hard.

District Attorney Data

- Past 12 months: DA's Office has prosecuted more than 500 opioid cases
- Total charges: 577
- Cases closed: 10

UG District	# of Charges
1	63
2	156
3	39
4	56
5	27
6	41
7	167
8	28



wyandotte.org

Damon Mitchell, District Attorney's Office, said as you can see on this slide, within the last 12 months, we're looking at 500 opioid cases; in fact, well over 500. The significance of this is that not only are the cases rising. You can see from the district distribution that it's literally county-wide. These cases also tend to linger a bit, and I'll address that down the road and that has a lot to do with our needs in terms of potential use of possible funding.



Ms. VanLiew said, commissioners, I also failed to mention, excuse me, there are other slides in your slide deck that you have on paper that we cut for the sake of time, but those are supposed to be in your copies. They're for your reference. If you have questions, we can certainly answer them, but that's why you're seeing fewer slides up here from us.

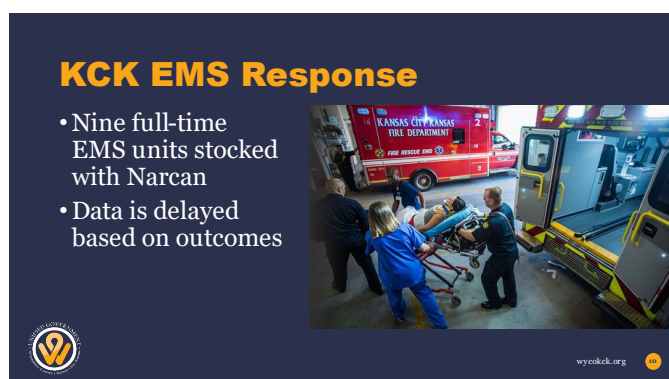
Ms. Holliday said so when looking at responding, we want to have a couple of evidence-based practices that we want to lean into. Starting with Narcan expansion, we'll get into specifics in a couple of slides, but as Mark said, Narcan is the most effective way in preventing overdoses, overdose injury, and overdose deaths, which ultimately increases a person's chance into entering into recovery long term.

Secondly, we want to talk about community building. Obviously, that's a solid solution for anything, but the fact of the matter is that when somebody has stable housing, employment, resources, food access, and treatment availability, their chances of remaining recovering long term and abstaining or changing their drug use patterns effectively rise significantly. So, we'll also be discussing how we're working to do this again as a team, together as a community.

Lastly, putting focus on harm reduction. The key to harm reduction is keeping people alive and healthy long enough so that they can start to seek treatment. Evidence shows that harm reduction in any capacity is effective in increasing chance of recovery access.



Ms. VanLiew said we're now briefly going to explore the ways our various departments have responded to date and we'll start with our EMS team.

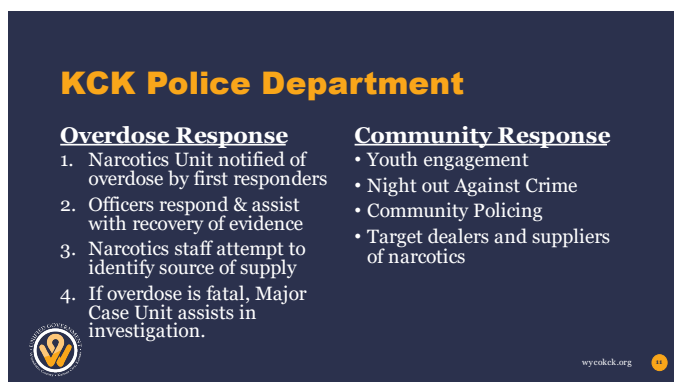


Assistant Fire Chief Heath said, obviously, I won't go into—we're the Fire Department EMS. We're the first to respond. We're always there. Just to cover Narcan. Narcan is on every ambulance, multiple doses, and every first responder fire truck. There's 19 out there that can make the run. That four to six minute window is absolutely key to reversing this drug. That is the most effective thing, diesel fuel and getting them on scene.

The other side of this is that in the last two weeks, we've seen a 14-year-old and an 18-year-old. This is getting younger and younger all the time, so that's what's bringing the shock and awe into the system nowadays.

When we're talking about data, data is very difficult for us sometimes. It's an unknown etiology man down or person down. Narcan is given when we don't know what's going on. If it's alcohol, we're going to give them Narcan. We don't know whether it's alcohol and opioids. Narcan is a fantastic drug. We can give it. There are no contraindications. There are no side effects. We can give it when we don't know what's going on. So, just because you hear 163

doses, that doesn't necessarily mean every one of those is an overdose, and sometimes people get multiple doses to counteract.



KCK Police Department

<u>Overdose Response</u> 1. Narcotics Unit notified of overdose by first responders 2. Officers respond & assist with recovery of evidence 3. Narcotics staff attempt to identify source of supply 4. If overdose is fatal, Major Case Unit assists in investigation.	<u>Community Response</u> • Youth engagement • Night out Against Crime • Community Policing • Target dealers and suppliers of narcotics
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Major Richard Harrison, Police Dept., said I'm currently over the Investigations Unit, but in 2020, I was over the Narcotics Unit as their Captain. As a Police Department, we started seeing this fentanyl back in May of 2019 and our overdoses have continued to rise ever since. So, year to date, July of 2019, we had 1 overdose death and 14 homicides. I also want to compare to homicides a little bit, and you'll see why here in a moment. In 2020, we had 4 overdose deaths year to date and 31 homicides. In 2021, 14 overdose deaths, 21 homicides. Today we sit at 18 deaths and 25 homicides year to date. Our last one was last night, an overdose death.

Overdoses for the year have also continued to climb. 23 in 2019, 47 in 2020, 109 in 2021, and now we sit at 84 for 2022 as of July 28th. We're on pace to have 150ish overdoses and somewhere around 37 deaths this year due to mostly fentanyl. Due to this influx of fentanyl, I was able to acquire a bunch of Narcan for our line patrolmen all the way up to the Chief of Police. We got that out into the city.

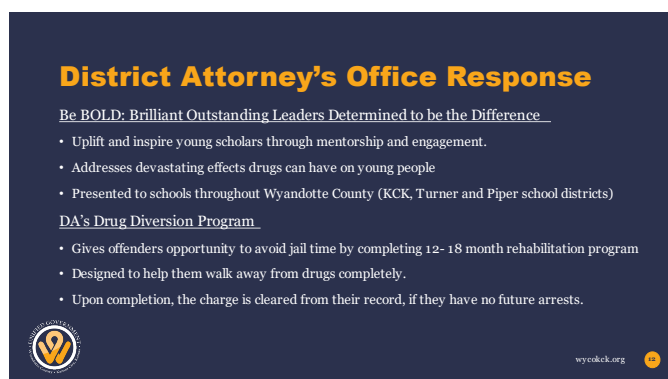
We spoke about community engagement earlier. We've been doing the PAL Program, obviously, Community Policing, the Enough is Enough Program, SD 500, social media. A couple of weeks ago we did the football camp, town hall meeting with the DEA, Citizens Academies, and August 2nd, we will be out at Night Against Crime. I think we all will be there.

I want to go a little bit on this slide. It says a typical overdose response from us. EMS arrives first, patrolmen then arrive next, and then the Narcotics Unit is paged out. If it's death, Major Case Homicide Unit goes as well to help in the investigation. We collect all of our evidence, analyze that evidence, and try to identify a source of supply. We target that source of

supply in our investigation. We develop probable cause, arrests, search warrants. Our SOU serves those and then we turn those off for prosecution to the District Attorney's Office.

I also want to point out that we seize fentanyl every single day. One pill, 15,000 pills, every single day. We get fentanyl off the street. We know that through the DEA testing, that one out of every five pills contains a lethal dose of fentanyl, 20%. The math is up there.

Fentanyl is here. It's a problem. It's not going away easy, that's why we're a joined team task force here.



Mr. Mitchell said, again, one of the major initiatives is under the BOLD Program for us. That brings us into all of the schools across the county. The idea is to get at the children, the young people, counteract that peer pressure or whatever it is that may bring them into contact initially with opioids or any other drugs.

I'll say this, because of the way the Kansas Legislature has set up our sentencing grid, it sometimes appears as if it's a revolving door when it comes to drug possession. The idea is that they have pushed treatment essentially down to the local level. That creates enormous demands on our local services. I know Community Corrections and Court Services do whatever they can but, ultimately, it leads to an enormous number of cases.

We're attempting to get at the core issue, that is to say, the addiction for those who are addicted and are just charged with possession. The problem is, as I'm sure many of you know, most people who are addicted do not treat successfully the first time. So, that's 500 cases that we initially showed on the first slide. They'll stick around for quite a while and then guess what's happening the following year? More cases. What we need are additional resources, surprise, surprise, but we really do need them so that we can adequately monitor those who are

going through the program so that program itself actually gets traction so that ultimately we can bring down those numbers.

Health Department Response

- OD2A: Overdose to Action project:
 - Data collection and analysis
 - Partner engagement and planning
- Added staff capacity with ARPA dollars
- All UGPHD staff are being trained in Narcan use and overdose response practices



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Ms. VanLiew said the Health Department's response has been less robust. This is a newer area for us partly because for the very first time we've added a physician who can focus on this with ARPA dollars approved by you all. Thank you. We have, the last two years, been participating in a statewide overdose action project and that's what's really brought us up to speed, as a health department, on collecting the data, understanding the distribution across the community, and figuring out what our next steps are going to be.

Active Partners in Wyandotte*

Local Partners	State and National Partners
Friends of Recovery Association	FBI
Vibrant Health	DEA
Avenue of Life	Bureau of Alcohol, Tobacco, Firearms and Explosives
Community Health Council	US Marshalls
Heartland RADAC	Kansas Pharmacy Association
First Call KC	DCCCA
RSI	Midwest HIDTA
Mirror, Inc.	Kansas National Guard
Community Corrections	
KU Medical Center	

*Not an exhaustive list



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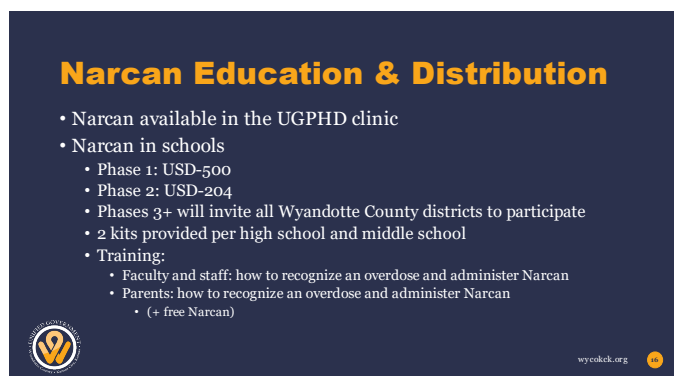
We also want to make it clear that those of us at the table are just a very small few of those who are working on this situation in our community. There are state and national partners, which have been fantastic, for a lot of our partners up here to work with. We have a lot of non-profits and social safety nets.

I also want to say that Bonner and Edwardsville public safety, we're coming for you next. We need you at this table with us. This has got to be county-wide. Just want to lay that

understanding in front of everyone that we need to build this coalition further and we intend to do so.

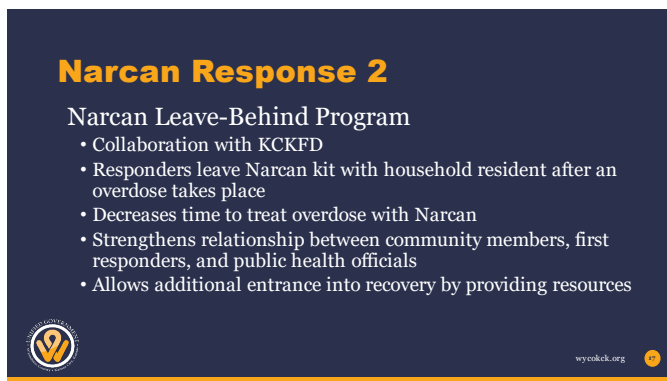


There are just a couple of additions to our opioid related response that are pretty imminent that we'll walk through quickly before we hand it over to our Legal Department.



Ms. Holliday said one thing to specifically pay attention to is, again, Narcan distribution. Out of our health department clinic, we want to start giving it out for free. You can get it from pharmacies, but it's very expensive even with insurance. We want to be a place where people who need Narcan can come and get it safely for free. We're also working on putting Narcan in all of the schools, just a couple of emergency kits because, again, we are seeing this with our youth, more overdoses. We want to make sure that all staff and faculty are trained at these schools as well as parents who are interested.

I do want to point out that those are kind of Phase 1, Phase 2, Phase 3. Those are all kind of happening at the same time. We were actually approached by people in these school districts just to collaborate on this. It's, hopefully, going to be in the works and we'll have Narcan in these spaces very soon.



Narcan Response 2

Narcan Leave-Behind Program

- Collaboration with KCKFD
- Responders leave Narcan kit with household resident after an overdose takes place
- Decreases time to treat overdose with Narcan
- Strengthens relationship between community members, first responders, and public health officials
- Allows additional entrance into recovery by providing resources

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Assistant Fire Chief Heath said with the Fire Department, in a very short amount of time from when Erica was hired by community medic, which is another new initiative at the Fire Department, these two got together and came up with a fantastic plan for the Fire Department. Finding a way to do prevention is always hard, especially in this instance. We were kind of stuck. In a short amount of time, they've found a kit that they're going to put together and it's going to be left at the scenes of areas where we've run multiple overdoses or we feel there could be an overdose again. It's a simple kit. It's dropped off. Some documentation is done. It also starts the spider web. This isn't one fix or one bullet is going to fix this. It's a spider web and overlay. This is just another piece of web to catch people and give them some resources. The studies show that within 72 to 96 hours of having an overdose, they're a little more receptive to going to treatment.

The purpose of this is to have a leave-behind kit at these scenes that we keep running on a regular basis. This is fantastic. It's all Erica and Jessica that came up with this. The training is ongoing. We should be mid-November to have it rolled out and be able to start leaving those things at scenes. Once again, fantastic. Hats off to Erica. She hit the ground running.



Opioid Litigation

James Bain, Legal Department

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James Bain, Assistant Counsel, said I want to kind of review where we've been on the opioid litigation and provide some updates since the last time we've talked about this.



Opioid Litigation

- In 2018 the Unified Government filed suit against pharmaceutical companies responsible for the U.S. opioid epidemic

Allegations • Unlawful marketing practices • Falsely representing as non-addictive and safe • Allowing illegal marketing	Largest Defendants • Cardinal Health • McKesson • AmerisourceBergen • J&J • Purdue Pharma
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You'll remember back in 2018, former Chief Counsel Ken Moore was on top of these legal theories about the pharmaceutical companies that were flooding the communities with opioids and addictive drugs and the liability that those pharmaceutical companies may face. In 2018, we joined hundreds of cities throughout the United States in litigating against the pharmaceutical companies. Finally, those settlements are being reached and we are expecting some dollars to come into the Unified Government over the next year, a year and a half.



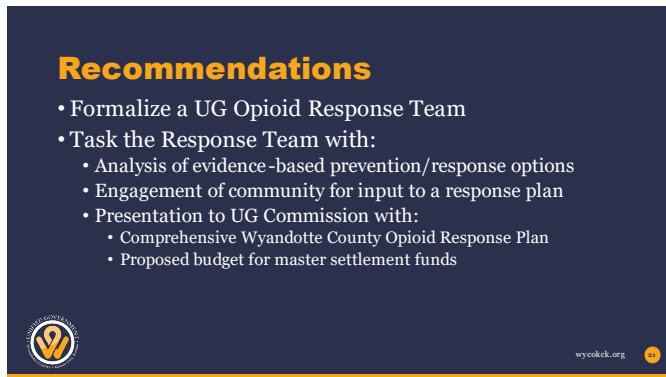
Settlement funds for Wyandotte

- July 2021: settlement was reached with four of the largest defendants for \$26 billion total.
- Municipalities in Kansas will split \$36 million.
- It is estimated Wyandotte County and KCK will receive \$2.4 million.
- Of the \$2.4 million, almost \$700,000 is because the UG joined the lawsuit.

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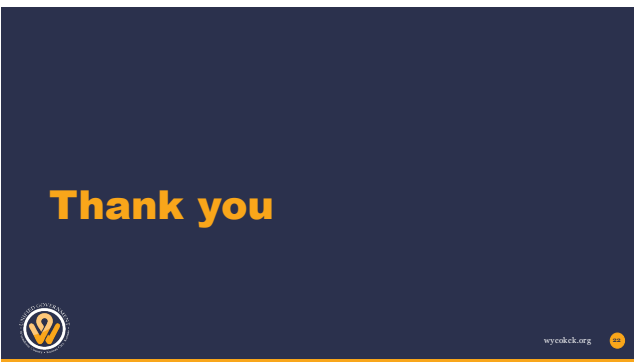
The first big settlement, and probably the biggest one, came about a year ago. The settlement came, you'll remember, in December we released our claims and joined up with the state of Kansas. We've gotten the final numbers and calculations, and we are expecting to get, sometime over the next 18 months, about \$2.4M from that big settlement. We're expecting one to two more. Purdue Pharmaceutical is going to be another big one coming, but this first settlement, with the big four pharmaceutical companies, will bring in, we estimate, \$2.4M; \$700,000 of that was because we were involved in the litigation. You'll remember we got

bonus dollars for releasing our claims to the state of Kansas, and those bonus dollars will be about \$700,000.



Ms. VanLiew said this is our final slide this evening. This is for information only which begs the question, what do we need from you all? We are here to ask you tonight to formalize us into the Unified Government Opioid Response Task Force. We need to be created into a formal body because we need to be working on what's coming next related to master settlement, right? We ask you that you create us into a formal task force and task us specifically with going back identifying what the evidence has proven our need most effective prevention and mitigation strategies related to this. Task us with engaging the community in how we prioritize. Which of those evidence-based strategies to utilize. Task us with bringing you a budget of how we may propose that we collectively use that \$2.4M.

What you hear from us tonight is that there is an urgency here in this situation. We don't know exactly when this money is going to land, but there is no reason for us to not have a plan and a budget for that money the day that it hits. So, we're asking for you to get behind us to support us collectively so that we can get to work and come back to you with a budget and a plan for you to review and decide if you're ready to adopt it.



Thank you for your time this evening. Thank you to my partners up here.

Commissioner Stites said if you would, if you could go back to slide number 10 on page 5, if you guys will, under the District Attorney's data information, opioid numbers by District 7 is my district and it's 167, which leads the chart. I'm kind of perplexed to think that we say that we're going to get with Bonner Springs and Edwardsville next, when they're the leading number on this chart.

If you go to slide number 16 on page number 8, bullet point number 3, it says presented to schools throughout Wyandotte County, Kansas City, KS, Turner, and Piper. No Bonner Springs. Why?

Ms. VanLiew said as Ms. Holliday mentioned, there were a number of school districts that approached us first earlier this spring and so we've acknowledged that they really raised their hand first and so we're working with them first. But as she also said, there's no plan to exclude anyone. We're trying to figure out this Fall how to hit every single school district.

When I say we're coming to Bonner and Edwardsville next, I don't mean that they're lower priority. I just mean that we've managed to build a coalition across these departments today, and we recognize that this coalition can be stronger with our western counterparts. It is our intent to make sure that this is county-wide. We recognize that today it is not, in reality, in terms of what's happening on the ground and it is our intent to make it so. We are coming forward with the best intention to figure out how to use all partners in this because this is an all hands on deck situation, quite frankly. We need anyone and everyone who is interested in working on this to be in this with us because it's that big of a deal.

Commissioner Stites said it just sticks out that there's only one school district that was left out.

Ms. VanLiew said I assure you, sir, within the next—by the end of August, there will be scheduled stuff with every school district if that school district chooses so.

Ms. Holliday said I just want to add that we have been in conversation with every school district simply who's returning our emails at this point. Everyone is interested, everyone is on board, and there is no greater priority than another. I apologize for what was left out on the slide, but every district is in communication. Some are already doing it, which is outside of our scope. It is a priority overall, absolutely.

Commissioner McKiernan said first of all, I want to say to all of you, really appreciate you and you are setting an example for multi-disciplinary, cross-departmental effectiveness in local government. That's what we need. That's what I hope we can continue to do. If this were an item that were up for vote tonight, I'd make the motion that we move forward with your proposal, not only to formalize this, but to gather a budget.

Speaking of budget, did I hear you correctly that if you had additional resources, this multi-disciplinary, cross-departmental team could do more and better work?

Ms. VanLiew said yes, 100 times yes.

Commissioner McKiernan said so all I'm going to say, just to my colleagues is, I can't do the math of how we collect less revenue and pay more money for great programs. You're gonna have to show me how we do that because I can't make the math work. I hope that we can give you additional resources because I value what it is you do as a team. It is beneficial to the people of our cities and county. It is beneficial to everyone who is here. It improves not only their physical health, but it improves the mental health of our community. It improves the well-being of our community. You guys are doing a great job.

Ms. VanLiew said thank you, sir. I would just say that \$2.4M is not going to stem the tide right now. It's not going to right the ship and fix the situation; but what it can do, if we're incredibly collaborative and systematic, is that it can allow us to choose a couple of comprehensive systematic items that we want to go after and hit those really hard. That's why we're so serious about doing this collectively because onesies and twosies can throw away that \$2.4M real fast, right? You all know that. You're all running this budget. If we don't use this \$2.4M in a concerted way with all of us driving towards the same end goal, then that money is

going to get washed away and you're not going to see an improvement from it, is our humble opinion.

Commissioner Bynum said I have a couple of questions for the DA, sir, the slides about the cases. I mean, I know you've got it by district, but in the past 12 months, DA's Office has prosecuted more than 5,000 opioid cases. You show 577 total charges. When you say 10 cases closed, do you mean like adjudicated all the way through to a verdict? I just need more help there.

Mr. Mitchell said that's referring to cases, yes, completely closed out. What you're going to see is the majority of those cases are possession cases and so those tend to roll over because of so many of them are eligible for diversion, which is essentially the treatment.

Again, they drag on because quite frankly the administration of those cases, everything that goes on with those cases are essentially local. The way our sensing grid works, and I'm not saying it's a bad thing. I think the legislature realized that locking people up who were frankly addicted and sending them to prison isn't going to get it done. But that's why there's so many and that's why they continue to remain open.

Commissioner Bynum said I really appreciate that. I mean, wouldn't it be great if we were prosecuting rather than possession, the sale, or the manufacturer, or distribution, or whatever the other pieces are that are...

Major Harrison said absolutely. The source of supply that I mentioned in my slides are the dealers and the suppliers and up their chain from the user level. Most of the time our first contact is with the user level, the very bottom. We try to leverage intel and information and the way they communicate with their dealers as we investigate them. We're really, really targeting distribution dealers, suppliers who our priority is.

Commissioner Bynum said just two more quick questions. Again, the data by district, I'm not asking for anything extra, but if you have a way to sort it by zip code, I just wonder if it might give us even a more clear picture.

Ms. VanLiew said, we're actually working with the state on a project right now to map very granularly where these are happening in our community. We haven't received permission

to share that publicly, which is why you don't see it tonight, but we have that and it's forthcoming in coming weeks.

Commissioner Bynum said and then I just—two things, Mayor and Administrator. We had a request that this group be codified, ratified, ramified and it's an information only item. So, can we bring that to the next agenda for action so that we can do as they request? Then, what else can we do? Where else do we need to have Narcan? How can we help you get it there?

Ms. VanLiew said we're trying to figure out very low cost and no-cost options. That's our biggest barrier right now. Narcan is quite expensive, so that's the biggest thing. That's the biggest barrier for us. But our goal is everywhere. There's no reason why it's not in libraries, in our non-profits, in our community and neighborhood centers, our parks and rec centers, right? Those are fantastic locations for this.

So, we're really thinking of this as a staged response. We're focusing on health department and schools in the next couple of months, but our intent is that there are multiple phases hitting various sectors including business sectors, faith-based sectors in our community. There's nowhere where this shouldn't be, quite frankly. As Chief Heath mentioned, there's no adverse effects to Narcan and so there's no risk to use, for example, for having this in places where it's available to them. If you have ideas around non-profits or others, we would love to have them and be connected to those groups.

Commissioner Townsend asked, Ms. VanLiew, could you explain what the formalization of the UG Opioid Response Team, the formalization of it that you're asking for, is going to do that you're not already doing? That would be one thing. How's that going to improve? The \$2.4M, that Counselor Bain mentioned, that's from a lawsuit, right? So, what so far—and we don't have that in-house yet, right? How has—what you have been doing excellently been funded so far, and what would you be able to do without more formalization of this team, keeping in mind what we've all heard tonight from the audit and prioritizing what we do. Clearly, I'm looking at a panel of departments that are fundamental to any city government, county government. We've got law enforcement, public health, our prosecutor's office, I mean nobody else can do that but us. But what will this formalization do?

Again, we've seen—\$2.4M we expect from a lawsuit. I think maybe Commissioner McKiernan asked this. If not, I'm going to ask it again, but it's all about money. How much, in the optimum, would it cost for this program to go forward currently what you've done for a year? I mean, what is the ongoing cost in a year's time for what you've done so far?

Ms. VanLiew said in terms of what the departments are doing, we've all absorbed those costs in different ways, right? EMS has absorbed that cost of training staff on Narcan. PD has absorbed the cost on making sure that they have a Narcotics Unit fully staffed who can respond to this stuff, right? So, none of us have a specific budget for this at this point in time. My only budget for this is one FTE, right?

So, when you ask what we can do with \$2.4M, that's why we need to be formalized. What I don't want us to be doing is working on the side without Commission's complete consent and approval and understanding of what we're doing. I want us to go back with our departments, engage community, engage other UG departments, and other Wyandotte local government entities in creating a plan and creating a budget for that \$2.4M, but I don't want to do that off-road. I want to do that with all of you behind us understanding our intent to bring the evidence base, to collect community input and to come before you with a plan that we think can be impactful.

So, when I stay formalized, maybe that's not the right word, but what I'm hoping is that you will get behind us and agree to allowing us collectively to spearhead the effort to create the plan for how we take that master settlement money and make it effective in our community. Did that answer your question, Commissioner?

Commissioner Townsend said part of it. The other big part is the money. So, \$2.4M you're looking at. Is that going to get you through another year of what you've done already, two years, six months? That's the other part of it.

Ms. VanLiew said sure, again, what we're doing now, we have sustained in our budget, just these basic services with EMS taking out Narcan, PD taking out Narcan. EMS has been free so they haven't had to absorb that in their budget. So, we don't think of these current existing activities as what this \$2.4M is for. This \$2.4M is to jump start new work to embed energy into systematic structural change around how we work with pharmacies and how we work with our coroners, like there are a whole bunch of systemic pieces around this that we could improve with a big pot of money, but that's not to the detriment of this current work,

which will be sustained in which we are all sustaining at the department level. So, that \$2.4M is for additional, new, bigger opioid response.

Commissioner Townsend said I hear you. You're working currently through your budgets. You'd like to do more. I think you have an eye from what you're telling me on the \$2.4M to do that. How long will that last, I guess? I'm not asking you to tell me right now, but I believe it depends on part of...

Ms. VanLiew said that completely depends on the planning process.

Commissioner Townsend said I hear. In the bigger scheme and scope of what we heard tonight, I think, about funding. Thank you for all your efforts.

Ms. VanLiew said but, again, we're not seeking extra General Fund, any of that. We're just here to make sure that this opioid national settlement money is used in the best ways possible. We're not looking to touch the budget. We just want to make sure that there's a plan in place for when this money comes, and that Wyandotte County is going to use it on the opioid problem.

The good and bad thing is, there are very specific parameters around how we can use this opioid master settlement money, right? So, it has specific activities that it can and can't cover. We are bound by that which is good because it gives us a scope, but there's also a lot of room to play in there and a lot of Wyandotte County contextualization that we need to do with those options to decide what will work here in our communities.

Commissioner Ramirez said thank you, Juliann, your team, and all the multifaceted approach that is happening. I agree with what Commissioner McKiernan said. I like that it's all different facets that are helping to look at the issue, eradicate the issue, and help those who were going through this.

I also do agree with the notion of you coming back before us with a plan and we approve it. I know you and I, Juliann, have had this conversation. To the public, who don't know, that we, as the Board of Commissioners, also sit and serve as the Board of Health for the county. We are the ones that create health policy for the county. I think this is something where we can bring back to the Board of Health and we can bring this to us and ensure that everybody in Wyandotte County is being helped and has the resources available to them. I completely agree that we bring this back.

As always, Juliann, thank you to you and your department for spearheading this and working with everybody to get this going. Our Health Department is, again, a department we don't hear much about until something happens. Thank you for all that you do and you do to the community, and to the Fire Department, Police Department, and DA's Office for working on this. Thank you, as well. It's not easy work seeing people in a crisis. It's not easy, so I thank you for the hard work that you and your members and your firefighters and police officers do to keep our community safe and those who are in crisis safe as well.

Mayor Garner said I had a quick question. I know opioids is the focus. Really, I want to applaud you all for coming together. I really believe that collaboration is the key, bringing the right people around the table.

I guess it's kind of in line with what Commissioner Townsend was saying. I just want to follow up on it. I look at the sustainability of this program. I know you're expecting funds to come in, which is fine. I just want to let you know, I'm hoping we will move forward with—I will get this to the appropriate committee to formalize the type of committee you want, but I have two questions. Is it sustainability? What does that look like both financially and as far as this group is concerned? My second question is, and maybe the Police Department can speak to that, outside of the opioid crisis, are there any other major drugs, heroin, cocaine, anything else that are really problematic in Wyandotte County and Kansas City, KS, right now that we also need to be concerned about? I'll expound on why I ask that question.

Ms. VanLiew said sure and I will leave that to our law enforcement colleagues, but to the sustainability question, I think we should be really open and honest that there is not sustainability here. There are no additional master settlements coming, right, which is why I feel so strongly that this \$2.4M has to be used for infrastructure, right? There are technology needs. There are systemic ways that we can communicate differently if we invested some serious dollars. There are tech and computer and analysis related needs that the PD Office has, right? There are ways to invest in infrastructure that will make sure that this sets us up for success without necessarily hiring a whole staff of folks we have to lay off. That's not our intention, so this has got to be systemic improvement, infrastructure, building collaboration, technology money, right? It needs to be investment money. I don't see it as sustainable fundings, and we need to continue to keep that at the forefront of our mind, right, that we're not

setting up something we cannot sustain but that we're setting up structures that can exist beyond this money.

Major Harrison said as far as the other narcotics within the community, they're still there. Crystal meth is still a problem. Cocaine is still a problem. Not as much crack cocaine anymore, but oxycontin and hydrocodones. We, also, are seeing all of those, to include marijuana, all of those are mixed and laced, if you will, with fentanyl. We've gotten crystal meth that has been tested for crystal meth and fentanyl is inside of it. We have heroin that also comes up with fentanyl, and marijuana that comes up with fentanyl. So, they're all still—they're all problems. We still have all of the same problems that we did prior to May 2019 in addition to the fentanyl problem now. We're working really hard on all of it. If we can use this money and this collaboration to stem and try to curtail our fentanyl problem, it would be beneficial for everybody, but we still see all of it. Does that answer your question, Mayor?

Mayor Garner said yeah, I guess where I'm going with it is this question. The third question is—I totally agree with this committee—that I believe that you all are asking and it's formally to have the Commission formalize an actual committee. I guess something I would like to ask when you bring that ask forward, and I'll make sure it gets to the appropriate standing committee, is that just a task force that looks at all those drugs and then you all, as a body, prioritize, based on the data, which one you focus on as being the priority drug kind of like as you're doing now with opioids. In that way, it's just not an opioid because that may be the drug of today. There may be some unknown drugs up tomorrow, and just kind of having this committee in place to be able to confront those issues as they arise and look at the data and be able to project resources or project the type of collaboration you need to address the situation effectively. I think just boxing it into just opioids, that's just my thought, I just would like to see a broader, across the board where you're just facing all illegal narcotics and then you all can make the decision to prioritize which one you're going to focus your resources on.

Ms. VanLiew said I couldn't agree more, Mr. Mayor. That's absolutely how this should be approached and because so many of the prevention strategies work on multiple types of addiction, right, or multiple substances, right, so there's a way for us to understand which are the evidence-based practices that are going to be able to prevent the most number of types of drug use, right? So, there are some that are opioid-specific response items, but there are others that

will prevent opioid use but also prevent a lot of other substance use. So, how do we make sure that those are a core part of the plan and then we're hitting as much of this prevention as possible? But 100%, that would be our preference actually to have a broader substance misuse task force that can take on opioids and then whatever is next.

Mayor Garner said yeah, I would ask that. That way, I can afford that. Obviously, right now, opioids is priority and so then that's great.

The other thing I just would like for you to take just another look at sustainability because I heard you mention technology and other resources. Just from my experience, technology changes all the time. There may be new technologies that arise that may be necessary or needed to confront that unknown drug or that unknown crisis that's there. I don't want you all to limit yourself saying well we've got the 2.5 when we set up this infrastructure, but when you've exhausted that infrastructure 5, 10 years down the road, I mean, you want to be able to have the means to at least come back to the Commission, whatever Commission it is at that time, and say we need funding for whatever you've decided is priority at that time. So, if you can send a recommendation to that and to me and the Administrator, I'll make sure that I move that forward for you.

Ms. VanLiew said perfect. Thank you, Mr. Mayor, and thank you commissioners for your time this evening.

Action: For information only.

Item No. 3 – 211828...REPORT: ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE PERIOD ENDED 12/31/21

Synopsis: Presentation of the Unified Government's Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2021, submitted by Kathleen VonAchen, Chief Financial Officer, Debbie Jonscher, Deputy Chief Financial Officer, and Pamela Kahao, Accounting Manager.

Action: Removed per blue sheet.

Item No. 4 – 211829...UPDATE: FINANCE ASSESSMENT

Synopsis: Update of Finance Assessment, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action: This item was heard first on the agenda.

Mayor Garner said thank you all so much. That concludes the Administrator's Agenda.

MAYOR'S AGENDA**Item No. 1 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS**

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

Mayor Garner said I made a commitment to let the public and the Commission know just as events unfolded as far as the county administrator search, the process, where we're at. There was a committee that was put together that reviewed all the candidates for the search firm. What was brought forward to me, and I concur with the recommendation that the search firm that we're looking at selecting, is going to be Strategic Government Resources or SGR.

They've worked with other municipalities in the metro area and they were deemed to be the best out of the candidates that were brought forward. So, we'll be moving forward with them.

If you didn't catch it, again, Mayor Harrington of Bonner Springs will be the chair of the selection committee task force in this process, and Bill Johnson, the General Manager of the Board of Public Utilities, will be the co-chair.

I don't believe that all the commissioners have brought forward their two candidates. I don't know. I know that Commissioner Bynum and Commissioner Burroughs were kind of working with the commissioners to bring forth those individuals that are going to be a part of this task force with the selection task force. Is there an update either one of you would like to provide as far as where we're at?

Commissioner Bynum said there were only a couple of remaining commissioners that yet need to bring forward their names, is what I'm aware of. Alley is agreeing.

Alley Porter, Commission Liaison, said yes, Mayor, I believe we are very close on solidifying our committee. Almost all commissioners have at least submitted one name. A few are still looking for their alternate. So, that's where we are, but we should have a final list by August 1st.

Mayor Garner asked, any movement with the commissioners that we're still—conservations with them as far as communication on where they're at.

Ms. Porter said yes. They know who they are. **Mayor Garner** said they're waiting on their response. **Ms. Porter** said yes.

Mayor Garner said so moving forward, again, let me just recap this process for those that may have missed it. We've got the search firm selected. The task force, the co-chair, and the chair have agreed and they're coming on board. Our at-large commissioners, along with our eight regular commissioners, are picking two task force members. One will be a primary, the second one will be basically a backup. They will work with the selection commission committee to gather information from employees, from the community, as well as the business community on what they would like to see in the county administrator as well. That information will be correlated with the search firm, and a call of interest will be put out based on that information as well as information as far as best practices are concerned as determined by the search firm.

Ultimately, they will glean candidates and go through resumes, the firm. I won't have any involvement. This Commission won't have any involvement in that process. The ask that I have with the task force is when it's all said and done is to narrow it down to three candidates. Those three candidates will go through a one or two-day process of evaluation. From that, narrow it down to two recommendations, a primary recommendation and a runner-up recommendation that I can interview and then ultimately make that appointment and bring that person before the Commission for their consent.

So, that's that process.

Commissioner Townsend asked in the process you just mentioned, will the Commission, when these candidates are narrowed down to two, three, one or two, have an opportunity to meet, talk, to question before any final recommendation is made?

Mayor Garner said yes. I apologize. I left that out. Once the task force brings forth their three candidates and they go through their battery of assessments, they'll narrow it down to two, the two, even before I get to have interaction with the two recommended candidates, the Commission will have that opportunity.

Just because of charter considerations, there won't be any recommendations sought from the Commission. What would be brought forward to the task force would be just your overall impressions of what you liked, what you didn't like, and that's just to keep in line with the limitations that we all have as elected officials when it comes to personnel matters, by charter. Does that answer your question?

Commissioner Townsend said yes, it does. I appreciate that. I think that's essential and it's funny because probably likes, dislikes will sound a whole lot like a recommendation whether it's taken or not, but I think that's essential that the body had that. Thank you.

Mayor Garner said now I say that respectfully to the task force. Ultimately, the task force will define and outline that process. I'm just giving a general overview of kind of what I would like to see but, ultimately, the task force, independent of me, will outline this process and they'll make that determination. The only thing that I'm ultimately asking is that I have two candidates to interview once the process is completed, hopefully, can make an appointment and get that appointment to you all for review and consent

Action: For information only.

Mayor Garner said that takes us to the Regular Consent Agenda.

REGULAR CONSENT AGENDA

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve all as submitted.

Mayor Garner said I have a motion and a second to approve the Consent Agenda as is. Is there any further discussion? Seeing none, roll call, please.

Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum Burroughs, Townsend, McKiernan.

Item No. 1 – 211741...RESOLUTION: AUTHORIZING KANSAS CITY, KANSAS POLICE DEPARTMENT TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE KANSAS CITY BOARD OF POLICE COMMISSIONERS

Synopsis: A resolution authorizing the Unified Government Kansas City, Kansas Police Department to enter into an Interlocal Cooperation Agreement with the Kansas City Board of Police Commissioners, Kansas City, Missouri Police Department, submitted by Casey Meyer, Senior Counsel, and Chief Oakman, KCK Police Department. The agreement, as submitted, has been reviewed and approved by the Attorney General’s office for compliance with KSA 12-2904. On June 27, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-39-22**, “A resolution authorizing the approval of an interstate compact agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and Kansas City Board of Police Commissioners regarding the provision of investigative assistance in officer involved critical incidents.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211576...RESOLUTION: 2022-2026 CONSOLIDATED PLAN AND 2022 ANALYSIS OF IMPEDIMENTS

Synopsis: A resolution of the Draft 2022-2026 Consolidated Plan and 2022 Analysis of Impediments to Fair Housing Choice (AI), Submitted by Wilba Miller, Director of Community Development. On May 23, 2022, the Administration and Human Services Standing Committee,

chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-40-22**, “A resolution authorizing the submission of a five-year consolidated plan to the U.S. Department of Housing and Urban Development and authorizing the implementation of such plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211785...ORDINANCE: AMERICAN RESCUE PLAN ACT (ARPA) REALLOCATION OF REVENUE REPLACEMENT FUNDS

Synopsis: Approval of an ordinance and resolution to reallocate ARPA funds to reflect revised revenue replacement calculations, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On July 11, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **JOINT ORDINANCE NO. O-106-22 AND RESOLUTION NO. R-41-22**, “An ordinance and resolution for the approval of adjustments to the Federal Local Fiscal Recovery Funds used for revenue replacement needs by the Unified Government as part of the American Rescue Plan Act.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance/adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211826...PLAT: SUBDIVISION FOR SASS ADDITION

Synopsis: Plat of Sass Addition located along the west side of 115th Street between Leavenworth and Donahoo roads, being developed by John Sass, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 – 211831...PLAT: SUBDIVISION FOR DAVIS GARDEN

Synopsis: Plat of Davis Garden, located at 5917 N. 123rd Street, being replatted by Britt and Rebecca Davis, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 211545... NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Ashley Williamson to the UG Park Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Bynum
- Rocki Mayes to the Wyandotte County Library Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Burroughs
- Micki Hill to the Wyandotte County Library Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Johnson

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

Item No. 7 - MINUTES

Synopsis: Minutes from the special session of June 16 and June 30, 2022.

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

Item No. 8 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 16, June 23, June 30, and July 7, 2022.

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

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity. I’ll bring us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda?

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.

Mayor Garner said I have a motion and a second. Is there any further discussion?

Commissioner Townsend asked, will this be—well, we'll still be doing the Planning and Zoning Agenda after this. **Mayor Garner** said yes.

Mayor Garner said for those of you—Commissioner Markley brought up a good point.

Those of you that are worrying about the Planning & Zoning. We haven't gotten to that portion. That will be the last item. We're just running through this last item as far as the Land Bank, and then we'll get into the Planning & Zoning.

Mayor Garner said I believe there was a motion and a second for the Land Bank. Is that correct? **Ms. Sparks** said yes. **Mayor Garner** asked, is there any further discussion? Seeing none, roll call, please.

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

Item No. 1 – 211790...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

- A. New Construction – single-family homes – 15 homes
 - 1. Aaron Lawrence – 1 home
1716 Southwest Blvd. – 905524
 - 2. Ashleigh Downs – 1 home
3224N 44th Terr. – 172219
3224R 44th Terr. – 914010 – landlocked unbuildable parcel
 - 3. Mark Roth – 1 home (3 total)
2610 N. 57th St. – 036211
 - 4. Mark Roth – 1 home (3 total)
5711 Yecker Ave. – 920418
 - 5. Mark Roth – 1 home (3 total)
2725 N. 59th St. – 920416
 - 6. 4036 Properties – Dewanna Williams – 3 homes
2922 N. 30th St. – 099308

- 2914 N. 30th St. – 099309
 2910 N. 30th St. – 099310
7. Brian Sparks – 1 home
 3509 Lust Dr. – 079408
 8. Norlito C. Castillo Jr. – 2 homes
 840 Ann Ave. – 081349
 925 Ann Ave. – 080652
 9. James Michael – 1 home
 812 S. 10th St. – 072811
 10. Communities Cares, LLC
 2 homes built on 4 lots – 75 ft. frontage per home
 1914 N. 6th St. – 140712
 1920 N. 6th St. – 140711
 1922 N. 6th St. – 140710
 1926 N. 6th St. – 140709

 1 home built on 3 lots – 75 ft. frontage total
 1927 N. 6th St. – 140635
 1929 N. 6th St. – 140634
 1931 N. 6th St. – 140633
- B. Multi Family – 19 units total
1. Shonda Gonzales – 4 units
 1620 N. 75th Dr. – 928715
 2. Stone & Bush Homes, LLC – parking lot
 1001 Brown Ave. – 210009
 Currently owns – 3061 Parkwood Blvd. – 210013
 3. Wall-Ties & Forms, Inc. – 15 units
 Townhomes
 835 Parallel Ave. – 095058
 831 Parallel Ave. – 095057
 827 Parallel Ave. – 095056
 825 Parallel Ave. – 095055
 834 Troup Ave. – 095059
 830 Troup Ave. – 095060
 843 Parallel Ave. – 095068
 851 Parallel Ave. – 095069
- C. Commercial – 1
 Mohammad A. Chaudhry – parking lot
 706 Quindaro Blvd. – 111910
- D. Garage – 1
1. Teriona Emery
 1037 Grandview Blvd.
 Currently owns – 1035 Grandview Blvd. – 080568

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

Item No. 2 – 211791...LAND BANK PROPERTY TRANSFERS

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

Property Transfers – 4

1. Rebecca Davis
5911 N. 123rd St. – 234011
Currently owns – 5917 N. 123rd St. – 234010
2. City of Bonner Springs, KS
455 N. Bluegrass Dr. – 228408
3. UG Transfer to Land Bank
426 N. 78th St.
4. UG Transfer to Land Bank
621 Village West Parkway

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adjourn. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan.

Mayor Garner said we are now going to start the Planning & Zoning session of our meeting.

PLANNING AND ZONING CONSENT AGENDA

I’ll ask the Clerk to read the statement, required by state law, governing the Planning & Zoning portion of this meeting, followed by the items on the Planning & Zoning Consent Agenda.

Monica Sparks, Acting UG Clerk, read the statement, required by state law, governing the Planning & Zoning portion of the meeting.

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the Planning & Zoning Agenda? **Commissioner McKiernan** said I've had contact with proponents of SP2021-069 and contact with opponents of SP2022-059. **Commissioner Stites** said I've had contact with proponents of SP2021-069. **Commissioner Kane** said same as Commissioner Stites.

Monica Sparks, Acting UG Clerk, read the items on the Planning & Zoning Consent Agenda.

Mayor Garner said, Clerk, Commissioner Stites has another disclosure. **Commissioner Stites** said I apologize but I didn't realize, but I have had correspondence with PR2022-021 and also PR2022-022.

Mayor Garner asked, does any member of the Commission, the County Administrator, or the public wish to set-aside any item on the Planning & Zoning Consent Agenda? **Commissioner McKiernan** said I'd like to set-aside SP2021-069. **Gunnar Hand, Director of Planning & Urban Design**, said staff has received a request for SP2022-060 to be pulled from the Consent Agenda, and staff would like to remove SP2022-061 as well.

Mayor Garner said just as a note, if any item is not set-aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission.

Mayor Garner asked, Clerk, did you receive a request for a set-aside as well? **Ms. Sparks** said Mr. Hand has already pulled that item.

Mayor Garner said I'll ask if anyone in attendance would like to set-aside an item. If so, please come to the podium, state your name and city for the record, and the agenda item to be set-aside.

I'll ask the Clerk if anyone is joining us virtually that has their hand raised to set-aside an item. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will entertain a motion for approval of the Planning & Zoning Consent Agenda, excluding the set-asides.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all items as submitted.

Mayor Garner said there's a motion and a second. Clerk, roll call.

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

CHANGE OF ZONE APPLICATION

Item No. 1 – 211834...CHANGE OF ZONE APPLICATION COZ2022-021 - JEFF WIDENER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure for tractor and equipment at 3616 Pomeroy Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Jeff Widener, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 3616 Pomeroy Drive. The Change of Zone has been requested so that the applicant can add a garden utility building for tools and lawn equipment without the requirement of a single-family dwelling. The Applicant resides next door and maintains the property which is currently vacant grassland with some trees and brush. The Applicant's residential parcel has steep slopes and rolling hills, making it difficult for the Applicant to put the structure on the residential parcel without clearing the timber stand. Because of the difficult sloping terrain, the Applicant wishes to build the utility shed on the adjacent subject property, although its current zoning ordinances do not allow for an accessory structure without a primary residence. The property owner has no desire to build a second residence on the adjacent parcel but does want to maintain it while vacant accordingly. The Applicant wishes to keep the parcel vacant from a residence as he may want to sell it in the future and allow a new owner to build a home to their liking. There is evidence to suggest a downzone from a prior agricultural use, as there were two (2) previous accessory structures without a residence until their demolition in 2003 from storm damage. The Change of Zone has been requested, so that the Applicant can maintain a utility

shed on the parcel without the need to build a primary residence. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-021, subject to:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
2. A right of way permit may be required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
4. A cross-access agreement shall be filed with the Recorder of Deeds;
5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-021, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 - 211835...SPECIAL USE PERMIT APPLICATION SP2021-069 - PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR

Synopsis: Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP2019-82 expired 9/26/2021) at 451 S. 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking. The Planning Commission voted 6 to 0 to recommend denial of Special Use Permit Application SP2021-069, for the following reasons:

- 1) Applicant did not submit required design documents after a 60-day holdover by the City Planning Commission on May 9, 2022;
- 2) Applicant did not submit required design documents after a 30-day holdover by the City Planning Commission on April 11, 2022; and,
- 3) Applicant did not complete required conditions of approval from SP-2019- 82;
- 4) Applicant did not submit required design documents.

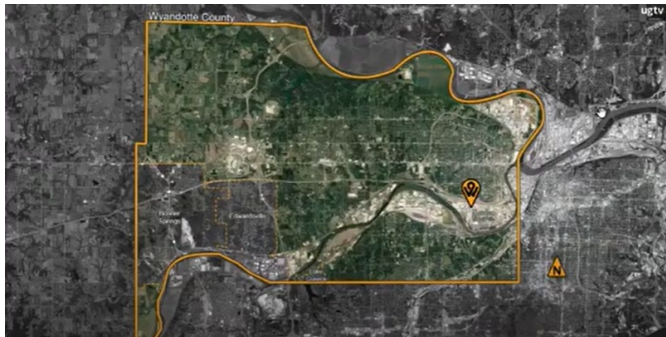
Mayor Garner said I'll ask Mr. Hand to make some opening remarks.

Case		ugtv
SP2021-069		
Petitioner	Address	
Prabhjot Singh Padda	451 S 14 th Street Kansas City, KS 66105	
Synopsis		
The renewal of a Special Use Permit to continue to operate a Semi-Truck Light Repair Shop and Truck and Trailer Parking Lot.		

Gunnar Hand, Director of Planning & Urban Design, said staff agrees with the Planning Commission's recommendation for denial. The applicant had requested a 60-days continuance, which is the code maximum. The Planning Commission had provided them an initial 30-days continuance and did not want to give them another 30 days. At the Planning Commission's hearing earlier this evening, we have not received all the information that's required to finish our staff report. Staff agrees with the Planning Commission recommendation.

Mayor Garner said I'll ask the applicant or representative to present their application, and to state your name for the record and your address as well.

Wil Anderson, BHC, 712 State Ave., appeared representing United Truck Repair, the applicant. It's a bit of a story. The first special use application went through in September of 2019. This is a small family company run by a father and two sons. They went into the years 2019 heading into 2020.



Struggled with the actual effects of the COVID, supply issues and that continued.



When their renewal came up for action in September of 2021, I wasn't in the process of that stage.



Later in the time, Rob Richardson rang me and asked me to get involved.



The staff report that came out on items to be carried out were far more onerous than the original. I will note that they did not carry out some of the stipulations, so I'm only interested in trying to keep their head above water.



July 28, 2022

In early 2022, Rob Richardson asked us to get into a meeting and we were met with Director Hand, the code guy in the department. We went, we met and talked about the items. The site itself is about two acres. One of the big sought items was to have the site paved and that's two acres. This is a small company and the cost to do that is huge for them. Director Hand offered to sort of work with them to phase it in, but part of the deal was basically they had to raise funds to be able to afford to put that down. Initially, BHC looked at it and looked at some way to reduce the cost, but the majority of it was they had area there that they looked at just paving specifically and that came out to about \$250,000. We got the engineers back down there. They looked at the surface, which is a patchwork concrete surface.

The trucks that were going over, they're empty tractor trailers. The trailers are empty. They back the trailers in. The surface itself seemed to stand what was going on. There are cracks on the surface.



We took that to Director Hand through an email, suggested what we were doing. He was concerned about the cracks in that.

In the meantime, the United Truck Repair was trying to raise funds. Right at the end, we went through two meetings. Director Hand is correct. We were given the timeframe. We delayed. We got the extra two months. Right at the end of it, they were able to raise \$60,000. They immediately went into the process of constructing a new concrete entry into the place.

July 28, 2022



They paved the area up to the workshop and did patchwork paving on it. They also effectively planted trees, did up the fence better than what it was, shifted some of things but that expended the funds that they had.

We went to the meeting, the last meeting, which was two weeks ago. We did have the 60 days and, basically, it was voted denial. What we're looking for is an additional chance now that they've spent the \$60,000. There are some items. They've patched most of the concrete and we're at that stage now.

Again, this is just a small family company and they're trying to work through some of the deals that they've got. Answer any questions.

Mayor Garner said I'll now open the public hearing and ask the Clerk if she received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium, state your name and address for record. You'll be given up to three minutes to make your comments. Seeing none.

Is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner asked, Clerk, have you received any direct notification from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium, state your name and address for the record. You'll be given up to three minutes to state your comments.

Is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged. Once acknowledged, state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing comments? The petitioner has declined closing comments.

Mayor Garner asked, do any members of the Commission have any comments or questions? **Commissioner McKiernan** said I'm hoping my outcome that I would like to see out of this is exactly what is in the minutes of the Planning Commission report. It says the Planning Commission could grant another 30-day extension if the Commission so chooses. I would propose that we do just that.

The applicant did call me. I visited the site. I do believe that they are genuine about their intent to improve the site to the best of their ability. I'm a little concerned that they have not completely turned in the materials that are required of them, and that goes against what they verbalized to me their intent was. I'd like to give them another 30 days in which to both show the fruit of their labor and their investment, and complete the submission of all the necessary materials to be fully considered by the Planning Commission. I will make a motion in that regard.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum to grant a 30-day extension as stipulated above.**

Mr. Hand said point of clarification, Commissioner. Would you like that to be remanded back to the Planning Commission in August, at our August 8th hearing? **Commissioner McKiernan** said that would be fine. **Mr. Hand** said we can do that and then after that, again, the code only allows an additional 30 days. So, September is their last chance at the Planning Commission to provide those materials otherwise we have no other choice. That basically gives them three to four weeks to produce those materials from today.

Commissioner McKiernan said I appreciate that and given the fact that they're already on notice that they should have already produced those materials, I am confident that will be plenty of time.

Mayor Garner said I had a quick question. Mr. Hand, again, could you describe why you recommended denial.

Mr. Hand said yes. We didn't receive all the materials that were required, after multiple extensions by the Planning Commission, to complete our staff report. We don't have plans. We don't have a phased approach. We don't have other requested information that we've had. This applicant submitted their original application about a year ago, last September. Since Mr. Anderson has been with them, he's known very well that all the requirements that we had since the initial meeting he's referenced with staff, that was about five months ago now. So, after repeated continuances, we have still not been provided the information we've requested for. We can't write our staff report.

Mayor Garner said there is a motion. I believe, Commissioner McKiernan, did you modify your motion? You made a motion.

Commissioner McKiernan said I made the addition to the initial motion and then Mr. Hand just clarified the timing of when that would play out, but my motion still stands to remand back to Planning Commission for the opportunity to submit all materials.

Mayor Garner asked, and there's a second? **Ms. Sparks** said there is. **Mayor Garner** said there's a motion and a second. Is there any further discussion? Seeing none, roll call.

Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211836...SPECIAL USE PERMIT APPLICATION SP2021-090 - DANA BLAY WITH DBL ARCHITECTURE, INC.

Synopsis: Special Use Permit for a liquor store at 146 S. 18th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Dana Blay with DBL Architecture, is requesting a Special Use Permit for the operation of a new liquor store. The liquor store will be operating in a new building, proposed to be constructed at 146 South 18th Street, the site of an existing liquor store. The current liquor store building is proposed to be demolished, but the ownership of the liquor store business will remain unchanged. The increased size of the new liquor store will require more parking spaces, which the site design will not be able to accommodate; the increased size will also create smaller setbacks from the parcel boundary lines for the building itself as well as the parking spaces; and the boundaries of the subject property are within 1,300 feet from both a church and a park. Therefore, the applicant is simultaneously requesting six (6) variances with the Board of Zoning Appeals. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2021-090, for two (2) years, subject to:

1. Per Section 27-575(d)(8), internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users;
2. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch vertical curb; trellis; special railing; bollards; special paving; low seat wall or other architectural features; pedestrian scale lighting; and, traffic calming devices;
3. Per Section 27-577(a)(5), Landscaping shall exceed the typical code requirements by at least 75 percent;
4. Per Section 27-577(b)(1), new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblane of a private easement;
5. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
6. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;

7. Per Section 27-577(d)(1), at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
8. Per Section 27-577(e)(1), parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;
9. Per Section 27-578(b)(3), minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment;
10. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. This City Planning Commission case is being heard in conjunction with BOZA2021-041. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Appeal BOZA2021-041 by the Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 10,019 square feet, requiring two (2) trees be provided on the site plan.
18. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
19. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;

20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-090, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211837...SPECIAL USE PERMIT APPLICATION SP2022-056 - TOBIAS SANDOVAL SUAREZ

Synopsis: Special Use Permit for the Temporary Use of Land to store construction equipment at 3914 N. 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59th Street.

The Planning Commission voted 6 to 0 to uphold its previous recommendation and recommends approval of Special Use Permit Application SP2022-056, for two (2) years, subject to:

1. Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;
2. Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;
3. For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;
4. The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.
5. The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;
6. Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;
7. Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;
8. Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;
10. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).
12. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be

renewed per Sec. 27-593(a)(27). The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-056 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211838...SPECIAL USE PERMIT APPLICATION SP2022-057 - EDWARD J. BAIN

Synopsis: Home Occupation Special Use Permit for a Short-Term Rental at 1324 N. 75th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, and property owner Edward Bain, is applying for a Home Occupation Special Use Permit to operate a short-term rental at 1324 North 75th Drive. This is the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-057, for two (2) years, subject to:

1. Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it does not fall over and that all gates open/close safely;
2. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
3. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
4. Applicant is to maintain liability insurance;
5. The property must remain in proper maintenance and free of hazards, pests, or infestations;
6. The granting of this Special Use Permit does not transfer with a change of ownership of the property;

7. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc. "This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
11. Maximum number is (6) people and four (4) cars total; and,
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-057 for two years, subject to the stipulations. Roll call was taken and there were nine

“Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 – 211841...SPECIAL USE PERMIT APPLICATION SP2022-060 - ESTER REED

Synopsis: Renewal of a Special Use Permit (SU20-00092 – expired 3/4/2022) for the Temporary Use of Land to store dump trucks and other construction equipment at 1610 N. 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Ester Reed, is requesting the renewal of a Special Use Permit (SU2020-00092, expired April 27,2022) to continue to park a dump truck at their residential property at 1610 North 51st Street. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2022-060, due to non-compliance of the approved stipulations from the last renewal.

Mayor Garner said I’ll ask staff to make some opening comments.

Case	
SP2022-057	
Petitioner	Address
Edward Bain	1324 N 75 th Drive Kansas City, KS 66112
Synopsis	
A Home Occupation Special Use Permit to operate a short-term rental at 1324 North 75 th Drive. This is the applicant's primary residence.	

Gunnar Hand, Director of Planning & Urban Design, said this is for a temporary use of land, a special use permit. It would be the, I believe, fourth approval, third renewal. The applicant, at their last approval a year ago, had said that they would only need one-year approval in order to find a permanent solution for their dump trucks. This application has been requiring multiple conditions of approval that have yet been met. They've met many of them. They have not met all of them namely the landscape screening that was required in the original SUP approval in 2014.

When staff did conduct their site visit, they noticed that there was more than the one allowed dump truck on the site. With all of those considerations, staff agrees with the Planning Commission recommendation of denial.

Mayor Garner said I'll ask the applicant or representative to present their application. It doesn't appear that they're here.

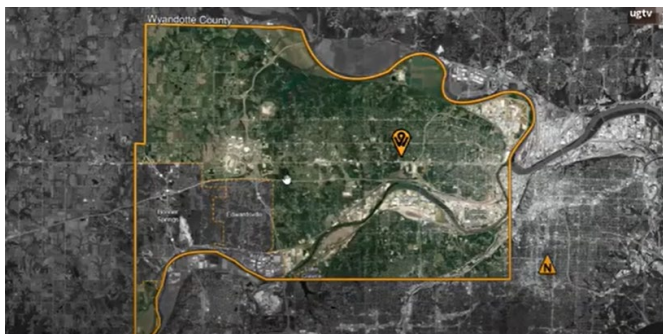
Mayor Garner said I will now open the public...**Ms. Sparks** said, Mayor, we received comment from the applicant that they were ill previously and that they are currently home in quarantine. They were going to try and join us by phone. I do have a phone number online that is unidentified. It's a number ending in 1299. I don't know if this is the applicant. They're not raising their hand.

Mr. Hand said they also were not in attendance at the Planning Commission hearing earlier this month.

Mayor Garner said I will now open the public hearing and ask the Clerk if she's received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for record. Seeing none.

Is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.



Mayor Garner said I'll ask the Clerk if she's received any direct notification from the public who wish to express their comments in opposition of this item. **Ms. Sparks** said no comments were received.



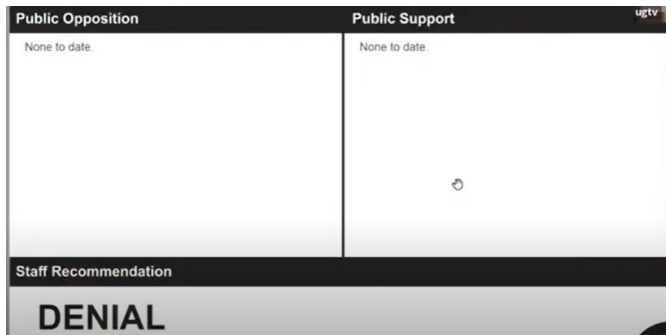
Mayor Garner asked, is there anyone present who would like to speak in opposition to this item? Seeing none.



Is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.



Mayor Garner said I will now close the public hearing.



Still no contact with the petitioner? **Ms. Sparks** said no activity online.

Mayor Garner said I'm going to open it up for questions and comments by our commissioners.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application SP2022-060.

Commissioner McKiernan said we need to clarify that in this case, the Planning Commission's recommendation was for denial. So, a yes vote upholds the Planning Commission's decision.

Mayor Garner said so there is a motion. Just for the record, you want to clarify your motion, Commissioner Bynum? **Commissioner Bynum** said motion to deny. **Mayor Garner** said, Commissioner McKiernan, did you have a second? **Commissioner McKiernan** said I do have a second. Again, I just want to remind us that we are voting yes to uphold the Planning Commission's recommendation for denial.

Commissioner Ramirez said I believe because don't we—if we deny, we have to provide a reason for denial don't we? **Mayor Garner** said I have a denial motion from Commissioner

Bynum, and Commissioner McKiernan, I just want to be clear. You're seconding that, correct? **Commissioner McKiernan** said I am not seconding an overturning of the Planning Commission's decision. I am seconding upholding the Planning Commission's decision because I do believe that is what Commissioner Bynum intended with her motion.

Commissioner Bynum said, Mayor, I would be willing to amend my motion to uphold the recommendation of the Planning Commission.

Action: **Commissioner Bynum amended her previous motion and moved to uphold the recommendation of the Planning Commission. Commissioner McKiernan seconded the motion.**

Mayor Garner said that's what I was looking for. We have a motion and a second. Is there any further discussion? Seeing none, roll call, please.

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

Item No. 6 – 211832...SPECIAL USE PERMIT APPLICATION SP2022-061 - TOM GIEFER WITH G&G HOLDINGS, LLC

Synopsis: Renewal of a Special Use Permit (SP2019-111 – expires 8/8/2022) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Tom Grier with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-061, for five (5) years, subject to:

1. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
2. The natural flow of the floodway and floodplain cannot be altered;

3. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
4. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b) Vibration or concussion perceptible without instruments at the property line.
 - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
5. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
6. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
7. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
8. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion

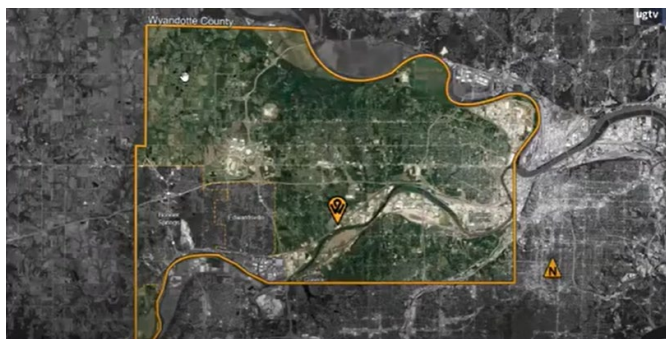
thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.

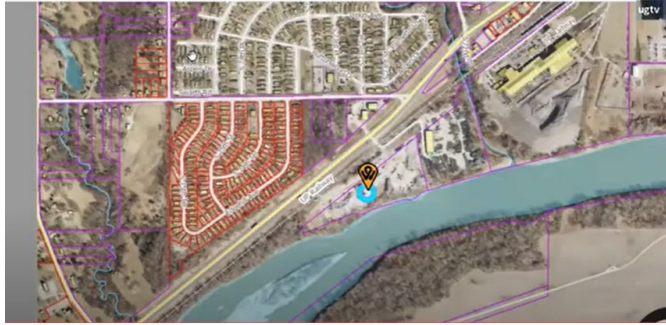
Mayor Garner said I'll ask Mr. Hand to make comment.

Case	
SP2022-061	
Petitioner	Address
Tom Grier	7241 Kaw Drive Kansas City, Kansas 66111
Synopsis	
To continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.	

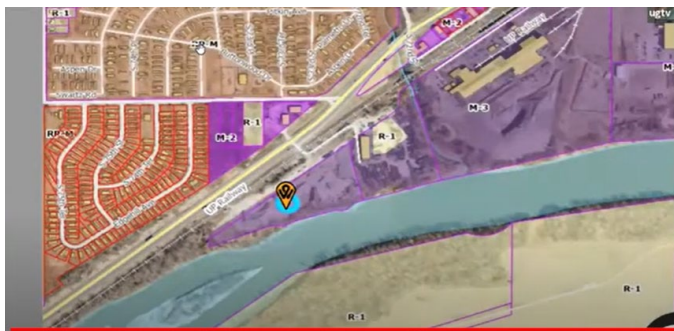
Gunnar Hand, Director of Planning & Urban Design, said this is a special use permit for a concrete storage and processing facility. This would be their first renewal, second approval.



This is in the City-wide Master Plan area in the Riverview, just south of Kaw Drive on the other side of the train tracks.



We received no letters to support, no opposition. There are a few old notices of violation that have been addressed as a part of this review.



Staff includes conditions of related to dust mitigation as well as removing all of the stockpiles that were previously in the floodway. This property is adjacent to the Kansas River. Nothing can be in the floodway zone.

The applicant had requested and the City Planning Commission had recommended approval for a five-year extension. Since the Planning Commission hearing, staff has identified additional information regarding this project. There's been a couple of near-miss and deaths entering and exiting the site, specifically train collisions.

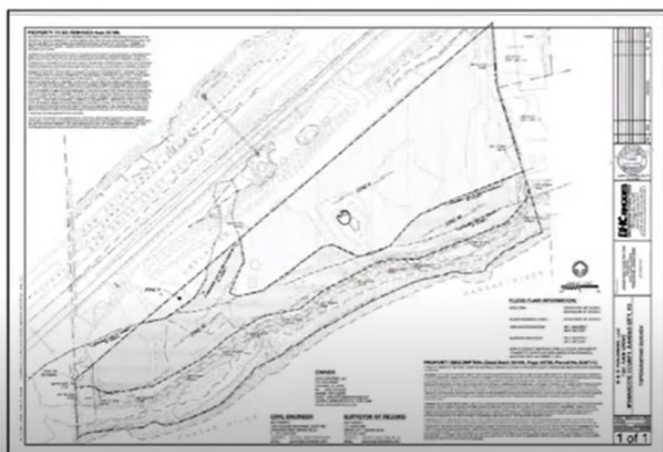
In our staff report where we collect the information and gather police reports, there was an error. We did not notice one police report. When we investigated that one police report, we found multiple media stories about other either near-misses or crashes, specifically at that entrance and exit to the property.

Again, these are dump trucks in front of trains. We all heard the news in the last month of the dump truck that was in front of the Amtrak train so this is not just the drivers, this is potentially a catastrophic issue, so staff would like it to be remanded back to Planning Commission so we can address the safety issues and potentially address the year amount of

condition of approval. It might be worth not giving them five. If these issues persist, we might want to give them less than and see if they correct themselves in that amount of time.

We can remand this back down to the August meeting. It's a quick fix in the staff report. We can move it forward in August, we think.

Mayor Garner said I'll ask the applicant or representative to present their application. Seeing none.



Mayor Garner said I will now open the public hearing and ask the Clerk if she's received any direct notification of those who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who'd like to speak in favor of this item? Seeing none.

[illegible]

July 28, 2022



Mayor Garner asked, Clerk, have you received any direct notifications from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Approval	

Mayor Garner asked, is there anyone present who would like to speak in opposition to this item?

Is there anyone joining us virtually who would like to speak in opposition of this item?

Ms. Sparks said no hands are raised.

Conditions of Approval
1. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit; Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it doesn't fall over and that all gates open/close safely; 2. The natural flow of the floodway and floodplain cannot be altered; 3. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate; 4. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit: a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3; b. Vibration or concussion perceptible without instruments at the property line; c. Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period; and, d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.

Mayor Garner said I'll now close the public hearing. I don't believe the petitioner is present, so I'm going to open it up for comments from our Commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to remand Special Use Permit Application SP2022-061 back to the Planning Commission's August meeting.**

Mayor Garner said we have a motion and a second to remand it back. Is there any further discussion? Seeing none, roll call, please.

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

Item No. 7 – 211833...SPECIAL USE PERMIT APPLICATION SP2022-062 - JOSHUA BRANDON WITH THE BAR KCK

Synopsis: Renewal of a Special Use Permit (SP2021-019 – expired 6/3/2022) to continue live entertainment at a drinking establishment at 6720 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Joshua and Allyson Brandon, are seeking the renewal of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants had previously stated to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. It has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-062, for two (2) years, subject to:

1. All entertainment must cease by at least 1:00 AM;
2. An I.D card reader shall be used while live entertainment events are occurring;
3. Doors and windows must stay closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104, f), including:

- o Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - o An I.D. scanner will be used at all times;
 - o At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 6. The windows and doors shall remain closed during any live entertainment events that increase that noise volume above normal bar operations;
 7. Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
 8. The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
 9. Live events shall not exceed more than three (3) per calendar week;
 10. The applicant has filed and maintained a current business occupation tax application and entertainment license;
 11. The applicant must obtain a sign a sign permit for all existing signs. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local

ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35- 468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-062 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 211842...SPECIAL USE PERMIT APPLICATION SP2022-065 - SAMIA GUESS

Synopsis: Special Use Permit for a Short-Term Rental at 2023 N. 85th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Samia Guess, is seeking the approval to operate a short-term rental at 2023 North 85th Street. The subject property is in a residential neighborhood that connects to Parallel Parkway with mixed residential and commercial uses. The applicant has recently purchased the home and has completed some renovations and upgrades. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-065, for one (1) year, subject to:

1. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It

is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

2. Applicant shall complete the remaining repairs prior to ordinance publication;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is four (4);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve for 1 year. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

VACATION APPLICATIONS

Item No. 1 – 211843...VACATION APPLICATION VAC2022-004 - DONNA ROSS

Synopsis: Vacation of right-of-way to install a fence at 2942 N. Bethany Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Donna Ross, is seeking to vacate a portion of right-of-way in order to fence in their yard to protect against wild animals at 2942 Bethany Street. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2022-004, subject to:

1. The applicant must remove all inoperable vehicles from the property, and work with Code Enforcement to correct and close out any existing violations;
2. The proposed fence that will be constructed shall not cover or impede the existing manhole cover that is on the property line;
3. All vehicles shall either be parked in the driveway, or on the street. Vehicles may not be parked on grass, or any other surface, besides a paved driveway, or on the street;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any

public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-004, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211844...VACATION APPLICATION VAC2022-005 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Vacation of a utility easement at 12750 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. : The applicant, Andrea Weishaubt with Atlas Land Consulting, is requesting to vacate a utility easement. The vacation is being requested in conjunction with a lot combination of two (2) single-family residential parcels and a variance from the maximum accessory building floor area for a proposed accessory building to be constructed in the side yard of the newly created parcel. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2022-005, subject to:

1. No accessory building which is not in compliance with Section 27-609(2) nor with the Prairie-Delaware-Piper Area Master Plan shall be constructed;
2. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. All existing and future driveways must feature curb cuts that are constructed to UG standards;
4. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
5. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
7. All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);

8. This City Planning Commission case are being heard in conjunction with BOZA2022-031. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-031 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-005, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATIONS

Item No. 1 – 211845...PLAN REVIEW APPLICATION PR2022-021 - ERIC GENTRY WITH VICTORY JEEP

Synopsis: Preliminary Plan Review to construct an auto dealership at 1701 N. 100th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Eric Gentry with Victory Jeep, is seeking approval of a preliminary plan to construct a new auto dealership at 1701 North 100th Terrace. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application PR2022-021, subject to:

1. Benches and trash receptacles shall be added in the final development plan;
2. Additionally landscaping on the west side of the building shall be added per the Commercial Design Guidelines;
3. On-site lighting shall comply with the Legends Auto Plaza Design Guidelines;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the

Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat.
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided; and,
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50- 06.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-021, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211846...PLAN REVIEW APPLICATION PR2022-022 - LYNN HOLCOMB WITH RECLAIMED MATERIAL YARD, LLC

Synopsis: Preliminary and Final Plan Review to construct a laydown yard at 11 and 47 S. 59th Lane and 5701 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Lynn Holcomb, with Reclaimed Material Yard, LLC, has filed a Preliminary and Final Development Plan and Preliminary and Final Plat to plat two (2) industrial lots (approved) to build a large laydown yard and three (3) administrative and maintenance buildings totaling 4,320 square feet on 91.14 acres. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR2022-022, subject to:

1. The Subject Property has been identified as being within a regulatory floodway and floodplain (Zone AE). The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
3. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
4. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:

- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
- b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
- 5. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved;
- 6. The laydown area needs to be further defined with drive aisles spurs leading to the storage pads, as the total storage area utilized for the outside laydown storage area is approximately thirty-nine (39) acres. The site plan is does not accurately reflect how materials will likely be stored within the laydown yard;
- 7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including a circular internal road, ground cover and storm water detention cannot be wholly covered with asphalt millings;
- 8. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall. The four (4) foot terrace shall be landscaped with shrubs and maintained annually.
- 9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
- 10. Utility easements shall connect with easements established in adjoining properties;
- 11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
- 12. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
- 13. The existing slope and vegetation on the north property line shall be preserved. Remove the "Existing trees to remain" note and change to "Existing trees to be preserved". This tree line effectively screens the laydown area and future building sites from the single-family homes to the north (across Kaw Drive) and the public along Kaw Drive;
- 14. The existing tree stands along the Kansas River shall be preserved. Add a note on the landscape plan;
- 15. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surrounding of the project to a maximum of one (1) tree per 15,000 square feet of site area. Based on site area, 91.14 acres, 265 trees are required to be planted. Per Sec. 27-701, existing plan material may be credited toward the minimum number specified for each zoning

category. Such existing plan material must, however, be in keeping with the intent of this division. Type, size, and location needs to be noted in the required landscape plan. As stated previously, preservation of the existing tree stand along Union Pacific Railway and Kaw Drive is of the utmost importance and those trees can count towards the required total;

16. One (1) street tree shall be planted per thirty (30) feet of frontage along South 59th Lane;
17. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
18. Fencing along South 59th Lane shall be a privacy fence, up to eight (8) feet in height. The fence may be wood or metal paneling and shall have masonry columns every thirty-two (32) feet running;
19. Sec. 27-470(d)(2) No equipment, material, or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
20. Sec. 27-470(d)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
21. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
22. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building. a. BPU transformer pad shall be completely screened on three sides with a privacy fence or 6-foot junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
23. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
25. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at (913) 573-8780;

26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-022, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

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

Item No. 1 – 211850...AN ORDINANCE rezoning property at 557 River Park Drive (0 Kansas Avenue) (COZ2022-016), from No Zoning District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-98-22**, “An ordinance rezoning property hereinafter described located at approximately 557 River Park Drive (0 Kansas Avenue), in

Kansas City, Kansas, by changing the same from its present zoning of No Zoning District to CP-2 Planned General Business District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211851...AN ORDINANCE authorizing a Special Use Permit (SP2022-044) at 557 River Park Drive (0 Kansas Avenue) for an entertainment venue for the Rock Island Bridge, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-99-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for an entertainment venue for the Rock Island Bridge at 557 River Park Drive (0 Kansas Avenue).” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211852...AN ORDINANCE authorizing a Special Use Permit (SP2022-029) at 6102 State Avenue for live entertainment in conjunction with a drinking establishment/restaurant, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-100-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for live entertainment in conjunction with a drinking establishment/restaurant at 6102 State Avenue..” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken

and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211853...AN ORDINANCE authorizing a Special Use Permit (SP2022-038) at 3900 Rainbow Boulevard for continuation of live entertainment in conjunction with existing restaurant/drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-101-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment in conjunction with existing restaurant/drinking establishment at 3900 Rainbow Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 – 211854...AN ORDINANCE authorizing a Special Use Permit (SP2022-048) at 8440 Gibbs Road to continue to store boats, trailers, vehicles, construction equipment, and farm equipment for retail sale, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-102-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, to continue to store boats, trailers, vehicles, construction equipment and farm equipment for retail sales at 8440 Gibbs Road.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 211855...AN ORDINANCE authorizing a Special Use Permit (SP2022-035) for continuation of a community motorcycle garage with live entertainment and alcohol at 10 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-103-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a community motorcycle garage with live entertainment and alcohol at 10 South James Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 7 – 211856...AN ORDINANCE vacating right-of-way (VAC2022-002) at 205 N. Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-104-22**, “An ordinance vacating all that part of a 15-foot wide alley adjoining Lot 16, in Block 4, Orchard Place, s subdivision of land recorded May 23, 1888, in Plat Book 4, Page 25, in the City of Kansas City, Wyandotte County, Kansas, located at approximately 205 North Orchard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 211859...AN ORDINANCE authorizing a Master Plan Amendment (MPL2022-010) at 557 River Park Drive and 0 Kansas Avenue from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan), submitted by Gunnar H. Hand,

Action: **ORDINANCE NO. O-105-22**, “An ordinance authorizing a Master Plan Amendment pursuant to Chapter 27 of the Unified Government Code, whereby adopting MPL-2022-010 and amending the Armourdale Area Master Plan for the property from None to Parks/Open Space, Public/Semi-Public and Regional Commercial for property generally located at 557 River Park Drive and 0 Kansas Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

Item No. 1 – 211840...SPECIAL USE PERMIT APPLICATION SP2022-059 - KC CABINS, LLC

Synopsis: Special Use Permit for a Short-Term Rental at 10 S. Hallock Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, LaTonya Pegues with KC Cabins LLC, is seeking approval to operate a short-term rental with event space at 10 S. Hallock. The subject property is in the Strawberry Hill neighborhood. The subject property sits on top of a large hillside and was a large single-family residence that was converted into a mixed-use building to accommodate a home office on the lower level for a former owner. The office area of the structure has a kitchenette and office rooms which, the Applicant is proposing to use for small gatherings such as baby showers and birthday parties. The home is set to be demolished as the site is approved for a future high-rise apartment development. The Planning Commission voted 4 to 2 to recommend approval of Special Use Permit Application SP2022-059 for one (1) year for the short-term rental, subject to:

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 2) Maximum number of overnight guests shall be six (6);
- 3) All parking must be off-street, maximum number of overnight guest vehicles is three (3);

- 4) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 5) Applicant must maintain liability insurance;
- 6) Applicant must maintain the property's physical condition through the duration of the permit;
- 7) All reservations shall be a minimum stay of 24 hours;
- 8) No meals shall be prepared in the dwelling by the owner or owner's agent;
- 9) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 11) The property must remain in proper maintenance and free of hazards, pests, or infestations.
- 12) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

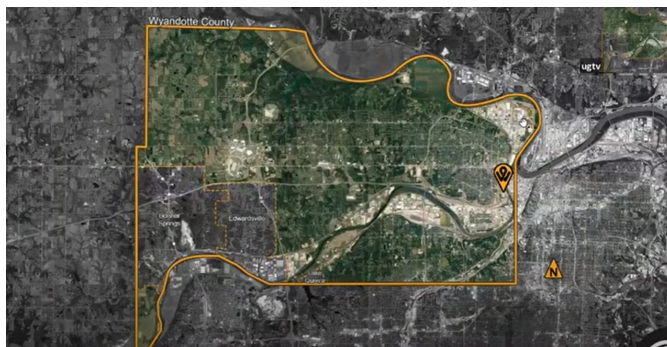
submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner said the recommendation was a 4-2 vote, I take it. I'll ask Mr. Hand to make some remarks.

SP2022-059	
Petitioner	Address
LaTonya Pegues DBA KC Cabins LLC	10 S. Hallock Kansas City, KS 66101
Synopsis	
A Special Use Permit for a short-term rental. The home is set to be demolished as the site is approved for a future high-rise apartment development. At the July 11, 2022 City Planning Commission, the applicant withdrew this proposed use for the same property as an events space.	

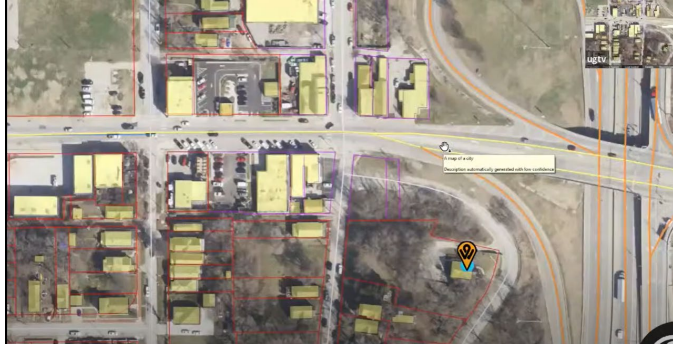
Gunnar Hand, Director of Planning & Urban Design, said this application is for a short-term rental. This would be their first application for a short-term rental. At the Planning Commission hearing, the original application for both a short-term rental and an event space was amended to remove the event space. So, before you this evening, again, is just the short-term rental.

This property is also the same property associated with the proposed 505 Central project. It came to the attention in the review of that project that that current building on the property was operating without a special use permit, therefore, there was a stop work order cited for the property in order for them to come in and to apply for a special use permit.



This is in the Central Area Master Plan, again, just off Central Avenue at Hallock & 6th.

We received no letters of support. There was one letter in opposition.

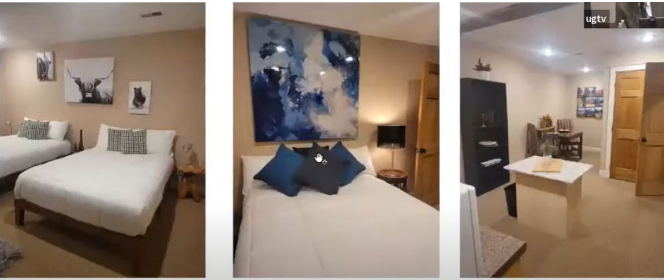


There were multiple members of the public at the Planning Commission in attendance in opposition. I mentioned the stop work order. There were no notices of violation on this property. The short-term rental is recommended for six guests and three cars. Staff recommends approval for one year. Staff agrees with Planning Commission's approval for one year.



Mayor Garner said I'll ask the representative to present the application. Seeing none.

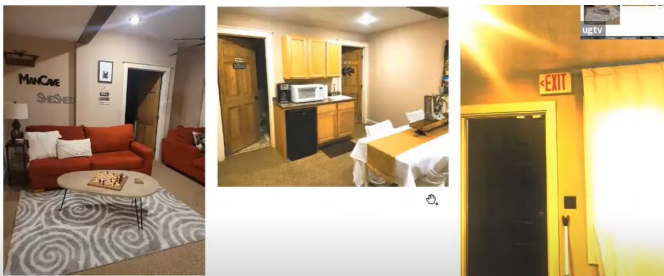
July 28, 2022

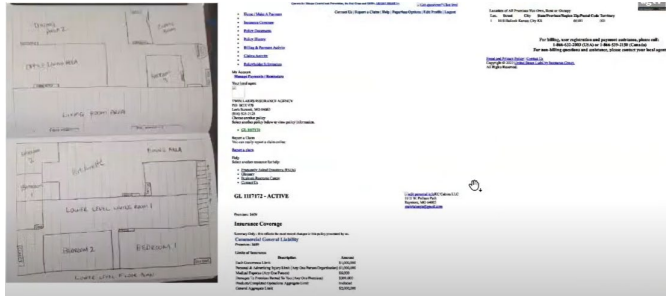


I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wished to express their comments in favor of this item. **Ms. Sparks** said no comments were received.



Mayor Garner asked, is there anyone present who would like to speak in favor of this item? Seeing none.





Is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Public Opposition	Public Support
The applicant received one letter of opposition. Multiple members of the public attended the July 11, 2022 City Planning Commission to express opposition to the project.	None to date.
Staff Recommendation	
Approval	

Mayor Garner asked, Clerk, have you received any notifications from the public who wished to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? Seeing none.

Is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. I don't believe the petitioner is present. I'll open it up for comments from our commissioners.

Commissioner McKiernan said I'm going to need some direction from my fellow commissioners on this one. I do think that there's tremendous potential benefit for short-term rentals. As an aside, I think we need a short-term rental license process rather than a special use permit process. That'll be for another day.

Even though I think there's tremendous benefit to short-term rentals, I am just increasingly frustrated with short-term rental operators who come into Wyandotte County from outside the community and don't think to check with the local municipality to see if there are ordinances or regulations that must be followed to open and operate a short-term rental.

I mean, this is an operator who's sophisticated enough to file with the Attorney General's Office to create a limited liability corporation, but they don't bother to check and see if there are local municipality ordinances and regulations that they have to follow.

The UG's had a rental license requirement in place since I believe the late '90s. Although there is no requirement that a short-term rental have a rental license, the presence of our current rental license for decades, I would think, would prompt anyone who wants to open a short-term rental to at least check with the local government to see what the regulations are. So, I look to my fellow commissioners for insight on my position.

Mr. Hand said, commissioners, if I may. With the recent creation of the ordinance studies section in the Planning & Urban Design Department, we are currently working on a short-term rental ordinance to do just that. Secondly, all of the platforms: Airbnb, Vrbo, you name it, they all say to their users, that you need to confirm and check to see if there's any local ordinances to approve, so this is not out of the blue. We have the information on our website. Again, it's well aware when they come to apply for a business license, they're told these things.

Commissioner McKiernan said then I have to say, I'm at a loss for why we end up here with the track record of this operator having hosted guests without getting the proper permits.

Patrick Waters, Deputy Chief Counsel, said I guess I would just state, understanding the frustration, I don't think that the failure to properly apply in the past is a sufficient planning reason to deny tonight. So, I guess, if there's a request for denial, I would look at the standard planning factors.

Commissioner Ramirez said, Mr. Waters, what you're saying is, if we were—say Commissioner McKiernan were to make a motion for denial based on them not following our

code of ordinances based on business and licensing and what have you, that would not be sufficient enough.

Mr. Waters said yes, Commissioner. We accepted the application. We let them go through the process. By doing that, we basically said we're going to judge you based on our standards. We could draft something in the code where if you don't apply, you're somehow penalized. You don't get to apply for another year. You have to get on a waiting list or something. So, we could put something into the code that would penalize people who do this, but having accepted the application and having the process started, we just have to judge based on the standard factors.

Commissioner Ramirez said I share in your frustration, Commissioner McKiernan. Clearly this is a business that researched, knows how to research and how to research the state laws and the state requirements to become an LLC. That's a process in and of itself creating a board of directors, looking up, creating a charter, whatnot and what have you, but not come down to the local level where you're going to be operating and not think to look at the local laws and local requirements.

Yet, as Mr. Hand said, all of these platforms, make sure you know about them and make sure you know that there's requirements and to look at the local requirements. So, I am frustrated in that. I know that's not sufficient evidence to provide a denial, but I just want to say I do share your frustration, Commissioner McKiernan.

Mr. Hand said if it helps the Commission, the two no votes from the Planning Commission were most concerned about the uses compatibility with the adjacent neighborhood.

Commissioner Townsend said I'm perplexed then by what our options are, and this goes to what counselor was saying. So, you're saying we must approve this? Is that what you're saying? **Mr. Waters** said no. Any motion to deny should be based upon the factors set forth on pages 4, 5, and 6 of the staff report. The golden factors plus our local code specific factors.

Commissioner Bynum said, Mayor and Mr. Waters, what I'm curious about is factor No. 11, capability of proposed use to meet applicable ordinance requirements. I feel like that has not been demonstrated by this applicant, well at 11.

Mr. Waters said yeah, I think that's referring to planning ordinance requirements. I understand that, but I think once we've accepted—we accepted the application as a valid application. Again, we could draft the code in the future to say that if we catch you and you fail to apply and we catch you, you don't get to apply for x amount of time. We could put in a penalty, but we just currently don't have that.

Commissioner McKiernan said I'm looking through my golden rules and I guess I'm just gonna have to be resigned to the fact that I'm frustrated as all get out at this because it is simply, to me, disrespectful of us that folks don't have—that they're asking for forgiveness rather than permission. I'm going to keep looking for a second.

Mr. Hand said if it helps, at the Planning Commission hearing, parking was noted as a big issue, but we removed the event space which we think addressed that specifically because it has a parking lot in the back. It also has a long driveway.

Commissioner McKiernan said this has a parking lot. I mean it's got a parking lot. If the event space is removed, then there should not be any spillover parking onto Hallock. **Mr. Hand** said that's correct. Again, the two Planning commissioners that voted in the negative were most concerned about the compatibility as it relates to a lot of the public comment as well. Again, we can't make a recommendation based on opposition.

Commissioner McKiernan said so, you said that the maximum occupancy now is set at six with no event space. **Mr. Hand** said six people, three cars max.

Commissioner Bynum asked, Mr. Waters, what is the result of this item if no motion is made? **Mr. Waters** said for Planning & Zoning cases, because there's a due process attached to it, a decision has to be made at some point. You could remand it to the Planning Commission, you could continue and hold it over on your agenda for another month. A decision does not have to be made tonight, there are options.

Commissioner Ramirez said I think my concern, and I don't know how we're gonna tackle this one, but my concern is setting a precedent, a precedent for others to just not worry about local ordinances to look into and abide by when trying to create something of short-term rental. That's my only issue but, of course, we have to follow the golden rules and make sure it's legally sufficient for us for any move we make. But that's what I'm concerned is precedent.

Commissioner McKiernan said it would be my position that the fact that they didn't apply invalidates or removes our obligation to follow the golden rules in this case but, of course, that's just my opinion on this. It doesn't look like there is any recourse. I don't see any use in sending this back to Planning Commission. I don't know that there's anything that can be done at Planning Commission that couldn't be done here. I don't see any other way out of this other than just go along and make a motion to approve as submitted.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2022-059 as submitted.**

Commissioner Townsend said just two quick questions. One, how did this come to Planning & Zoning since they did not follow the path that they should have before they engaged in the activity? I'm just curious how this came to Planning & Zoning. Second question is, with the body, not suggesting it, but just for information, would it have the ability to half what they asked for?

Mr. Hand said when we were reviewing the 505 Central project, it came to our attention that the current facility on that property was operating a short-term rental and an event space without an SUP. We immediately issued a stop work order requiring them to come in and apply for said special use permit.

Mr. Waters said and if I could, Commissioner, in response to your second question, yes, you can modify the stipulations. You can shorten the timeframe. If there's a motion to approve that passes, you could do six months; you can modify the—that would just take eight votes to modify the recommendation.

Mayor Garner asked, any further discussion? I'll entertain a motion for Special Use Permit SP2022-059. **Ms. Sparks** said we have a motion and a second. **Mayor Garner** said there's a motion and a second. Any further discussion on this? Roll call, please.

Roll call was taken and there were three "Ayes," Markley, Townsend, McKiernan; and six "Nos," Ramirez, Johnson, Kane, Stites, Bynum, Burroughs. (motion fails)

Prior to Commissioner Townsend's vote, she said, I was taught not to buy litigation so I'll have to approve the motion.

Mayor Garner said this brings us to the end of our—Mr. Waters.

Mr. Waters said we'll need a new motion because—**Mayor Garner** said, oh, we need a reason. **Mr. Waters** said so either a motion to deny, hold over, remand.

Commissioner Kane asked, what was that concern, the parking? **Mr. Hand** said the parking issue was related to the event space. Again, the opposition at the Planning Commission was its suitability and its compatibility to adjacent land uses which is factors to be considered, No. 2. It is zoned CO Office for businesses.

Mayor Garner asked, Mr. Waters, can you tell us where we're at and what the Commission's options are at this point? **Mr. Waters** said yes, Mayor. So, the motion to approve did not pass, so it's still on the table. We either need a motion to deny or a motion to remand.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Stites, to approve for six months instead of one year.**

Mayor Garner said I have a motion and a second to remand it—adjust it to six months. Is there any discussion? Seeing none, roll call.

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

Mayor Garner said thank you. That concludes our meeting.

Adjourn

Action: **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to adjourn.**

Mayor Garner said we have a motion and a second to adjourn. Roll call, Clerk.

Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

**MAYOR GARNER
ADJOURNED THE MEETING AT 11:00 P.M.
July 28, 2022**

cg

Monica L. Sparks
Acting Unified Government Clerk

July 28, 2022