STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **DECEMBER 15, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, December 15, 2022, with eleven members present on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; LaVert Murray, Economic Development Advisor in Mayor's Office; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Casey Meyer, Senior Assistant Counsel; James Bain, Assistant Counsel; Karl Oakman, Chief of Police; Renee Ramirez, Director of Human Resources; Matt May, Emergency Management Director; Jud Knapp, Land Bank Manager; Brett Deichler, UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

Mayor Garner said good evening and thank you for your understanding and patience. Today is December 15, 2022. This is the regular session of the Unified Government of Wyandotte County, Kansas City, Kansas, Commission meeting.

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, and also 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 if you're asked to announce yourself by name and title every time you speak so, the public that's observing, knows who's speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office. If you do come to the mic, make sure that you speak clearly into the mic and at a tone where everyone can hear you, for the record. I will now call this meeting to order. Clerk will you please conduct the roll call?

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

Mayor Garner said the invocation is being given by Chaplain Jared Altic, Wyandotte County Christian Church, immediately followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk if there are any revisions on tonight's agenda.

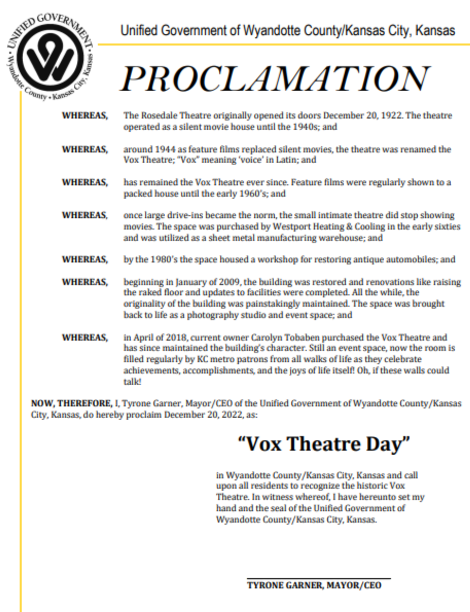
Brett Deichler, UG Clerk, said, Mayor, there was one change tonight. Item No. 3, which is the presentation of the Economic Development Possibilities, was removed from the Administrator's Agenda. That is the only item that we had changed this evening, Mayor.

MAYOR'S AGENDA

Item No. 1 – 212185…PROCLAMATION: VOX THEATRE DAY

Synopsis: Proclamation proclaiming December 20, 2022, as Vox Theatre Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the proclamation as follows:



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, The Rosedale Theatre originally opened its doors December 20, 1922. The theatre operated as a silent movie house until the 1940s; and

WHEREAS, around 1944 as feature films replaced silent movies, the theatre was renamed the Vox Theatre; "Vox" meaning 'voice' in Latin; and

WHEREAS, has remained the Vox Theatre ever since. Feature films were regularly shown to a packed house until the early 1960's; and

WHEREAS, once large drive-ins became the norm, the small intimate theatre did stop showing movies. The space was purchased by Westport Heating & Cooling in the early sixties and was utilized as a sheet metal manufacturing warehouse; and

WHEREAS, by the 1980's the space housed a workshop for restoring antique automobiles; and

WHEREAS, beginning in January of 2009, the building was restored and renovations like raising the raked floor and updates to facilities were completed. All the while, the originality of the building was painstakingly maintained. The space was brought back to life as a photography studio and event space; and

WHEREAS, in April of 2018, current owner Carolyn Tobaben purchased the Vox Theatre and has since maintained the building's character. Still an event space, now the room is filled regularly by KC metro patrons from all walks of life as they celebrate achievements, accomplishments, and the joys of life itself! Oh, if these walls could talk!

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim December 20, 2022, as:

"Vox Theatre Day"

in Wyandotte County/Kansas City, Kansas and call upon all residents to recognize the historic Vox Theatre. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: The proclamation was read.

Mayor Garner said before I leave the Mayor's Agenda, I would like to just update the Commission. One of the things that is at work—I know I've talked to a few of you about it, but I want to make sure that all the commissioners and our public and staff are aware that the Reardon Center—we are looking at reopening the Reardon Center and making it available to the public for utilization as we would any other facility such as the Memorial Hall or one of our recreation centers. That conversation is going to be had as we explore that. That does not preclude any of the economic development opportunities that exist and will not interfere with those proposals that may come forward.

There have been notices of interest both in the redevelopment, but more importantly, with a lot of our stakeholders here in Wyandotte County on the necessity of having some type of convention space that Wyandotte County desperately needs that we've been missing out on.

What came to light for me and really hit it home was the Chamber of Commerce. As a Board member, I attended their meeting. Next year will be their 125th anniversary here in Kansas City, Kansas. It troubled me when the conversation was had about having that anniversary taking place in a neighboring city.

So, that's one of the reasons why I said we have to do something to make sure we don't lose, not only other people here in Wyandotte County that may have an interest in wanting to do business and provide events and rent out spaces, but providing those amenities that are desperately needed that can add value to our tax base. Those folks, I'm sure, are going to need to stay in hotels and want to shop here as well, but also making sure that our stakeholders, that we're working to make sure that we accommodate them as well; our long-standing value stakeholders.

That conversation is going to be had, and I'm excited about that potential of bringing the Reardon Center back online. It is at the gateway to our community. It's sitting dormant for too long and I'm excited about that possibility.

That goes in line with economic development, too. I have commissioned our Administrator, based on the conversations that I've heard not only from this community but from this Commission that economic development has to be a priority where we stand as far as our financial health, that we have to expand our tax base through rooftops, through businesses, brick and mortar businesses, that can bring about those desperately needed revenues so this Commission can have some breathing room to make some informed decisions on best how to allocate budgetary items that may come before them. That's a priority, and the Administrator is working on that diligently trying to bring forth some economic development opportunities for any developers out there that may be of interest in that regard.

There's also on hand a biosolids audit that will take place. It is going to assist Commissioner Burroughs with the standing committee, and some of the commissioners that may be on the standing committee, of giving you all a baseline on that biosolids question as it pertains to its feasibility. That has been teed up by the administration as well.

I also believe that there's one more item that our Administrator may have had. Standby. All right, that's pretty much it in the short-term.

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. I will entertain a motion for approval of the Regular Consent Agenda.

Patrick Waters, Deputy Chief Counsel, said, Mayor, so that the full Commission may be briefed on this very important project, we would request that the Rock Island Bridge amendment be taken off.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the Regular Consent Agenda, excluding the set aside item.

Mayor Garner said copy. Other than the request from Legal Counsel, we have a motion and a second. Is there any discussion? Seeing none, Clerk, roll call, please.

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

Item No. 1 – 212174…ORDINANCE: LEAVENWORTH ROAD AND HUTTON ROAD INTERSECTION PROJECT CMIP 1609

Synopsis: This project is laying-out, reconstruction, expansion, repair, maintenance, operation, and use of the Leavenworth Road and Hutton Road Intersection Project, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project. Resolution number R-62-22 was adopted by this commission on October 13, 2022, approving this project.

Action: **ORDINANCE NO. O-182-22,** "An ordinance condemning real property and/or real property rights for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Leavenworth Road and Hutton Road Intersection Project (CMIP-1609) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance." **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

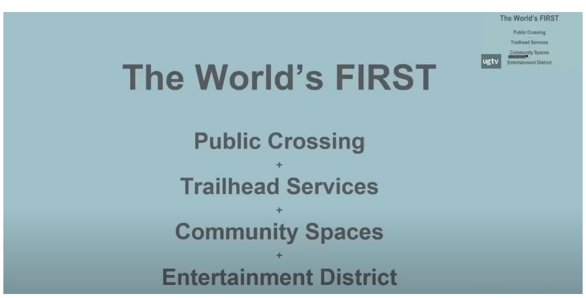
Item No. 2 – 212134…RESOLUTION: SECOND AMENDMENT TO THE KAW BRIDGE DEVELOPMENT

Synopsis: Resolution approving a Second Amendment to the Kaw Bridge Development Agreement, submitted by Patrick Waters, Deputy Chief Counsel. On December 5, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Patrick Waters, Deputy Chief Counsel, said I am happy to report tonight that the developer, Flying Truss, remains fully committed to this project and is, in fact, ready to begin construction as early as next month. I think they'd actually be out there tonight if we let them. They are ready to go and excited to do this. That's great news considering how long we've been working on this project. We also want to be fully transparent and talk about some new, unexpected costs that the Unified Government may have to bear in relationship to this project, and just the overall increase in the construction prices to the infrastructure work that we've already committed to in the development agreement.

I'm going to turn it over to Mike Laddin from Flying Truss. They've got a brief update and talk a little bit about all the work that they've been doing since the original agreement was entered into last year.

Mike Laddin, Chief Financial Officer, Flying Truss, LLC, said thank you for having me here this evening. You are looking at the designs of the Rock Island Bridge. To bring you all up-to-date, we entered into a development agreement that was passed unanimously by the Unified Government in 2021. I'm going to walk you through the progress we've made and where we are. Let's first take a look at what you'll be getting.



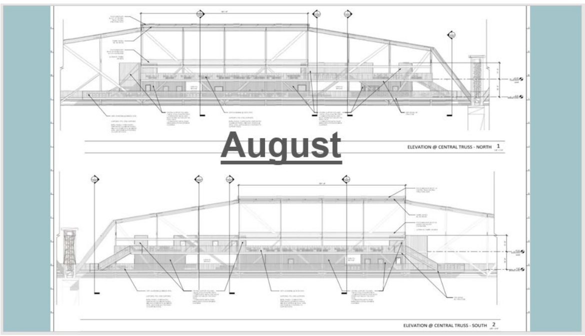
I'll come back to this later, but this is the world's first public crossing, trailhead, community spaces, and entertainment district on a bridge over a river. What we're doing, all of us, has never been done before. This, we hope, will be a model for other cities to be able to take their unused railroad bridges and repurpose them. You're going to get a walk-through, a brief, 1.30 video on what it's going to look like when complete. These are based on the plans that currently have been submitted for approval.

(The video was played.)

Yes, we can project on that screen, and it will be seen from two highways. Just to remind everybody, and some of you weren't here, but the Commission voted to invest $2M into the UG Crossing from the Tourism Fund. It's repaid by a CID/TIF on the bridge. The bridge was originally owned by Kansas City, Missouri, where our lease was. The Unified Government approached us about making it into a bicycle crossing linking the trails and providing much-needed access to outdoor recreational opportunities to the residents of Wyandotte County. Flying Truss, we pay the rent to the UG, we pay ad valorem taxes, there's profit sharing built-in. We maintain the public crossing and we maintain the trailhead services; cleaning the restrooms, drinking fountains, and whatever needs to be done on the trailhead. This will be the first trailhead on a bridge over a river in the United States. We're setting the ground for many firsts here.

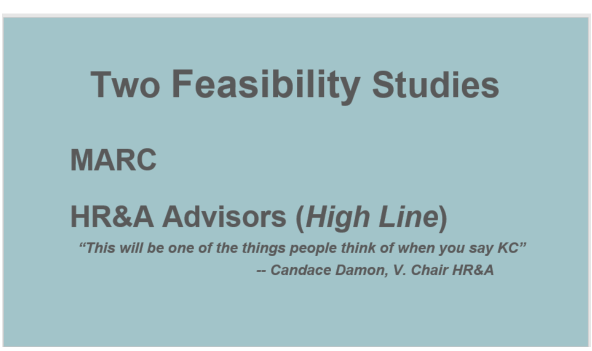
So far, in keeping good faith with our agreement, we have raised a little over $7M. I've put up a list of our investors who are Kansas City proud entrepreneurs. David Brain is our lead investor. He founded Entertainment Properties REIT (EPR). It's traded on the New York Stock Exchange. They own the land under AMC Theaters, Topgolf, Chicken N Pickle, and ski resorts. If there's an entertainment property expert in the United States, David's on the shortlist. Tom McDonnell, founder and retired CEO of DST; David Lockton, CEO of Lockton Insurance; Shirley & Barnett

Helzberg Foundation; the Sunderland Foundation; the Dickinson Family Foundation; Rob Regnier, founder of Blue Valley Bank; and Bill & Kathi Wilhite of Prime Investments, I think the largest landowner in Wyandotte County; John McDonald, founder of Boulevard Beer; and many others. We've put together the funds sufficient to start and finish the project.



In August, we submitted final designs to the UG. We're trading comments back and forth that are pretty minimal because most of what we're doing is provided for in the development agreement.

We've had a number of what we call Kaw socials before the levee raise started where we've gotten literally thousands of people down, had them on canoes and kayaks on the river, activating the Waterfront District.



There's also been two feasibility studies. There's one that was paid for by the Mid-America Regional Council and another through an RFP process from the Unified Government with HR&A Advisors who did the High Line in New York City. They came back and Candace Damon, the Vice Chair of HR&A, said this will be one of the things people think of when you say Kansas City because it has not been done.

We have over 7,400 followers on social media and in our newsletters that we send out monthly to update investors and the public who are interested. This is a picture from one of the socials.

There's a network called the High Line Network. It was sponsored by the Knight Foundation in New York City, and we presented at their International Conference in Miami, Florida this last October. Our project was a great hit and got a lot of attention. The High Line Network represents what are considered the premier creative reclamation projects throughout the world, most of which are in the United States right now, and we've been invited to join the High Line Network.

B6 | Wednesday, November 24, 2021

THE PROPERTY REPORT

A rendering of the Rock Island Bridge where Flying Truss plans to replace rail tracks with decks to hold bars and restaurants.

Kansas Bridge to Get New Life As an Open-Air Food Court

By Konrad Putzier

An abandoned railroad bridge in Kansas City, Kan., is getting a second life as an event space and food court, the latest example of property developers transforming outdated infrastructure into attractions.

The Rock Island Bridge crossing the Kansas River was built in 1905 to carry trains to and from a nearby stockyard but was unused since the 1970s.

Flying Truss LLC, the Kansas City, Mo., developer of the project, plans to replace the old tracks with two steel and concrete decks that will hold bars and restaurants with sweeping water views. The developer is planning a pedestrian walkway that links to trails on each side of the river. The firm aims to complete the project in 2023.

The developer is hoping to emulate the success of other deserted railways, viaducts and other outmoded infrastructure that have been reborn as popular gathering places.

Most notable is the High Line in Manhattan, an elevated rail line that snakes through a former industrial neighborhood. New York City's government turned it into a public park in 2009, which became a hit and helped accelerate a development boom in the area.

While Flying Truss said it is unaware of any similar bridge conversion in the U.S., the number of former rail bridges offers ample opportunity for others to follow. Although many of these bridges have been unused for decades, they are often still in good condition. Some are close to hip former industrial areas that are seeing an influx of businesses, developers and well-heeled residents.

Michael Zeller, Flying Truss's chief executive, said he first got the idea for the project when he spotted the bridge while boating on the river about nine years ago. Getting the project started took years in part because of unique challenges. The city wanted to raise property and sales taxes from businesses on the bridge, but officials didn't know how to do that legally because the bridge is over water and has no lot, said Katherine Carttar, director of economic development for the unified government of Wyandotte County and Kansas City, Kan.

"We literally had to look at maritime law to figure some of these things out," she said. The city solved the problem by turning the bridge into condominium units.

City officials agreed to lease it to the developers for $9,300 a year for 33 years, with an option to renew for another 33 years. The city is investing around $2 million in the development, and hopes to recoup its money through tax revenues from the bridge.

The city is hoping the project and investment in nearby trails and boat docks will lead more people to visit the long-neglected river. An influx of visitors could spur more investment in the industrial neighborhoods around it, which are home to offices and artist studios. A developer finished the first phase of a roughly 450-unit apartment project a short walk from the bridge.

This is an article that appeared in the *Wall Street Journal*. We're getting national press and national attention for this one-of-a-kind project. This appeared in November last year of the *Wall Street Journal*, front page of the Real Estate Section. We're in a unique position in being able to get media-on-demand because this is such a novel, amazing project that right now we're waiting till we break ground for the next thing to happen with the press.

One of the goals of this project is to develop the Kansas riverfront as a recreational waterway. We are a river city, but we don't embrace our rivers, we don't interact with them. The Missouri's fast, it's channelized, it's a commercial, navigable waterway. The Kansas River is not, it is very slow. You can canoe safely upstream and if I can do it, anybody can. It's spurring economic development and we haven't even broken ground.

This is a drawing from Brad McDonald from Zip KC in Bonner Springs, Kansas. He has property out there where he has zip lines and rope courses. He's in discussions with Steve Foutch to build zip lines from the top of the Hy-Vee Arena, across the state line, across the river, and ending up about 75 yards north of the bridge. It'll be the first zip lines across the state line, across the river in the United States. We seem to be setting a trend of firsts. Brad also is planning on urban float trips that would begin at his facility on the riverfront in Bonner Springs and go nine miles down the river, stopping at Bear Island along the way, and then ending up at the Rock Island

Bridge. He is also planning on renting canoes and kayaks. There is no weird dam between us and Bonner Springs. Instead of going four hours to go on the current river, you can canoe down this river.

Big Wins

Residents of Eastern WyCo
Development Along New, *Kansas Waterfront*
KCK Tourism . . . KCK Brand

It's big wins. The residents of eastern Wyandotte County have access to an expanded bicycle trails network and levee top trails. There's development along the new, what we're calling the Kansas Waterfront. Waterfront tends to be valuable property. We know the various warehouse owners along that riverfront would like nothing more than to turn their warehouses into something that's a much higher tax base and revenue base.

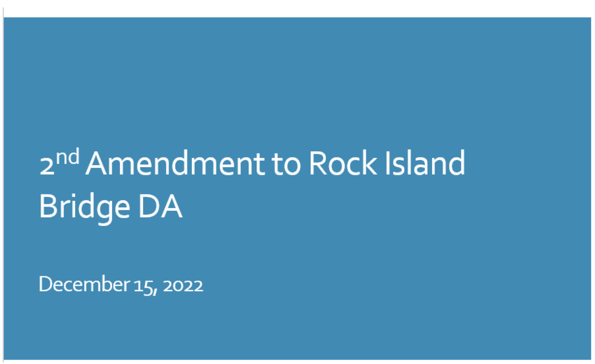
It's also rebranding the Kansas River. We've had a blind eye to our rivers. We drive over them on the way to the airport and that's it. We need to engage with them, and it starts here with the Rock Island Bridge. It's Kansas City, Kansas, tourism and it's a Kansas City, Kansas, brand that Wyandotte County will have the first entertainment district on a bridge over a river in the world. We believe with the World Cup coming in 2024, that's a great sweet spot to be in.

Grand Opening
St Patrick's Day 2024

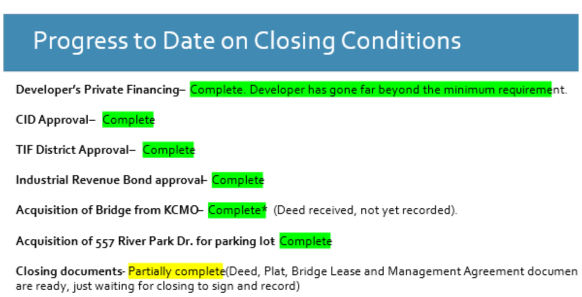
Our plan is a grand opening on St. Patrick's Day in 2024. We have a 14-month buildout and time built-in that is pretty tight, but we're going to make that because we're in a partnership with the Unified Government of Wyandotte County and the citizens of Wyandotte County to build this out. We have also brought to the table philanthropy and equity investors as well as the UG contribution.

I'd also like to point out that the original $2M was to pay for the crossing, which is part of the development agreement. Since that $2M was passed, we had COVID and we had supply chain issues. The crossing now is pricing in at somewhere just around $6M. We're not coming asking for the difference. Our equity investors and philanthropy are covering that difference. We want to get this built and we're willing to put equity dollars to work to finish the public crossing and the buildout of the buildings on the bridge.

This is the east entrance. We'd like to think of it as the Gateway to Kansas. Thank you all very much. Any questions?



Mr. Waters said let's talk a little bit about why this second amendment is needed tonight.



First, let's talk about the progress that's been made since the development agreement was approved. You can see all the different approvals that we've done. As we mentioned, the developer went far beyond their private financing goals and completed that. We approved a CID, a TIF, and an IRB. We got the deed from Kansas City, Missouri. We've acquired the property needed on the west side for the parking lot.

The only remaining issues are the closing documents basically, the deed, the plat, the lease, and the management agreement. Those documents are all prepared and just waiting for closing, to sign.

Why a Second Amendment is needed.

1. **Finalizing the title policy**

- Current closing deadline is December 31, 2022.
- Needed to provide a cushion just in case there are delays.

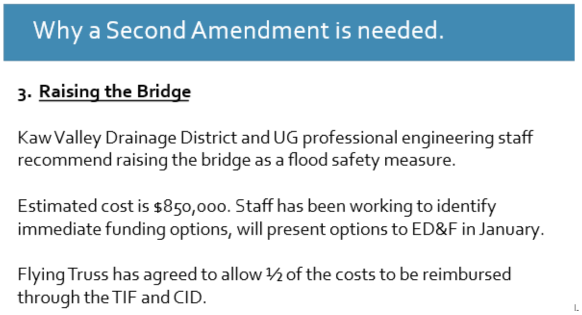
Why do we need the second amendment? First of all, we thought that it was prudent, given the investment we're making in this, to get a title policy on the bridge. It turns out not a lot of people go to title companies asking for policies on bridges so, it's been a little bit more complicated than we thought. They've asked a lot of questions; they've asked for a lot of documents. They're doing research on a 120-year-old bridge and looking through all the chain of title issues. We're close, and we may be able to make that deadline, but we wanted to make sure that in case there were delays that we had a cushion. We thought it was important to build in a cushion in case we get delayed on it.

Why a Second Amendment is needed.

2. **Extend the completion date.**

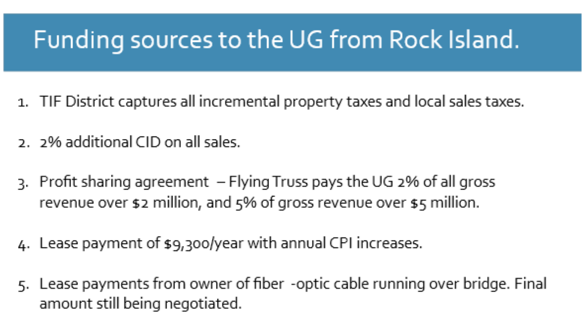
- The completion date under the current DA, July 1, 2023, is not realistic and needs to be extended.
- Flying Truss is targeting a March 2024 opening.

As we looked through the development agreement, we realized that the completion date for the developer was just not realistic anymore. We had originally projected July 1, 2023. There's just no way that they can make that. As Mike mentioned, they're targeting a March 2024 grand opening, so we extended out the completion date in this amendment.



Then finally, raising the bridge. Both the Kaw Valley Drainage District and the Unified Government Public Works staff are recommending raising the bridge as a public safety measure. I'm going to let Public Works talk about all the details of why that is and how that works shortly. The estimated cost is about $850K. Staff is working right now to identify immediate funding options, and we will be presenting those at ED&F in January.

Flying Truss has agreed to allow us to reimburse half of those costs from the TIF and CID. Now, this is a concession because you may recall how the development agreement works. The Unified Government puts in $2M, but that's basically a loan. We pay ourselves back through the TIF and CID. Flying Truss doesn't get a dollar until we've paid ourselves back. They are agreeing to add on the additional costs of half the bridge raise. That is a concession. It means that they don't get their CID money for a longer period while we recoup that.



I just wanted to talk through, just as a reminder, all of the different revenue sources that we have coming from the bridge. We have the TIF, the incremental property, and sales taxes. We have the additional 2% CID, and we have a profit sharing agreement with Flying Truss where it steps up depending on how much money they make. We'll get a lease payment from Flying Truss. Then there is also a fiber optic cable that runs across the bridge. As the new owners, we will be in the position to negotiate that rent payment for that company, and that amount is still being negotiated. So, there are various funding sources that we will be able to use to make up for these costs.

What would the Second Amendment do?

1. Extends the Closing Date to July 1, 2023.
2. Extends the "Completion Date" for developer from July 1, 2023, date to sixteen months from the start of construction.*
3. Allow the UG to recover ½ the cost of the bridge raise through TIF and CID proceeds.

Just, kind of in summary, what would the second amendment do? It extends the closing date to July 1, 2023. Again, we do not believe we will need anywhere close to this amount of time, but we just didn't want to have to come back in case anything happens. It extends the completion date for the developer from what is now July 1, 2023, to a date of 16 months from the start of construction. That puts them well within the range of their goal of March 2024. It allows the Unified Government to recover half the cost of the bridge raise through TIF and CID proceeds.

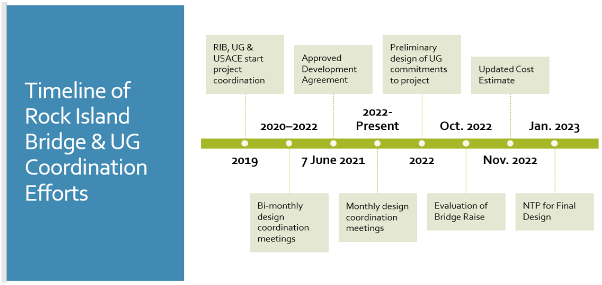
Next Steps...

1. Flying Truss is ready to close before the end of the year and start construction in January.
2. Once closing occurs, the UG will begin design work on the infrastructure agreed to in the Development Agreement.

2.8 UG Agreements. As its contribution to the public/private partnership formed pursuant to this Agreement, and as a contribution to the establishment of a river district, the UG shall (i) connect the Trail laterally to the levee trails on both sides of the Kansas River; (ii) construct and install ADA accessible ramps for landward access to the Trail at both sides of the Kansas River; and (iii) construct trailhead parking on the West Property.

The next steps would be, as Mike mentioned, Flying Truss is ready to go. They want to start construction in January to hit their timelines. Once closing occurs, the Unified Government would begin design work on the infrastructure that we agreed to in the development agreement. I pulled out the section from the development agreement that contains those provisions. It's connecting the trail on both sides, it's constructing and installing ADA ramps, and it's constructing a trailhead parking lot on the west side.

I'm going to turn it over to Sarah White, from Public Works, to talk about the work that they've been doing.



Sarah White, Project Engineer, Public Works, said I'm the project manager on both the KC Levees Project and then the subsequent adjacent development and coordination. Very excited to be here tonight. This is a project I've been working on since 2019 so, I'm always happy to talk about it. Just wanted to kind of walk through a timeline because I know not everyone has been here for this whole time.

Back in 2019 when the KC Levees Project was starting, the coordination efforts that happened with that project brought forth that there were developers interested in areas adjacent to the levees. That really started that conversation with Rock Island Bridge as it pertained to that kind of overlap in area. We started project coordination back in 2019.

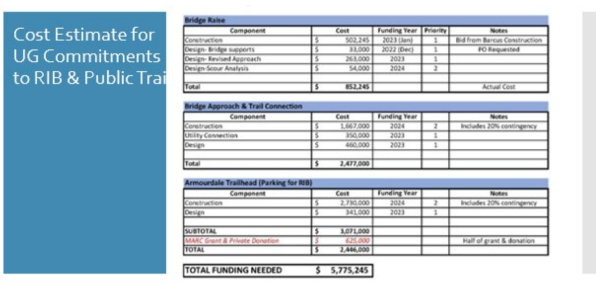
Because the KC Levees Project is such a complicated project with lots of players, thought it would be best to have coordination meetings. We met twice a month. We started those in 2020 and we carried those through to the beginning of 2022, meeting twice a month as a group with the developer, the Corps, our consultant, and us. Then the approved development agreement; I just threw up the date there June 7, 2021.

Then we went to the monthly design coordination meetings. Those are still occurring. Based on what was in the development agreement, we were then tasked with putting together the preliminary design for the items that were agreed upon as UG commitment. Those included what Patrick said: the trailhead, the access ramps, and the ADA access. We began work on that and that has a lot of coordination with the Corps because there are levee wall raises in that area and we have to have our access ramps go over the wall. So, lots of coordination between the different designers.

One of the things that had come up in conversation was that there was some concern that the bridge was not being raised and was going to be a low point in the area. One of the tasks that I was given was to evaluate why the Corps had determined it didn't need to be raised and why, as an asset owner, the UG having this joining its infrastructure kind of roster. What's the risk of leaving the bridge where it is? We did that evaluation of the bridge raise.

Then, just last month, we were able to do our updated construction cost estimate now that we're getting into final design. That is something we are going to go into more detail in next month, but we are going to show you those numbers tonight as well. Our next step is to move forward with the final design.

This was the riverfront vision that we, as a UG Commission leadership—this is something we've been working on since 2020, had various workshops on it, and part of that does then include the Rock Island Bridge connection because not only is it an entertainment district, it is a public trail crossing.



Bridge Raise

Component		Cost	Funding Year	Priority	Notes
Construction	$	502,245	2023 (Jan)	1	Bid from Barcus Construction
Design- Bridge supports	$	33,000	2022 (Dec)	1	PO Requested
Design- Revised Approach	$	263,000	2023	1	
Design-Scour Analysis	$	54,000	2024	2	
Total	$	852,245			Actual Cost

Bridge Approach & Trail Connection

Component		Cost	Funding Year		Notes
Construction	$	1,667,000	2024	2	Includes 20% contingency
Utility Connection	$	350,000	2023	1	
Design	$	460,000	2023	1	
Total	$	2,477,000			

Armourdale Trailhead (Parking for RIB)

Component		Cost	Funding Year		Notes
Construction	$	2,730,000	2024	2	Includes 20% contingency
Design	$	341,000	2023	1	
SUBTOTAL	$	3,071,000			
MARC Grant & Private Donation	$	625,000			Half of grant & donation
TOTAL	$	2,446,000			

TOTAL FUNDING NEEDED	$	5,775,245

This sheet here lists out the updated cost estimates. These are for the commitments that were laid out in that development agreement. The only addition to this on this sheet that wasn't in the development agreement is the bridge raise cost.

The first item, the bridge raise. That one actually is probably the most time-sensitive and that is because when Barcus starts their construction out there on the bridge work—they're the contractor that is doing the demo work and the steelwork for the bridge—they're able to do the bridge raise while they're out there. We asked them for a price on this, and I know how a lot of you are thinking, a bridge raise would be millions and millions of dollars because that's what I thought. They came back with their estimate, or not even an estimate, their bid price of $502K for that bridge raise. We thought that was a very cost-effective number.

That did not include the design for the bridge support. The bridge will be cut, it'll be jacked up and raised, they were explaining it to me. I will be sitting out there watching it. There has to be a section that goes in as a support so that needs to be designed and be revised. We have to revise the design that we have done for those approaches, so that will add a cost to that.

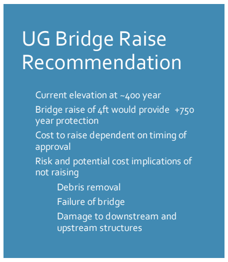
Also, as the bridge owner, one of the things with a bridge, you have to do a scour analysis so, that is in there as well.

The bridge approach and trail connections, those are updated numbers. Those are 2022 numbers. All of those include the 20% contingency on construction, which is maybe a little conservative, but we all know that inflation—we don't really see a trend right now. It seems to keep going up so, the 20% is probably pretty reasonable to look at.

The River Park Drive parking lot. That one is also listed out there. We have already acquired that property and with that construction, comes the utility connections. There is also a public parking for the trail system that's being built with the project. Our total funding needed for the entire project commitment is the $5.7M. That also includes—subtracted out of that, or that number shows that we did receive a MARC grant so, part of that, you know, we received $800K from MARC. We have a private donation of $450K for those two trailheads so that number reflects that.

What I wanted to not scare everyone about are the items that we need today, which would be the design money for the bridge supports and then the construction money for the bridge raise for Barcus. They'll be out there starting in January. They said the bridge raise would probably happen between February and March. I put the other where the funding year would be. Most of the major construction will probably not occur until 2024. We are moving forward to add that into our 2024 budget. We have a few items that might have to go into 2023 amended, but the critical one is making sure when Barcus is out there, they can do that bridge raise for that cost.

I highlighted here these because these are the areas where we have those commitments from the development agreement.



So, just a brief summary of our bridge raise recommendation. The current elevation, where it is at right now, is at approximately the 400-year flood event will overtop it. The Corps, on their Levee Project, did a very detailed feasibility analysis and they determined which structures needed to be modified or existing structures. In their feasibility study, they did show this bridge will overtop, it will surge, it will come down at those big events, I mean the big event. However, in their evaluation, and even to this day, it is still considered an abandoned railroad bridge. It was not a cost-effective thing for them to raise the bridge with the project.

With the levees being raised to the 750 level, the Rock Island Bridge will be the low point and be a blockage in the channel at those really high events. So, yes, 400 years, a 400-year chance of an event—the risk is very low, however, when the levees, a $540M levee project is being put there to raise everything to the 750 level, we feel that it would be negligent of us not to also raise that bridge.

The other item is the risk and potential cost implications if we don't raise it, which that's still an option not to raise it, would be the cost for debris removal because even if we wouldn't have a 400-year event, even if you have a 200-, 300-year event, you might have some large debris coming down. It's going to get caught on the bridge. As the bridge is designed right now, you cannot bring large vehicles out. It would have to come from a barge or from some other equipment in order to remove that debris, and that all costs money.

Failure of the bridge. With the studies that are shown, it will surge at that 400-year potential of it all coming down. So, the investment that we have made into that would then be lost. Then there's also the possibility of damage to both the upstream and downstream structures. I will note that the first downstream structure is the Union Pacific Railroad Bridge and then the upstream structure is the Kansas Avenue Bridge. Both of those are very important. The railroad would say that they can't even put a price tag on the delays that it would be per day if there was any damage to their bridge. That is why our professional engineering opinion is that we feel that it is a cost-effective way to reduce our risk by doing the bridge raise.

Commissioner Stites asked, is there a special use permit attached to this project? **Mr. Waters** said, Commissioner, the only ones I could think of would maybe be for entertainment and alcohol on the bridge itself. I can't think of one like for the Unified Government itself.

Commissioner Stites said so far, we haven't required one, but it could require a special use permit. **Mr. Waters** said it could be. Planning is not here, but it's possible.

Commissioner Stites said okay. I was just looking for the length of time that would be issued on a special use permit. In the development agreement, are there any like our LME or MBE attachments to that? **Mr. Waters** said definitely. We have our standard provisions that we add to all contracts. Then, I think Commissioner Townsend, you added an additional provision regarding the actual restaurants and the owners. There's an additional requirement that a certain percentage of those have to be LMW, if I recall.

Commissioner Townsend said I think that provision would kick in at a certain time for the development of those. I think there was a multi-tiered process, but it's definitely in there.

Thank you, Commissioner, for showing your interest in that. That was very much a concern that the owners give attention to minority involvement on the bridge because we do believe this is going to be a take it to the bridge kind of event. The best thing you can do is get in on the ground level or should I say the bridge level, in this case. So, yes, that was included.

Commissioner Stites said the other question that I had was, I know that the zip line would be an outside person, not to do with us. Do you know where that point of sale would be? Would it be Kansas or Missouri? Then, would all that CID capture those funds also?

Mr. Waters said that is a good question. From the designs I've seen, it appears to be completely disconnected and off the bridge. Now whether they could potentially have a point of sale where you could go to the bridge and buy a ticket, I don't know if the developers have any additional information, but it would seem to make sense to me that for all the people are…

Commissioner Stites said I would agree. I would think that that's another way that we could capture the 2% and get that paid down quicker.

Commissioner Kane asked, what's it going to cost us total? **Mr. Waters** said $5.7M if we do the bridge raise, if that's added in. Then the commitments that we've agreed to in the development agreement; roughly $4.9M.

Commissioner Kane said everything that you said—if there's a flood and you got to take the equipment out; whether that bridge is raised or not, that's how it's going to have to be removed; a barge. If everything gets hung up, no matter what happens, you can't get from the top down there, so I don't think that was a very good reason why we would do this one way or another. It just seems like a lot of money.

Ms. White said right now the bridge is owned by KCMO. I guess, legally, they would have to come out and remove the debris if we don't purchase the bridge. As becoming the owner of it, we were looking at it with or without development. Our recommendation is to raise it if we are going to have it as a trail crossing, any kind of future thing, we would need to raise the bridge.

Commissioner Townsend said this goes to what Commissioner States raised about any connection. Was it the zip line that you inquired about? During our ED&F meeting, when I saw that, I raised the question about any involvement that we might have because of a security and liability issue. Mr. Laddin, at that time, said that was a totally different entity, not involving us, and I favor that option. That's what was discussed at ED&F.

Commissioner McKiernan said I have been a proponent of this project from the very beginning because I do think that it has truly a catalytic potential for development along the riverfront. I'm disappointed in a couple of things that I've heard tonight. I know, Sarah, you tried to explain this to me at the standing committee and I still don't understand why. But for the Army Corps of Engineers raising the levee, this bridge would not have to be raised, and yet, the Army Corps of Engineers has told us it's our responsibility to fund the raising of this bridge. I still don't understand how they can cause an event and then walk away from it and say it's yours and the cost of raising this

And, again, I said this at standing committee, and we'll have time that you could explain this to me. The cost of raising this bridge is a rounding error in the total cost of raising the levee.

I'm still just disappointed that this seems to be we have no choice in this, that we must fund it. But for the levee raising, we wouldn't need to raise it.

The second thing that I'm disappointed is, we've talked about this project for a long time. I'm disappointed that we've gotten to this point and it seems, I could swear, we voted on funding. I could swear we voted on plans. I could swear we voted on development agreements. All of a sudden there seems to be more dollars involved in this that we haven't previously considered. I'm disappointed that we're at this stage and it appears that there are funds that we need to expend that we seem not to have previously considered. I think we knew this was coming. I'm disappointed we've gotten to this late date and still have these unresolved issues in front of us. I think we can make it happen, but those are my thoughts tonight.

Commissioner Burroughs asked, can you tell us the height difference between a 400 and 750 flood plain? **Ms. White** said at this location, it's approximately a little over four feet, so it's being raised about four feet.

Commissioner Burroughs said four feet. The reason why they came back with the bid is because the equipment and the operator that can do the job will be on-site doing other work, correct? **Ms. White** said yeah so, they'll be removing the—what Barcus has told me is that they'll be removing all of the old railroad ties, everything. At that time, the bridge will actually be the lightest so they'll be able to do those cuts, jack it up and do that while they're there. I think you know if we don't do it now, we have that risk and then if we need to do it in the future it would be a lot more expensive.

Commissioner Burroughs said so, if we have to do a four-foot enhancement on the bridge to raise it up, that means the approaches on each side have to have a different elevation and angle in which the materials would have to be interfaced with the new project, correct? **Ms. White** said yeah, and that's why there's that redesign fee because those do have to be redesigned.

Commissioner Burroughs said I want to echo my colleague's comments. We were both set back, pretty much stunned the other day when we heard the additional cost of the project. Have we purchased the bridge from Missouri yet?

Mr. Waters said we have the deed in hand, but we have not closed. I mean we have not recorded it, so, I don't know what their counsel would say whether they consider that closed or not. But it is not closed and recorded yet. We've been waiting, again, for the title policy because we think it's prudent to have the title policy on this, given the investment that we're making, to formally record all those documents.

Commissioner Burroughs asked, so, if we were not to purchase the bridge, what would happen to the agreement?

Mr. Waters said well, I think I'd want to talk about that more in an executive session, because, I mean, the developer is not in default. They have met all their obligations. I would say, legally, I see no reason that we would not do so. This isn't a situation where the developer has failed to meet some condition. They've met and exceeded all those.

Commissioner Burroughs said well, I know initially there was a concern about spending the $2M on a piece of property we didn't own. It was a commissioners' purview that we would ask that we take possession of the bridge because if we're going to spend money, we want it to be property that is owned by the Unified Government. I guess the comment I would make is that if we don't purchase the bridge, then the legal ramifications, as you say, Patrick, may have to be discussed in an executive session. I'm just trying to lay out a foundation here to help the Commission make a decision as to what we want to do because one way or another, sounds like there's going to be a liability aspect. If we don't raise the bridge, we've got liability. If we walk away from the sale of the bridge, we've got a liability and if we fund the project, we've got a financial liability. Just trying to find the best way out, the best solution possible.

Mr. Waters said, Commissioner, I think what Flying Truss would say is that they are ready to proceed regardless of whether we decide to raise it or not. So, if we need to take time and talk through that, that's fine with them. Whether it gets raised or not, they want to begin construction because they can be done at the same time. I think that their position would be to let us proceed, let us get started. If you, Unified Government, need to work through the bridge raise issue and talk about funding, that's fine, but let us get started and proceed.

Commissioner Burroughs said let me see if I understand this correctly. The financial aspect was going to be presented to us in January at the ED&F committee, or was it the full commission?

Mr. Waters said the original plan was to have everything presented at ED&F, however, thought it made sense, given how important this project is and the interest of full transparency, we wanted to provide the full Commission with these numbers early. We don't have all the answers.

Staff is still working on the answers in terms of where funding would come from for the bridge raise and everything else, but we wanted to make sure that these numbers were out in front of you.

Commissioner Burroughs said I truly appreciate the full transparency aspect. I guess I just want to know some kind of guidance as to what action we take tonight. If we approve to extend the contract, we're not approving finances at this particular meeting, are we?

Mr. Waters said that's correct. I just want to make it clear for everyone that if the title company says tomorrow, you guys are good, we've got your policy ready to go, it is our plan to proceed and let the developer start construction. We just wanted to make sure everyone was going into this with eyes wide open because to hit their timeline for March 2024, they really want to get started on this.

Commissioner McKiernan said just two more things. Like Commissioner Burroughs, I thought we'd executed the transfer, the sale. I'm glad to hear that we have it in principle. I'm glad to hear that all we have left is the title company finalizing that. I hope they do so tomorrow, because I think that would be in everyone's best interest if they did. Having said all of that, I have absolutely no problem and am fully in support of this amendment to the agreement to allow the developer, if it works out for them, to begin their work and to allow us the time to have a broader, deeper discussion and fully plan where and how we're going to support this project with whatever else it is that we need to do. With that, I would move that we approve the second amendment.

Action: **RESOLUTION NO. R-82-22,** "A resolution adopting the second amendment to Kaw River Bridge cooperative and development agreement." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.**

Mayor Garner said I got a question. You said that we have the deed? **Mr. Waters** said correct.

Mayor Garner said but it's not been recorded. Can you elaborate what that means? Is that Kansas City, Missouri? Is that the title company? Is that something we need to do? Where are we at in that process?

Mr. Waters said we have been holding on to the deed, Mayor, while we work through the title issues. Given the investment that we're making in this, we thought it was prudent to get that title policy, and so, we think we're very close. They are just doing that research on the 120-year-old bridge and making sure that all of the documentation is there. It’s much more complicated than a typical title policy. We continue to check in with them on a weekly basis, and we think we're close. We saw this December 31st deadline looming, and just in case it slips into January, we wanted to make sure that we updated this development agreement.

Mayor Garner said the Rock Island Bridge, this is all part of the Riverfront Project, right? **Mr. Waters** said that's correct.

Mayor Garner asked, and so there's no other hidden, unknown costs? What you're telling the Commission tonight is that total cost, and what was that total amount? **Mr. Waters** said $5.7M with this…

Mayor Garner said with everything. **Mr. Waters** said $5.7M.

Mayor Garner asked, wasn’t there another $4M somewhere in there? **Ms. White** said I was given direction to just discuss the Rock Island Bridge crisis tonight, however, there is an additional—for the rest of the Riverfront Project, for the commitments that we've made—there is an additional $1.7M. If you look at that full picture, I mean, that cost estimate at the time two years ago was over $10M. I don't even know what it would be now, but that was just a broad buildout, what we would like to do. Right now, we will be in January coming to you to talk about the full commitment costs, which the total is $7.135M is what we are needing. We have a plan to make that work that we'll present in January.

Commissioner McKiernan said okay. The original dollar figure you put up a little bit ago has now been capped with some additional needed expenditures. I'm going to go back to what I said earlier. We've been talking about this so long. We've taken so many votes on this. I could have sworn, and I apologize that I evidently misremember this very badly, I could have sworn we already voted on the infrastructure costs on either end of this bridge and evidently that's not the case. I still endorse going ahead with the second amendment, but we have some really serious discussions that we need to have about capital maintenance on either side of this bridge that ultimately, we may not be able to pull off. I hope my fellow commissioners can tell me I'm wrong in that, but as I'm sitting here today, I'm not sure I see a path home.

Ms. White said well, we hope to. In January, we were hoping to bring it in December, it actually got pulled off. We have a plan. A lot of this stuff—I've been on this project a very long time, the Levees Project. Everything has gone up almost 25% in costs. A lot of the stuff that we're doing coordination, everything costs money. We're just looking at more money.

Commissioner McKiernan said I'll go back to what I said earlier, I have no problem with the amendment to the agreement, but we really do need to have some very serious discussions at ED&F in January.

Mayor Garner said I'd like to follow up with that. I think this Commission and this community deserves to have down to the dollar, not costs have gone up. I've said this before, that type of generalization when it comes to the taxpayers' money needs to stop. This Commission deserves to see where every penny of every project is going with every vendor, every contractor, and everybody that we've solidified for this project. I guess I have concerns and I don't know if counsel can answer this. Is this Commission obligated by what was passed in June of 2021 to—as far as this partnership—to fund whatever is required to bring about this development?

Mr. Waters said, Mayor, I would want to have any additional conversations about that, I think, in executive session just because of the legal ramifications. I guess that's all.

Mayor Garner said and that's fine. I'm willing to go in executive session right now because this is too big of an issue where we are at fiscally. We are already in the red, and we're asking this Commission to bleed out more money that we simply just do not have. I have a problem. I've watched this project over the years before I became Mayor. I totally support it. I applaud our developer for having the vision and wanting to bring this forward. I see no fault on him. He's done everything that he's supposed to do.

Where I'm seeing fault is a communication lapse, a breakdown. Something has gone critically wrong somewhere within this Unified Government to where we're here today to where the information that was given originally somehow has morphized into some monstrous amount of money that we just don't have. To say costs have gone up is one thing, but I just think it's unacceptable.

Commissioner Davis said all right. A lot of information. What are we voting on today? What is before us today? Can we make that crystal clear?

Mr. Waters said today, the second amendment is extending the closing date. It is extending the developer's completion deadline and it is allowing the Unified Government to recover half the cost of the bridge raise, if we go through with it, through the TIF and CID.

Commissioner Davis said okay, so, it takes some of these incentives that we had already laid out and partially fund the bridge raising, which is what we had talked about in ED&F. In January, what are you all preparing to bring before us?

Ms. White said in January, we are going to go into more detail of where we see these funds could come from. As you guys probably remember me coming multiple times this past year, we applied for a lot of grants. Unfortunately, there was some promising going on that just didn't happen. It was very unfortunate. Our plan is to lay out where that money would come from, to break it down. We were advised that we need to show that amount. I will say it—for designers in consulting, it's very hard to put together cost estimates for construction when you have just preliminary design. You don't often get your best cost estimate until you're getting ready to go to final design. With the Corps of Engineers and all of the coordination, there was a lot of changes that had to be made.

Commissioner Davis said are you all—because, right now, it seems like you all are not necessarily prepared to give us all the information that we need. Perhaps on threes would be good between now and our next ED&F meeting so we all can get the information that we need so we are comfortable moving forward. Mr. Waters, if we were not, if we were to reject or deny this amendment, what would that do to this project?

Mr. Waters said it would put us in a very tight timeline where we have a closing date of December 31st, and we don't have any additional Commission meetings. If we can't get that done, that's the most urgent issue.

Commissioner Davis said okay, that 31st deadline. By amending the dates for this particular project, does that commit us to any additional funding?

Mr. Waters said it does not commit us to any additional funding beyond what's already agreed to in the development agreement. It does not commit us to the bridge raise funding. It allows us the option, again, to seek reimbursement, if we choose to do so, but it does not commit us to any additional commitments.

Commissioner Davis said so if we were to fund this theoretically tonight, it would not commit us to anything in addition. All it would do is move the dates so that the current agreement is not out of compliance because we all want a holiday and because this is our last meeting of 2022, we want to make that share. What I would request is that we, before ED&F, have staff huddle, get all their information together, do on threes with us, and then bring that back to us for ED&F so that we could duke it out in January, not tonight. Call the question.

Mayor Garner said thank you. There's a roll call for a discussion. I've already got a first and a second on the floor so I call the question [inaudible].

Got a call to question and a second. Let’s go to vote and then we’ve got more questions. Before we do that, we’ve got some discussion still. Hold on. Clerk, go ahead with that roll call.

Roll call was taken and there were nine “Ayes,” Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one “No,” Townsend. Prior to Commissioner Townsend’s vote, she said, I voted note because I’m not clear about the nature of this.

Mayor Garner said in theory, according to Legal Counsel, that item has passed as a result of that vote, but we are still open to commissioners’ comments.

Commissioner Ramirez said I don't think we would have a lot of this confusion if we had a fully staffed and operational Economic Development Department. It seems that department has continued to try to be controlled. We wouldn't have this issue if we had an Economic Development Director and staff to do their job.

Commissioner Townsend said my question dealt with what was the nature of, the actual and the result of the actual motion, so it's just clear. It's not that I necessarily opposed the project. The issue of whether or not, in ED&F, if we move with this forward, were we approving money dealt with then? My understanding it was not. I just want clarity on what we've just done.

Mr. Waters said we have extended the closing date for both parties to finalize the transaction. We have extended the completion date to give the developer additional time to complete the project. We have allowed for the possibility, if we choose to raise the bridge, to recoup half of those funds through the TIF and CID. Those were the three actions.

Commissioner Townsend said thank you for that clarification. If I'd had that, my vote would have been yes. Thank you.

Commissioner Stites said so between now and then, we may find a funding source that helps us out with that additional money of raising the bridge, if we elect to do that, right? **Mr. Waters** said I know staff is looking, continues to look for all options.

Mayor Garner said I'll make one final comment on this. I do respect we have an Economic Development Director. These deals had already been signed, voted on, and moved. These things have come up after the fact of all these agreements. Whether or not we have an Economic Development Director in tow right now—our Administrator has done a good job of putting together a team that's handling those duties. This has nothing to do with that at all.

What troubles me is the lack of communication or clarity in this. I just know in my line of business, coming forward, when you have these types of flare-ups and miscommunications, usually people are held accountable. That is one thing that I've seen lacking in this Unified Government is accountability and until there is, I really am concerned about where this Unified Government is going.

This is a Unified Government of professionals, and we've got a lot of good employees here that do good work. I like trusting, but I like to verify. If people don't cut it, there should always be consequences, in the line of work that I've come from, and I don't see a lot of that going on. I see a lot of making excuses that really don't add up to me.

I think the people of Wyandotte County, when you're talking about millions of dollars, deserve a lot better from some, not all, because I believe that most of our staff and employees do an awesome job. I was one of them. I've worked with lots of others that are still on this Police Department keeping this community safe as we speak. But for those that don't cut it and miss the mark, I would hope that some level of conversation is had to make sure that these types of things don't happen again so our commissioners can have all the information they need to make an informed decision.

I've watched these commissioners over the years ask for information, ask for details. Sometimes they got it, sometimes they didn't. Those types of things need to stop. This unified body needs to be respected in a way to know that they make the decisions. The tail does not wag the dog. When you bring information forward, all the T's should be crossed and all the I's should be dotted. We are too big of an organization to be having these types of million-dollar mess-ups.

I believe someone said that promises were made. Well, obviously, in this situation, promises weren't kept, and to me, that's just totally unacceptable. When you're talking about a professional organization as the Unified Government and we're paying people top dollars to do work here at the taxpayers' expense—I'm going to leave that alone.

Commissioner Stites said thank you to all the employees that are out there that are doing a good, hard job and working every day to try to bring things forward for the best of our community. We appreciate everything that you're doing, this Commission does. Thank you and Merry Christmas.

Item No. 3 – 212194…NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination for boards and commissions:

Ollie Carroll to the Human Relations & Disabilities Issues Board, 12/15/2022 to 12/11/2023, submitted by Commissioner Bynum.

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

Item No. 4 - MINUTES

Synopsis: Minutes from the Full Commission meeting on April 7, 2022, and the Special Session on November 10, 2022.

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

Item No. 5 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 17 and 23, 2022.

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

<u>PUBLIC HEARING AGENDA</u>

No items

<u>STANDING COMMITTEES' AGENDA</u>

Item No. 1 – 212179…RESOLUTION: AUTHORIZING AN MOU BETWEEN USD 500, THE UG, AND KCKPD TO ADMINISTER A 911 CALL-TAKER TRAINING PROGRAM

Synopsis: Approval of the Resolution authorizing an MOU between USD 500 and the Unified Government and KCKPD to administer a 911 Call Taker training program, submitted by Casey Meyer, Senior Counsel; Karl Oakman, Chief of Police; and Renee Ramirez, Director of Human Resources. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on December 12, 2022. It was requested and approved by the Mayor, to fast-track this item to the December 15, 2022, full commission meeting.

Commissioner Bynum said very much like the program that the Sheriff's Department had brought forward in working with the Kansas City, Kansas, Public Schools, our Police Department is also now setting up a program to train 911 call-takers. It will provide hours of work and certification. It's exciting because we're continuing that effort to try to grow our own, if you will, and offer these good jobs that we have at the Unified Government to the young people that live in our community in the hopes that they can stay here and have a career. With that, I would move approval of the resolution.

Action: **RESOLUTION NO. R-83-22,** "A resolution authorizing the approval of an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and Unified School District No. 500 for a 911 call-taker training program." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.**

Mayor Garner said okay. There's a motion and a second. Are there any comments or questions? Hearing none and no further intercession, roll call, please.

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

ADMINISTRATOR'S AGENDA

Item No. 1 – 212189…RESOLUTION: EXTENDING LOCAL HEALTH EMERGENCY FOR COVID-19 PANDEMIC

Synopsis: A resolution extending the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through May 1, 2023, submitted by Matt May, Emergency Management Director.

Matt May, Emergency Management Director, said once again, we're back to extend this. We continue to be impacted by COVID. We continue to have a funding source to support us and all they ask of us is that we maintain the status of an emergency declaration. So, I bring that back to you again, where it seems like we just did this a week ago. It's not, but what we're trying to do is stay more ahead of it so that when the expiration for the last one comes, we're ready with the next one. I appreciate your indulgence in trying to work around the holiday schedules. I stand for questions.

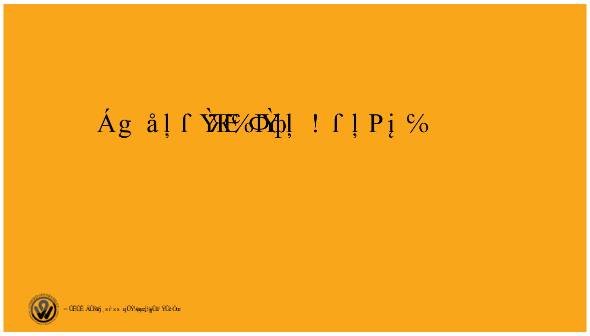
Action: **RESOLUTION NO. R-84-22,** "A resolution extending the state of emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through May 1, 2023." **Commissioner Davis made a motion, seconded by Commissioner Markley, to adopt the resolution.**

Mayor Garner said we have a motion and a second. Any discussion? Roll call, please.

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

Item No. 2 – 212191…ADOPTION: 2023 STATE LEGISLATIVE PROGRAM

Synopsis: Adoption of the 2023 State Legislative Programs, submitted by Alan Howze, Assistant County Administrator.



Alan Howze, Assistant County Administrator, said this evening we are joined by Paul Davis, our State Legislative Lobbyist. As we prepare for the start of the legislative session in January, you all have seen the draft legislative agenda that came before you in November. Had an opportunity to provide feedback on that and then more recently, through a ranking exercise, we're able to provide your input on what those top priorities were for the top ten for that legislative agenda.

1	Medicaid Expansion	6	Equalize Motor Vehicle Taxes
2	Star Bonds & Food Sales Tax	7	Local Share of Sports Betting Revenue
3	Increased State Infrastructure Funding	8	Pay Prevailing Wage
4	Flexibility for Alternative Revenue Sources	9	Increased Funding for Mental Health and Psychiatric Beds
5	Expanded Childcare and Universal Pre-K	10	Increased Funding for Services to Senior Populations

We're just going to focus in on the top ten. I don't think this is any surprise. I think actually it dovetails with a lot of what you heard earlier this evening in the sessions from the HEAT and from the CHIP. Medicaid expansion being the number one priority; STAR bonds and food sales tax number two; increased state infrastructure funding number three; flexibility for alternative revenue sources number four; expanded childcare and universal pre-K, again, something you heard about this evening; equalizing motor vehicle taxes so that Wyandotte County residents are paying the same for the same vehicle as residents in other communities; a local share of sports betting revenue;

paying the prevailing wage; increased funding for mental health and psychiatric beds for the state; and increased funding for services to senior populations. That was from the Commission input that we got the top ten priorities as they came out.

The rest of the items that were on the legislative agenda remain there. Some of them, from what you saw in November, kind of got combined because there were some overlapping there. What you have in front of you is the agenda that if you choose to adopt it, would be then presented to the legislatures. So, legislators and the delegation would be working with Mr. Davis to identify which ones. Different legislators might want to pick up and introduce and push forward so that we can move into the legislative session with clarity on the priorities and kind of a plan to move forward with that. Stand to answer any questions.

Commissioner Bynum said I would agree with the dissemination of this to our state delegation, but I would suggest that we also share it with the Chamber, Wyandotte EDC, Hispanic Chamber, and the other taxing entities as well. Bonner, Edwardsville, everyone, so that it's a step toward what I hope we can do next year, which is maybe meet to jointly present our legislative priorities. I think that if we had a set of top ten legislative priorities that have the support of all that I mentioned, that might carry even more weight, not only with our delegation, by other legislators in Topeka. So, with that, I would move to adopt the priorities.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adopt the priorities.**

Commissioner Burroughs said I'm really pleased that we, as a Commission, chose to identify the top ten priorities because I can tell you, as a state legislator, it is very difficult to look at 40 or 50 priorities set forth by a local entity and try to carry those because no matter how successful you are with that many on the table, it doesn't look like the effort was put forward. But I can tell you, your delegation works extremely hard. These top ten priorities give them focus going into the next session. By working and collaborating with other legislators, it allows them to be more successful. I do appreciate the fact that we had a chance to have our input into these top ten.

Mayor Garner said thank you, Mr. Davis, for your work, and Mr. Howze. Seeing that there's no further intercession, we have a motion. Was there a second? **Brett Deichler, UG Clerk**, said there was, Mayor.

Mayor Garner said a motion and a second, no further discussion. Roll call, please.

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

Item No. 3 – 212192…PRESENTATION: ECONOMIC DEVELOPMENT POSSIBILITIES

Synopsis: Joint presentation with Cheryl Harrison-Lee, Interim County Administrator, and Kansas City Area Transportation Authority, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action: **This item was previously removed from the agenda, per the blue sheet.**

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administer wish to set aside any item on the Land Bank Consent Agenda? There were none.

Item No. 1 – 212084…LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option application, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below.
https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddcb8/

A. New Construction - Single Family Homes – 22 Homes
    1. Chris Solutions LLC – 1 home
       2007 S. 19th St. – 112309
    2. Chris Solutions LLC – 1 home
       2203 N. 45th St. – 174615
    3. Chris Solutions LLC – 1 home
       3001 N. 42nd St. – 105426
    4. Chris Solutions LLC – 1 home
       5118 Douglas Ave. – 050257
    5. Chris Solutions LLC – 1 home
       4516 Lafayette Ave. – 174684
    6. Chris Solutions LLC – 1 home
       4340 Parallel Pkwy. – 914269
    7. Chris Solutions LLC – 1 home
       4100 Waverly Ave. –108900
    8. Kathryn C. Meyer – 1 home
       1895 S. St. Paul St. – 154930
       1894 S. 6th St. - 154929
    9. Steven Kinney – 1 home
       1830 S.10th St. – 154930
    10. Tom Groneman obo Tony Kassim – 1 home
       709 Reynolds Ave. - 120965
    11. Maria Hill – 10 homes
       2541 N. 52nd St. – 039765
       2524 N. 52nd St. – 039730
       2514 N. 52nd St. – 039731
       2552 N. 52nd St. – 039757
       2508 N. 52nd St. – 039741
       5209 Nogard Ave. – 039740
       5141 Nogard Ct. – 039715
       5316 Nogard Ct. – 039763
       5134 Nogard Ct. – 039764
    14. Francene Sutton – 2 homes
       3124 S. 36th St. – 120122
       3116 S. 36th St. – 079673
    15. Tonya Love – 1 home
       2278 Russell Ave. – 161803

B. Multi Family – 4 units total
    1. Hamdi Alsammarraie – 2 Units
       627 S. Pyle St. – 073588
    2. Rudy Arias – 2 units
       4225 Douglas Ave. – 176610
       4230 Shearer Rd. – 176612
    4. 505 Central
       529 Central Ave. – 904421
       525 Central Ave. – 904420

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

Mayor Garner said okay. There is a motion and a second. Any further discussion? Seeing none, Clerk, roll call, please.

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

Mayor Garner said thank you to all our people in the community that may be watching or here in person. This is the last Unified Government Commission meeting of this year. On behalf of everyone, I'd like to wish everyone a Merry Christmas, and we're looking forward to a blessed New Year moving forward. We are adjourned and thank you.

Mr. Deichler said roll call, Mayor.

Mayor Garner said a motion to adjourn.

Action: Commissioner Johnson made a motion, seconded by Commissioner Bynum, to approve.

Commissioner Davis said hold on, hold on. I believe we wanted to add something to the agenda. So, before we do that, Commissioner Markley, would you like to take that order or would someone withdraw their motions to adjourn and then let's discuss what we need to discuss.

Commissioner Bynum said second withdrawn.

Commissioner Johnson said motion withdrawn.

Mayor Garner said we have a motion and a second to withdraw from the agenda to adjourn. Go ahead. Is there a motion or an action request that's being brought forth?

Commissioner Ramirez said yes.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to suspend Section 505 of the Rules of Procedure requiring "meetings to be conducted in accordance with written agenda."**

Commissioner Markley said we have a motion and a second, Mayor.

Mayor Garner asked, discussion?

Commissioner Markley said we need to suspend the rules, and then I'm happy to walk through what I've just passed around.

Mayor Garner asked, do we have a question? Do we have another motion, I mean, what was the question?

Commissioner Davis said call the question.

Mayor Garner said standby.

Commissioner Kane said, Mayor, if we take a vote on the motion, then she'll explain what's on the….what you have right here.

Mayor Garner said I get it. Standby. I'm going to call for a 10-minute recess. I know there's a motion. I'm trying to get clarity from our Legal Counsel. If everybody would be patient. Standby. I need a little recess to talk to Legal. Nothing's changed on the floor. It's still out there.

Recess was taken at 9:01 p.m. Reconvened at 9:11 p.m.

Mayor Garner said there is a motion and a second. Any discussion? Clerk, roll call.

Roll call was taken and there were eight "Ayes," Davis, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs. (Commissioner Bynum was out of the room.)

Mayor Garner said okay, that takes us to the next item.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to add ordinance amending Appendix C, Article II, Sections 202 and 203 of the Standing Committee Rules of Procedure to—well, we passed it, but the Commissioner's Agenda.**

Mayor Garner asked, any discussion?

Commissioner Burroughs said thank you, Mayor. To my colleagues, you know this is the season of spirit. And in the spirit of fairness and transparency, if there's a move of foot to change how we function as a government, we should collectively be working together to do that. I think it does none of us any good to air our differences publicly. We could have asked for a special executive session and had these differences in private. I think that would have been the fair way to handle this situation and maybe come to a resolve or an issue, versus what we're about to see this evening. I have been part of a process like this and its so content and distrust among people over a period of time and I would hate to see us do that. So, please know that it pains me to see us do it this way.

Mayor Garner said thank you, Commissioner.

Commissioner Markley said thanks, Mayor. So, the edits that are before you are the Sections 202 and 203 of the Standing Committee Rules of Procedure. They're meant to put into writing what has been a long-standing Commission tradition, I will say, which is the items that come through our standing committee, arrive on our full commission agendas for a vote. It's meant to codify, as I said, what has been long-standing tradition and that's what's before you. If there are questions on the drafting, I'd be happy to answer those now. I will say, also, I did email a copy to our Clerk and to Misty Brown so they both have a copy of it available as well, and I have an extra if anybody missed one.

Mayor Garner asked, any further discussion?

Commissioner Markley said if there are no questions, I would call for the question.

Commissioner Davis said second.

Mayor Garner said okay. I just want the public to know what is going on here is unification happened in 1997. A long-standing part of the unification has been that the Mayor controlled the agenda. What you're seeing tonight is a, literally, rollback of the mayoral powers. The one power that every mayor's had up until me. I don't control the agenda, in essence, is what this action is going to mean. I have zero control over the agenda. That means my powers have totally been reversed and relegates me to someone that just runs the Commission meeting.

It takes a lot of what's been in the charter ordinance away from me as far as the mayoral duties, and this is a backdoor way to literally take the powers of this Mayor away to work on behalf of the people that voted for me to be your Mayor, to be your voice, to make sure that everything that we did was community driven; to identify and shine a light on inefficiencies and things that have happened in this Unified Government. To demand that we hold this Unified Government accountable to the people of Wyandotte County and better do that. To make sure that there's equity in the delivery of goods and services, that no one is left behind, that no one is disenfranchised, that all voices are heard, that everyone that wants an opportunity, that diversity and equity are a priority here in this Unified Government.

So, if this action passes tonight, every commissioner and everyone in this community needs to know that this Mayor will be the first mayor since unification to not have the powers afforded to the Mayor/CEO since consolidation. I just hope that the public is paying attention because ultimately the public has the power, and you need to know. I've done all I can to make a difference, but ultimately this community is the difference. If you want change here in Wyandotte County and what is happening tonight and what has happened and what has been brought out over the course of this year with the audits and with other things that you've seen with budget, taxes going up, things of those nature and just the way that a lot of the Mayor's Office has been treated, including my staff, if that's not acceptable to you, this is a democracy. Let your voices be heard.

I'm going to continue to fight for this community in every way that I can. This measure will not stop me. I'm committed to the people of Wyandotte County. It's never been about me; it's been about this community. And really what is going on tonight, if it passes, isn't so much an indictment on me as it is an indictment on every individual that voted for me and want it better for Wyandotte County and wanted change.

So, I hope that as we go into this year that change, at some point, will come to the Unified Government of Wyandotte County, Kansas City, Kansas, because this is an unacceptable, unknown backdoor, and to me, shady way to do business. But I guess that's why they call it politics. And, hopefully, politics as usual in Wyandotte County is this cutthroat type of politics comes to an end. It does a disservice to everybody that wants to call Wyandotte County home, and the community, in my opinion, the citizens of Wyandotte County deserve better.

So, there's a motion and a second. I'm going to ask the Clerk for a roll call.

Commissioner Davis said there are questions or people were wanting to speak. Are we doing that? **Mayor Garner** said yes, apologies.

Commissioner Ramirez said thank you, Mr. Mayor. This doesn't take away anyone. It equalizes the sharing of power of the agenda. This says that staff, commissioners, and the Mayor, and the public, through a commissioner, can put anything on the agenda. I have done my own research across this state. No, mayor in this state has full, complete control of the agenda. We are the only ones that operate that way. The agenda power is shared amongst all elected, staff, and even the community. The community wants an ordinance, they go to their city council person to put it on the agenda. That is checks and balances, something that this UG does not have and is what we're trying to put in place.

Mr. Mayor, when you first got elected, you and I had this conversation about commissioners having more say over the agenda and you agreed; we both agreed. So, this is not taking anything away. It's equalizing the playing field so that everyone has a chance to put something on the agenda so that it doesn't become political.

The final vote is here at this dais. If commissioners don't like what's brought forward, they have it within their right to vote no. That's all I'm saying. That's all that this is. That's all. It's not, I have—and I know you're going to find it very hard to believe me as I say—I have no ill will with this. This is something that should have done, been put in place, a while ago. Checks and balances, like every other municipality in this state has. Thank you.

Commissioner Bynum said I was reading this as dealing specifically with standing committee, so, I want to make sure that I'm right about that and that it's not agendas in general. It's the agendas that pertain to standing committee actions. Item (h). Section 202(h). It's one Section (h) with a section added to the front end of it. **Commissioner Markley** said there should be an (h) and an (i).

Commissioner Bynum said so the second (h) should be an (i). **Commissioner Markley** said there's a typo there. The second (h) should be an (i).

Commissioner Bynum said the first (h) is added language. **Commissioner Markley** said correct. And the answer to your first question, you are correct. The mayor still would have complete control over every other part of our agenda. The only change is that if something is approved by a standing committee, it must come to the full commission. That is the only change this language causes.

Commissioner Bynum said but I am seeing added item (h) to read that items shall not be added to or removed from a standing committee agenda without approval of the standing committee chair. And in that item (h) are we referencing the agenda for that standing committee meeting? **Commissioner Markley** said correct.

Commissioner Bynum said so basically that item is saying in consultation with the standing committee chair, those items will be placed on that agenda. Then Section 203 is simply stating that if something makes its unanimous approval, that it automatically makes its way to the full commission agenda. **Commissioner Markley** said it doesn't have to be unanimous if it's approved by the standing committee.

Commissioner Bynum said correct. Thank you for that clarification.

Commissioner Burroughs said it was mentioned about the charter and the mayor's powers. You know we're going through the charter review at this particular time, and it's been a very transparent committee. A handful of you serve on that committee. These recommendations could come through the charter to modernize it, to make it more effective and more user-friendly for us, as a Commission, and as a living document. I would just state, again, colleagues, there's a better way to handle this and then discussion without taking this action, without discussion of all commissioners. I just hate to see us do this at this particular time, but especially this particular season. It's just not the transparent way to do things.

Commissioner Davis asked, is it possible for us to put this up for the public for them to see what we're looking at? Do we have capabilities, technologically to do that, for transparency purposes? I just thought there was an email that was sent to the Clerk's Office. Okay, I do have every intention of being transparent on what we're voting on. I do have a question for Legal. This particular proposal, is this part of our charter foreign?

Misty Brown, Chief Legal Counsel, said no, Commissioner. This is not part of the charter. If I could explain a little bit. The consolidation study that the Unified Government conducted when they unified is considered the Unified Government Charter. In addition to that, you have our Code of Ordinances and then you have the Rules of Procedure. These are changes to the Rules of Procedure, and it's not part of the charter.

While I have the mic, at some point I would like to hear the original motion again. I know we had a motion to suspend the 505 regarding the agenda, but I did not know if there was another motion to suspend any other rules.

Commissioner Davis said I will let Commissioner Ramirez do that but thank you, Counsel. So, just wanted to make it very clear, and I know the Clerk is going to put this up so all can see. This is a rules and procedures change. This is not a charter change. So, references to the charter, the charter that was passed in 1997 is the same one we have now. This is about the Rules and Procedures.

Mayor Garner said, Counsel, if you would, could you read those changes to those that don't have that up. Can you walk through those changes for the public?

ARTICLE II. STANDING COMMITTEES

Sec. 201. Rules of procedure for standing committees.

These rules of procedure shall govern the meetings of all standing committees.

(Res. No. R-115-98, § 2, 10-8-1998)

Sec. 202. Standing committees created; meeting times.

There shall be four standing committees of the commission: (1) neighborhood and community development; (2) economic development and finance; (3) public works and safety; and (4) administration and human services;

a. Standing committees shall meet at least monthly in a regular place determined by the respective standing committee chairperson;

b. The neighborhood and community development committee shall meet on the Monday immediately preceding the first full commission meeting of each month at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

c. The economic development and finance committee shall meet on the Monday immediately preceding the first full commission meeting of each month at a time that is immediately upon adjournment of the neighborhood and community development committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

d. The public works and safety committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

e. The administration and human services committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at a time that is immediately upon adjournment of the public works and safety committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless authorized by a majority vote of the standing committee members present;

f. When the date of a regular standing committee falls on a legal holiday, the meeting shall be held at the discretion of the standing committee chairperson;

g. Standing committee agenda items shall be assigned by the standing committee chairperson or the mayor, with the advice of the administrator, based upon subject matter and other factors deemed relevant by the mayor and the administrator;

h. Items shall not be added to or removed from a standing committee agenda without approval of the standing committee chair; and

h. In cases of ~~conflicting~~an agenda item being proposed for inclusion on multiple committee agendas, the mayor shall make the final decision ~~on committee assignments and committee agendas~~ as to which committee hears the item.

(Res. No. R-115-98, § 3, 10-8-1998; Ord. No. O-37-18 , § 1, 9-27-2018)

Sec. 203. Agenda for meetings.

The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, with the assistance of the standing committee's staff coordinator for placement on the full commission standing committees' agenda. ~~The mayor ultimately determines the final agenda for the full commission meetings.~~ Any agenda item recommended by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to place emergency or time-sensitive items on any earlier full commission agenda in the interest of the unified government or the public.

(Res. No. R-58-98, § 2, 6-4-1998)

Sec. 204. Meetings open to the public.

All standing committee meetings shall be open to the public pursuant to the Kansas Open Meetings Act.

Sec. 205. Appointment to committees.

Appointment to commission standing committees shall be as follows:

a. Service on standing committees shall begin on the second Monday in January following a November election;

b. Each at-large commissioner is to serve on two different standing committees;

c. The at-large member of each standing committee shall appoint the respective standing committee chairperson from the membership of that standing committee;

d. The at-large member may serve as chairperson or may appoint another standing committee member for a two-year term;

e. The term served by each commissioner shall be determined by the mayor; a commissioner may be removed from a standing committee with the approval of the standing committee chairperson;

f. The mayor shall appoint a minimum of five commissioners to each standing committee, including the at-large commissioner, but not including the mayor or the committee member serving on behalf of the board of public utilities, unless the mayor determines a greater or lesser number is needed for the work of a committee;

g. The public works and safety committee and the economic development and finance committee shall each include one voting member selected by the mayor from among the elected members of the board of public utilities;

h. The neighborhood and community development committee shall include at least one voting member from each of the other three standing committees;

i. Standing committee jurisdiction shall be limited to matters affecting general policy and budget; matters affecting administration, personnel and daily business operations are specifically reserved for the administrator as such matters are administrative functions of the unified government; and

j. Commissioners who are not members of a respective standing committee may participate in the discussions of standing committee meetings and may ask questions and generally be involved in standing committee business; however, non-member commissioners shall have no vote on standing committee agenda items unless selected as a substitute member by the standing committee chairperson.

(Res. No. R-115-98, § 4, 10-8-1998; Ord. No. O-74-17 , § 1, 12-21-2017)

Sec. 206. Special meetings.

A special standing committee meeting may be called at the request of the standing committee chairperson; except in the case of an emergency, all special standing committees shall be called at least 24 hours prior to the time set for the special meeting.

Sec. 207. Notification of meetings.

A notice, in writing, of the date, time and place of all regular meetings of the standing committees shall be sent via mail by the staff coordinator to the administrator, the local news media, persons designated by the committee chairperson or staff coordinator and to all persons requesting such notice from the unified government clerk (hereinafter "clerk") orally or in writing:

a. The definitive list of those persons who are entitled to receive notice of standing committees shall be kept by the staff coordinator; and

b. The clerk shall have overall responsibility for keeping the commission meeting schedule and shall assist the staff coordinator in sending the required notices.

Sec. 208. Furnishing of notification.

Notice of time, date and place of rescheduled regular meetings and special meetings of standing committees shall be furnished by the committee chairperson or the staff coordinator to all those entitled to receive it, including each member of the committee:

a. The method of furnishing such notice shall be by mailing a copy of the call when the call has been made sufficiently in advance of the date for the special meeting to allow receipt of the notice in a reasonable time prior to the special meeting; and

b. When time does not allow receipt of such notice of call by mail, telephone contact is sufficient.

Sec. 209. Agenda items.

Items to be presented to standing committees for discussion and/or action shall be submitted to the standing committee chairperson either directly or through the staff coordinator prior to the date of the meeting at which items are to be taken up:

a. The mayor, with the advice of the administrator, shall assign the item to an appropriate standing committee during a regular agenda review meeting based upon the subject matter of the item and other relevant factors; and

b. The standing committee agenda shall contain the following: call to order, roll call, approval of minutes of previous meeting, committee agenda, public agenda and adjournment.

(Res. No. R-115-98, § 5, 10-8-1998)

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Sec. 210. Changing of agenda.

Subject to the chairperson's prerogative to reasonably arrange agendas, as set out herein, requests by standing committee members for placement of items on the agenda shall be granted provided that the request is made in writing prior to a reasonable deadline for submission in order to provide adequate notice to the mayor, administrator, other commissioners and the public for matters to be considered.

(Res. No. R-58-98, § 3, 6-18-1998)

Sec. 211. Copies of agenda.

Copies of the agenda of each meeting shall be available to any person requesting same.

Sec. 212. Minutes of meetings.

The proceedings of all meetings of each standing committee shall be recorded or otherwise preserved in writing by the clerk and such records shall be retained by the clerk for a minimum of 60 days after distribution of the minutes:

a. Summary minutes shall be prepared of meetings of the standing committees and shall be retained by the clerk; and

b. The summary minutes shall reflect the attendance of standing committee members and any substitute members.

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(Supp. No. 42)

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Ms. Brown said yes. This is part of the section. Our Rules of Procedure go through several sections that speak to the different types of meetings. This is Article II, which pertains to the standing committees.

At the beginning—I'm only going to read the actual changes. It talks Rule 201, says these are the Rules of Procedure for standing committees. Section 202 says standing committee's created and meeting times and sets forth that there's four commission standing committees; talks about the meeting monthly. Up until now, everything is already existing. There's a new provision in here, a new provision (h) that says items shall not be added or removed from a standing committee agenda without approval of the standing committee chair. Then a new Section (i) or a change to a Section (i) in the case of an agenda item being proposed for inclusion on multiple committee agendas, the mayor shall make the final decision as to which committee hears the item.

It then moves on to Section 203 for the agenda for the meetings. I'll read this one because it's short enough. It says "The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, with the assistance of the standing committee's staff coordinator for placement on the full commission standing committee's agenda." It then strikes the sentence, "The mayor ultimately determines the final agenda for the full commission meeting." That part is struck and it says, "Any agenda item recommended by a standing committee to the full commission for action or actions shall be…" they've struck the word "presumptively" and said "shall be scheduled for action at the next regular meeting of the full commission subsequent to any regular meetings, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to place emergency or time-sensitive items on any…" and the words "earlier full commission" were added; "agenda in the interest of the unified government or the public." Those are the changes that I see.

Mayor Garner said thank you, Counselor.

Commissioner Stites said okay. As you guys know, I've been here one year, right? I'm trying to figure out why it is that this is a bad thing. I mean, I heard what the Mayor said here and to me, it appears that it's an avenue for the Commission to get items placed on an agenda that our constituents or the public comes to us that want to discuss. I don't mean no disrespect but, Mayor, I'm not sure why you take offense to us having some latitude where we can get some items that our constituents want us to hear on an agenda. I guess that's confusing to me because it doesn't appear to me that it's taking any of the things that you mentioned a minute ago away from you. You still can do the same things that you did before, this is just letting us have an avenue. Now somebody correct me if I'm wrong because it appears that this is a good thing for the commissioners to be able to have an avenue to get items placed on an agenda so that the public can hear it. That's all. Thank you.

Mayor Garner asked, Counselor, any interpretation of that?

Ms. Brown said, Mayor, the Rules of Procedure are adopted by the Commission to govern how you conduct your meetings. In the past, opinions have been drafted from my office. I've drafted them myself stating basically that the Commission had no ability to put anything on an agenda or to vote at a special meeting because of that phrase in Section 203. As to the policies, decisions for this matter, I think Commissioner Stites indicated that yes, this would enable commissioners to put items on a standing committee agenda. I will not speak to the policy behind it because that is not for the attorney to advise on.

Mayor Garner said to answer your question, I guess, Commissioner Stites. One thing happens is that what I've noticed since I've been mayor is if you have an adversarial Commission that doesn't agree with the agenda that any mayor runs on; now they have the ability to silo the mayor into a position of irrelevance in the decision-making. Any mayor, whether it's myself under, if this passes, does not vote unless there's a tie. Only votes if there's lacking a quorum and then can veto an item. The mayor really has no input on the agenda items moving forward, because I cannot keep them off. I cannot put them on. I cannot stop them from proceeding. In essence, I don't vote on anything. So, in essence, you have a mayor and that's fine if this Commission chooses to go down that road. You've created not just a weak mayor; you've created a weaker mayor in that regard that really has very little power other than to come here and run meetings for you all, which I think is beneath the title of Mayor/CEO.

I believe that the mayor, who is a full-time mayor—I don't think any of the commissioners are here full-time that has to work directly with an administrator that deals with staff on the policies and the budgets that you all put out and works closely with the public, has a different eye and a lens that sometimes you all may not have. I can give you an example of that.

The policy about employees working from home where there were a lot of questions that weren't asked. I sent them back. Policies that could have budget implications, policy that was moving forward that was approved by a standing committee that was lacking accountability mechanisms with no clear-cut policy moving forward that was told to me would be decided later. I felt appropriate, as a mayor, to push that back for further discussion and further conversation after staff did more work so that we had a policy that moved forward that put the interests of customer service at the forefront as opposed to the interests of employees, because that's why we're all here.

We're here to serve the public. We're here to serve people . When you don't have people answering their phones now and then you're, in essence, creating less time for people to be at work under the umbrella of work from home with no programs, no accountability mechanisms, and no policies that were in place, that really cast light on what that really meant. So, that's another example why I sent it back because I always put the interests of this community first.

I respect, just so you know, the will of this Commission. That's the power of our democracy. Do I agree with it now to your—this is unprecedented in the history of the Unified Government. Whether you have political disagreements or not, the door has always been open for you all to come to the table to work with me. Some of you have chosen not to, that's your prerogative.

I came to the door from day one with we've got to collaborate and work together for the better good of Wyandotte County. Even if you don't agree with the agenda and my platform or what I stand for, there's always room to find, or was room to find, common ground on things we could agree on and build off that. Some of you sitting right here refuse to and you know who you are. That's unfortunate for the people of Wyandotte County because I believe if things would have been a little bit different over the years, we wouldn't be $1.1B in debt and on a pathway to bankruptcy with very little to show for the people that call Wyandotte County home.

I don't care who thinks about what. I love the people of Wyandotte County. I worked here for 32 years. I've never seen this level of political dysfunction anywhere, and the people of Wyandotte County deserve a lot better than what they've been getting, and I don't feel that they've been getting what they deserve for their money. I pray for Wyandotte County. I pray for the people of Wyandotte County. I pray for you all, and I just hope things get better.

Commissioner Stites said I appreciate the answer to that. On the flip side, if you do have, and I'm not saying you are, but you said that if you have an adversarial commission that goes against your policy, also that could mean if you had an adversarial Mayor that didn't like or didn't want to put things on your agenda or what you felt was important to your community. I'm not saying that you are, I'm just saying that it goes both ways.

I still view this as just an avenue, a vehicle, a mechanism for the commissioners to put things on the agenda that they feel important about. I think that, yes, you are the title for full-time employee, but I'll tell you, I put my 40 hours in every week, plus. I may not have full-time pay or full-time benefits or the title of being here full-time, but I promise you, I put my time in every single week.

And so, I just think that moving forward, that it's incumbent on all of us, however dysfunctional we may be, that we try to figure out a way moving forward that we're able to work together no matter what line item (h) says who's in control of the agenda. If it's the best thing for our community, it shouldn't be an issue. I look forward to just seeing where this goes, and I appreciate it. Thank you very much for the time.

Commissioner McKiernan said I actually view these changes as promoting collaboration rather than taking it away. I'll give an example of something that has very recently happened with an item that came through a standing committee that I chair. That item was collaboratively put on the standing committee agenda. That item was heard in open forum in a public meeting by the standing committee. That item was discussed at the standing committee. That item was approved unanimously to come to the full commission for consideration. Before the full commission meeting, that item was pulled. I wasn't consulted. I was told that item's been pulled. I think if we had collaborated on that, we might have, all of us understood why it was better for that item not to come and to come.

I do view this as an opportunity to increase collaboration so that if we collectively choose to put an item on a standing committee agenda and the committee hears that and approves that, that item then comes before the full commission. That doesn't mean that the full commission won't choose to send it back. It doesn't mean that the full commission will approve it, but that it comes for its hearing after it's gone through the requisite steps up to that point. Thank you.

Commissioner Burroughs said I appreciate you taking the time once again to hear what my comments might be. It's not that I'm necessarily opposed to the rewrite, it's the process that I find a little disheartening, a little concerning. For one, I did not know about this. I'm a commissioner at-large, I have four of you commissioners in my district. I guess I would just want to remind each and every one of you, and I'll ask counsel for help. Counsel, how many commissioners does it take to have a conversation before violating Kansas Open Meetings Act?

Ms. Brown said if there's a conversation between a majority of the Commission, it would be about one topic, an interactive conversation would be a KOMA violation. So, if six were to converse about a topic, we would have a violation.

Commissioner Burroughs said that would be a simple majority would be six. Thank you. I would just want to advise us that if we're going to do work, let's do it in the public's eye, even if we disagree with whatever action you want to take. If we want to do a straw poll or whatever, just be mindful that Kansas open meeting, we don't need any other legal actions taken against this Commission. As I stated, it's not that I'm necessarily opposed to the language, I'm just opposed to the process in which it occurred. I would hope that if the commissioners that I have the privilege of working with, are respectful of the fact that we're all here equally.

Commissioner Kane said you know I'm negotiating contracts quite a bit and there's good and bad in the contracts. Then sometimes you have to open up contracts to make modifications, to make it a better contract. In my mind, that's what we're trying to do. I gotta admit when we had one of our items on the standing committee and it was pulled, I've been here longer than anybody else. I've never seen anything pulled like that before. I was extremely frustrated that night. Then it happened a couple of weeks later again. And I'm like, oh my God, we have the public hearing, we have people there.

We are elected to work as a Commission. We sit on those boards and because, Mayor, you didn't like something, then you pulled it. What's that tell the standing committee? It says you're better than us and it's frustrating.

We are supposed to be—you talk about coming to your office and I did that. Last time I came to your office you were there 20 minutes. You got up and left and you sent LaVert in. I wanted my hour. You got to voice what you were worried about. I wanted to voice what I was worried about. You got up and walked out. Now you said you wanted us to work with us, well I wanted my hour so I could tell you I was frustrated with some of the things that were going on.

This isn't stripping you of your power. You're still the mayor. You're still the guy, but we see that there's a change needed so what we work on needs to be presented to the entire Commission, not pulled because you don't like it.

I was trying not to say something but it's like tonight when we were talking to staff, I know that lady felt bad. She felt like you were talking to her. That's not nice. We have an outstanding workforce. Are there some people that probably need to move on, absolutely, but that young lady works her tail off and she made a couple of mistakes. I don't think we should have berated her like that and said the things we did where we got her to cry in public on TV. A lot of Commission meetings you get up and you bash the Commission because they did something you didn't like. If you don't like what we're doing, this is the way that I was always taught, pull me in a room and talk to me. Don't beat me up in public. Don't beat our employees up in public, and don't act like you're the one trying to save all of Wyandotte County.

I'm in my fifth term and it's like somebody said something about a term limit. There are term limits. They don't like you; they vote your ass out. But, Mayor, you have to work with us for us to work with you.

Mayor Garner said well, Commissioner, after that I came out the gate working and you all rejected everything that I brought forward. That's your prerogative. I asked you to come out, work with me, and I did that. Every proposal I brought forward you all have rejected it, every proposal, other than Safe and Welcoming and that I had to pass that with an override. So, you can talk that. It sounds good, but at the end of the day what I've been getting from this Commission is a total rejection of an agenda that was given to you by the people. A community-driven agenda and people have been wanting me to fight.

You can say, I believe, I worked here. I was one of those employees for 32 years. I got shot serving this public. There's a lot of good men and women that work in the Unified Government. You've never heard me say otherwise. There's a movement right now that if we know that there's people that are corrupt, they're not providing good customer service, this community wants accountability. There's employees right now that don't answer their phone.

That's unacceptable to me. There's other shenanigans that have been going on in this Unified Government.

You can say how long you've worked here. Well, I don't like calling people out, but my thing is if it's wrong, it's wrong, and I'm going to call it like I see it. I'm not going to do backdoor deals and brush stuff under the rug.

Now you can say what you want to say. I'm not here to play games. I'm not even a politician. I retired. I was asked to be here by people when I retired and I came back because I love this community, and I love people even more. They said they want it better because they were fed up with the crap that they could get from this Commission and this Unified Government, and I’ve seen it the 32 years I worked here. If it wasn't going on, we wouldn't be in the fiscal position that we're in now. People wouldn't be begging for grocery stores, swings that work, potholes to be filled, parks that they want to take their kids to, amenities. You've seen the HEAT report, the disenfranchisement, the racism that your Health Department's talking about, the disinvested, how black and brown and poor people have been treated in this town. Don't tell me because I've lived it. I've worked here and I came back because I was sick of it too. This town deserves better than what they've been getting. You shouldn't have to be powerful, privileged, connected or influential to get something done in Wyandotte County.

You can throw that angry black male thing at me, whatever news cycles out there, I don't care. At this point, it doesn't matter to me. I'm passionate about people. I worked hard for this community and it hurts me to see what's been done over the course of my career to Wyandotte County. How a few people have ran this town into the dirt. I didn't want to go there, but that's a fact. If it wasn't the data, everything that we've seen wouldn't show it.

And, as this mayor today, I'm going to stand up for the people of Wyandotte County, if I got to be the only voice, if I got to standalone against the politics that people are seeing play out right here.

We talk about oh, oh, this is balance. Tom Burroughs has a taskforce to talk professionally about what type of government we wanted. This right here is some political backstabbing. No other mayor has had to deal with this. You don't have to agree with me, but everything I do was predicated on two things: is it in the best interest of people, and will it benefit Wyandotte County?

I've watched some of you go to the media and cut each other and stab each other. I've watched unnamed employees throw bricks. I've watched dysfunction. People call my office because other people won't answer their phones. I've watched doors slam in my staff members' faces because they're trying to help and get things done for people in this community. No, it's not acceptable, and no I'm not going to sit quiet on the things that matter. The people didn't vote for me to do that. I didn't have to take this job. I'm retired. I don't need it. I'm here because I care.

I listened for two hours in August as people begged you all not to raise, go above the revenue neutral, because they were going to lose their houses, they weren't going to build here, they're on fixed incomes and you know what? You do what you always do. You didn't listen. I vetoed it. You overrode it. Now we're playing a political game that we really care about the people so, we're having a budget talk about it now. People in Wyandotte County that I talk to are sick and tired of being sick and tired. They know that we cannot solve all their problems, but they also know that we can be and do better.

I took this office coming in here thinking that we could work together on behalf of the people of Wyandotte County and that we could get rid of business as usual. I don't care if you don't like me, I'm not here to be liked. I'm here to try and help peoples' lives and improve the quality of life for people that I've seen over the years deserve better. That's what I signed up for and what I'm seeing tonight is shameful. I agree with my colleague, Commissioner Burroughs. At this defining moment, before the holidays, for you to do what you're doing today is shameful.

I hope everyone in this community that is a voter, and if you're not a voter, get registered to vote. If you want better for Wyandotte County, the power is in your hands. You are the difference, Wyandotte County. The only thing I can leave you with is to be that difference. If you want a better government, if you want a government that works for you that reflects your values, vote.

In the words of Barack Obama; don't get mad at what you see playing out, what's been playing out here, don't get mad, vote. And if any elected official does not reflect your values, vote them out of these offices. Vote them out.

Commissioner Bynum said I still believe that we are a commission and a mayor that can work together. I was deeply appreciative of our sessions that we shared over the last month trying to come together around the budget concerns that I think we all know are real.

If we choose to hold on action on what's been brought forward to us tonight for more thorough discussion, I'm perfectly fine with that. I'm perfectly fine with looking at it as a way to bring some balance to the ways that agendas are created.

Mayor, you had given an example earlier in your speaking of particularly the work from home policy, and it sent me to the website to look at what are the powers and duties of the commissioners and on the commission webpage. We've said this ourselves as we've been out in the public talking with folks. Our powers are to set policy and create a budget. A lot of times, which I think is part of why we are looking at the charter, because a lot of times that does feel somewhat limiting as an elected official, whose job, we believe it is, to go out and represent our districts and try to bring the best that we can to our district. But our job is set policy, adopt ordinances, and appropriate funds. And I think that's where I may differ with the decision that you made, again, just on that particular item because it's set forward that the commission sets policy. I went looking to the mayor's page and it's not as clearly laid out on the mayor's webpage what your role is. I mean, I think we all have a general understanding of it. I'm just making a statement that perhaps we might look at the way the commissioners’ roles are laid out on the commission webpage. Perhaps the role of the mayor should be laid out in that same way on the mayor's page within our wycokck.org website.

But do I have to do this tonight? I do not. Do I think that it's wrong to make the changes that are called for in these items? I don’t. I do think it's bringing a level of balance, and I feel like I've worked with you the entire time you've been Mayor. I think most of the Commission has worked with you the entire time that you've been Mayor. I think we're constantly looking for a way to come to the middle, a way to come to a compromise. Every day that goes by, for me, I feel like we come closer to doing that.

So, I'm not looking to strip mayoral power, but with this document I can live with—being that I'm one of the standing committee chairs, I will admit—I can live with basically the request that it makes that items are added or removed from a standing committee agenda with consultation of that committee chair. That makes sense to me. It makes sense to me that if a standing committee adopts an item that's been placed on their agenda, that should make its way to the full commission for further discussion and a vote.

If it's a policy matter, such as the item you described earlier, that could have been a full commission discussion for a decision and a resolution on the item. That would be a fantastic time to voice all of the concerns and questions that you had along with any commissioner that also had a concern or a question about that particular policy.

So, with that, Mayor, I would just say to you and the rest of my commissioners and the public, I've been in a mode since day one of you being here of working with. I continue that stance in that position with you, now, today.

Commissioner Markley said, Mayor, I believe we have a motion and a second. I'd call for the question.

Mayor Garner said thank you, Commissioner. Before I call for the vote, I believe it was said that—and I just want, for the record, if anybody wants to know, no, I was not notified of this. I believe emails went out, according to Commissioner Burroughs. I did not get that email or even that notice. It sounds like staff and some commissioners knew about this, and I want that for the record.

Commissioner Markley said there were three commissioners involved: myself, Commissioner Davis, and Commissioner Ramirez. No other commissioners got emails, and no staff was aware other than my staff in the Commissioners' Office, who, this afternoon, printed copies for me before I came down.

Mayor Garner said thank you for that clarity. There is a—if that can be repeated to initiate the question.

Commissioner Ramirez said yes, the motion is to add this ordinance to the Commissioners' Agenda. There are two other motions. **Commissioner Davis** said second.

Mayor Garner said we have a motion and a second.

Ms. Brown said I'm sorry for prolonging this. I'd like to just question, again, Commissioner Ramirez who said you had a motion to make these changes to the Rules of Procedure. I apologize and starting to lose my voice tonight. Commissioner Ramirez, could you please reread your motion that you had, because I believe what you're suggesting to do is to amend the Rules of Procedure with these changes.

Commissioner Ramirez said no. This is just adding this ordinance to the agenda. This is not to amend it yet; this is just to add it to the agenda.

Ms. Brown said I apologize. Thank you for that clarification.

Mayor Garner said okay, the second was by Commissioner Davis. Clerk, roll call.

Roll call was taken and there were nine "Ayes," Davis, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to suspend Sections 102 and 726 of the Rules of Procedure requiring noticing of the rules change.**

Mayor Garner asked, any discussion? We have a motion and a second. Roll call.

Roll call was taken and there were nine "Ayes," Davis, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs.

Mayor Garner said Clerk, we have another item.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve an ordinance amending Appendix C, Article II, Sections 202 and 203 of the Standing Committee Rules of Procedure.**

Mayor Garner said we have a motion in a second. Any further discussion? Seeing none, roll call, please.

Roll call was taken and there were nine "Ayes," Davis, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs.

ADJOURN

Mayor Garner asked, is there any further business?

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to adjourn.**

Mayor Garner said we have a motion and a second. I said it before and I'll say it again to the people of Wyandotte County, have a Merry Christmas and I pray that everyone, including everyone in this room, has a blessed New Year coming ahead. Thank you and we are adjourned. Roll call, please.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:57 P.M.
December 15, 2022

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

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