

Kansas City

414 E. 12th Street
Kansas City, MO 64106



KANSAS CITY
MISSOURI

Docket - Final

Thursday, July 21, 2022

3:00 PM

<https://us02web.zoom.us/j/89195928794>

Council Chambers

Council

CHAPLAIN OF THE MONTH:

Reverend Randy Fikki - Unity Southeast Church

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PUBLIC OBSERVANCE OF MEETINGS:

Members of the City Council may attend this meeting via videoconference.

The public can observe this meeting at the links provided below.

Closed Sessions may be held by teleconference.

SPECIAL ACTIONS:

Hall, McManus, Barnes Jr., Loar, Parks-Shaw, Robinson, Bough, Bunch, Lucas, Fowler and Shields

[220618](#) Recognizing the Leadership Missouri program for their dedication to improving and advancing economic development, career growth, and building leaders in our communities.

Parks-Shaw, Lucas, McManus, Barnes Jr., Loar, Bough, Shields, Bunch and Fowler

[220619](#) Honoring and recognizing the extraordinary work of U.S. Department of Health and Human Services - Office of the Assistant Secretary for Health in Region 7 and Convergence Counseling Services LLC, during BIPOC Mental Health Awareness Month.

Lucas, McManus, Barnes Jr., Loar and Parks-Shaw

[220627](#) Honoring Theresa Otto for her 26 years of dedicated service on the Board of Zoning Adjustment for the City of Kansas City, Missouri.

FINAL READINGS:

CONSENT DOCKET

DEBATE DOCKET

NEIGHBORHOOD PLANNING AND DEVELOPMENT COMMITTEE

[220600](#) RESOLUTION - Approving an amendment to the Midtown Plaza Area Plan on about .462 acres generally located at 3600 Walnut Street by changing the recommended land use from residential low density to residential medium-high density use. (CD-CPC-2022-00085).

Attachments: [Fact Sheet AreaPlanAmendment](#)

COMMITTEE ADVANCES:

CONSENT DOCKET

FINANCE, GOVERNANCE AND PUBLIC SAFETY COMMITTEE

[220594](#) Approving and authorizing settlement of a lawsuit entitled James Ketter v. City of Kansas City, Missouri, Case No. 2216-CV00990.

Attachments: [fiscal note-ketter](#)
[fact sheet-ketter](#)

[220595](#) Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by Sammy Carter for injuries resulting from an accident on May 24, 2021, while employed by the City.

Attachments: [fiscal note-carter wc](#)
[fact sheet-carter](#)

DEBATE DOCKET

FINANCE, GOVERNANCE AND PUBLIC SAFETY COMMITTEE

[220578](#) Accepting and approving a \$2,250,000.00 grant award agreement from the U.S. Department of Housing & Urban Development, Housing Opportunities for Persons with AIDS Program for the Housing as an Intervention to Fight AIDS Model; estimating and appropriating \$2,048,826.00 in the Health Grants Fund; designating requisitioning authority; authorizing the Director of Health to execute two 3-year sole source contracts with SAVE, Inc. and reStart, Inc., in the amounts of \$1,520,322.00 and \$450,207.00, respectively, for housing assistance services in the Kansas City area; and authorizing the Director of Health to extend the term of the contracts or increase the total contract dollar amounts upon need and appropriation without further Council approval.

Attachments: [HOPWA HIFA FY23 - Budget](#)
[HOPWA HIFA FY23 - Fiscal Note](#)
[HOPWA HIFA FY23 - Fact Sheet](#)

[220579](#) Accepting and approving a twelve-month \$1,186,364.00 grant with the Missouri Department of Health and Senior Services to provide funding for HIV case management services in Kansas City, Missouri; estimating and appropriating \$55,505.00 in the Health Grants Fund; and designating requisitioning authority.

Attachments: [HIV Case Mgmt FY23 - Budget](#)
[Approp Admin Rev - TMP - 1980](#)
[Approp Admin - TMP - 1980](#)
[HIV Case Mgmt FY23 - Fiscal Note](#)
[HIV Case Mgmt FY23 - Fact Sheet](#)

[220597](#) Accepting and approving two grant awards with the Missouri Department of Health and Senior Services to provide funding for the City's Public Health Preparedness and Cities Readiness programs; estimating and appropriating \$127,732.00 in the Health Grants Fund; and designating requisitioning authority.

Attachments: [PHP & CRI FY23 - Budget](#)
[PHP & CRI FY23 - Fiscal Note](#)
[PHP & CRI FY23 - Fact Sheet](#)
[Approp Admin Rev - TMP - 1979](#)
[Approp Admin - TMP - 1979](#)

[220598](#) Estimating revenue in the amount of \$16,999,912.00 to the Federal Stimulus Grants account; authorizing an Airport Improvement Program (AIP) Grant Offer from the United States of America, acting through the Federal Aviation Administration (FAA); estimating revenue; and recognizing this ordinance as having an accelerated effective date.

Attachments:
[TMP2020 Fiscal Note](#)
[220598 Fact Sheet](#)

Robinson and Barnes Jr.

[220613](#) Amending Committee Substitute for Ordinance No. 220128 by repealing and replacing Section 4 for the purposes of adding a requirement that the property sale or conveyance be pursuant to a Request for Proposals.

Attachments: [220613 - Fiscal Note 7.20.22](#)
[220613 - Fact Sheet 7.20.22](#)
[220613 - Presentation 7.20.2022](#)

220614 Appropriating \$750,743.00 in interest earnings from Tranche 1 of the American Rescue Plan Act from the Unappropriated Fund Balance of the American Rescue Plan Fund for the purpose of adding \$750,743.00 in available funding for the Rebuild KC program; and recognizing this ordinance as having an accelerated effective date.

Attachments: [ARP Appropriation Fiscal Note](#)
[ARP Appropriation Fact Sheet](#)
[ARP Appropriation Approp Admin](#)

NEIGHBORHOOD PLANNING AND DEVELOPMENT COMMITTEE

220564 Accepting the recommendation of the Central City Economic Development Tax Board for additional funding in the amount of \$150,000.00 for a total not to exceed amount of \$2,950,000.00 for an economic development project proposed by Oak Park Neighborhood Association for the purpose of funding to support development of a multi-family housing project consisting of 29 affordable units located at 38th Street and Prospect; estimating and appropriating \$150,000 from the Central City Economic Development Sales Tax Fund; and authorizing the Director of Housing to execute the Amendment.

Attachments: [Fact Sheet - CCED Oak Park Townhomes](#)
[Fiscal Note - CCED Oak Park Townhomes](#)
[Approp Admin - TMP 1986](#)

220582 Approving a development plan in District M2-3 on about 36 acres generally located at the southeast corner of N.W. 106th Street and N. Congress Avenue to allow for 203,000 square foot building addition to the existing office and warehouse. (CD-CPC-2022-00074)

Attachments: [CD-CPC-2022-00074_FACTSHT](#)

220586 Rezoning an area of about 0.6 acres generally located at 2620 and 2626 E. 28th Street in the Santa Fe Place Plat between Prospect Avenue to the west and Benton Boulevard to the east from District R-1.5 to District UR, and approving a development plan which also serves as a preliminary plat to allow for the rehabilitation of the former residence of Satchel Paige to be used as a museum and office space. (CD-CPC-2022-00059)

Attachments: [CD-CPC-2022-00059-Fact Sheet](#)

[220590](#) Vacating about 0.24 acres of unused right-of-way on the north side of Front Street east of N. Cambridge Avenue, and directing the City Clerk to record certain documents. (CD-ROW-2022-00013).

Attachments: [Fact Sheet.docx](#)

[220591](#) Vacating a portion of unused right-of-way on the northeast side of N.W. 87th Terrace to allow for future development, Case Apartments; and directing the City Clerk to record certain documents. (CD-ROW-2022-00020).

Attachments: [Fact Sheet.pdf](#)

[220592](#) Approving a development plan which will also serve as a preliminary plat in District R-5 on about 28.77 acres generally located at 9700 Grandview Road to allow construction of 20 residential units and a golf course. (CD-CPC-2022-00088)

Attachments: [Fact Sheet](#)
[20220720 Oakwood](#)
[20220720 Oakwood](#)

[220593](#) Rezoning an area of about 2.5 acres located approximately 200 feet north of West Blue Ridge Boulevard from District R-2.5 to District B1-1, to allow for the expansion of a parking lot. (CD-CPC-2022-00090)

Attachments: [CD-CPC-2022-00090 Fact Sheet.pdf](#)

[220599](#) Rezoning an area of about .462 acres generally located at 3600 Walnut Street from District R-6 to MPD and approving a preliminary development plan to allow for the construction of 8 townhomes. (CD-CPC-2022-00087).

Attachments: [Fact Sheet](#)

[220603](#) Approving a development plan that also serves as a preliminary plat in District R-5 on about 1 acre to allow for eight detached lots in an area generally located on the east and west sides of Holly Street, south of West 21st Street. (CD-CPC-2022-00060)

Attachments: [CD-CPC-2022-00060 Factsheet.pdf](#)

[220604](#) Approving a development plan in District DC-15 (Downtown Core) on approximately 1.37 acres generally located at 423 W. 8th Street to allow for an existing structure to be rehabilitated and a new residential structure to be located on the property. (CD-CPC-2021-00164)

Attachments: [CD-CPC-2021-00164 Fact Sheet](#)

[220605](#) Rezoning an area of about 3.7 acres generally located at 1300 E. 75th Street from District R-5 to District MPD and approving a development plan to rehabilitate a vacant school building into a mixed-use center. (CD-CPC-2022-00034)

Attachments: [CD-CPC-2022-00034 Fact Sheet](#)

[220606](#) Vacating a portion of N.E. 51st Street in between N. Belmont Avenue and N. Beacon Avenue in District R-6 (Residential 6) to allow for the construction of a new single-family home, and directing the City Clerk to record certain documents. (CD-ROW-2021-00003)

Attachments: [CD-CPC-2021-00003 Factsheet.docx](#)

TRANSPORTATION, INFRASTRUCTURE AND OPERATIONS COMMITTEE

[220585](#) Authorizing Amendment No. 1 with TREKK Design Group, LLC in the amount of \$346,296.30 for a design services contract for N. Topping Roadway Improvements for a total contract price of \$472,724.71.

Attachments: [Fact Sheet- 89060772](#)
[Fiscal Note-89060772](#)
[Ordinance 220585-Docket Memo CS210093](#)

[220610](#) Authorizing the Director of Public Works to execute a \$3,058,004.00 construction contract with USA Concrete, for Citywide sidewalk repairs; and authorizing contract changes up to and including forty percent (40%) of the original contract price without further council approval.

Attachments: [Fact Sheet 89060891 Sidewalk Repairs](#)
[Fiscal Note 89060891 Sidewalk Repairs](#)
[Ordinance 220610-Docket Memo CS220055](#)

SECOND READINGS:

TRANSPORTATION, INFRASTRUCTURE AND OPERATIONS COMMITTEE

[220584](#) Authorizing contract Amendment No. 1 with McClure Engineering in the amount of \$379,660.00 for the design of N. Broadway Roadway Improvements for a total contract price of \$470,020.00.

Attachments: [Fact Sheet-89008846](#)
[Fiscal Note-89008846](#)

FIRST READINGS:

FINANCE, GOVERNANCE AND PUBLIC SAFETY COMMITTEE

[220626](#) Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by Carl L. Johnson, Jr. for injuries resulting from an accident on September 30, 2020, while employed by the City.

Attachments: [fact sheet-johnson](#)
[fiscal note-johnson wc](#)

[220629](#) Approving and authorizing settlement of a lawsuit entitled Sherry Parker v. City of Kansas City, Missouri, et al., Case No. 2116-CV05122.

Attachments: [fact sheet-parker](#)
[fiscal note-parker](#)

Robinson

[220641](#) Authorizing the allocation of \$100,000.00 from Council District 3 PIAC contingency in order to stabilize and preserve the former House of Hits Building structure due to cost increases of materials, insurance and bonding for a total investment of \$700,000.00.

Robinson and Barnes

[220643](#) Directing the City Manager to create a task force to address hate and bias crimes, including religiously motivated crimes.

NEIGHBORHOOD PLANNING AND DEVELOPMENT COMMITTEE

220620

Approving the plat of Hills of Montclair - Fourth Plat, an addition in Clay County, Missouri, on approximately 23.07 acres generally located on the west side of Northeast Cookingham Road approximately 400 feet south of North Flintlock Road, creating 69 lots and 3 tracts for the purpose of a 69 lot single family home subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2022-00004)

Attachments: [2022-00004 Ordinance Fact Sheet](#)

220630

Authorizing the Director of City Planning and Development to apply for and accept a United States Environmental Protection Agency Brownfields Revolving Loan Fund (RLF) Supplemental Grant in the amount of \$3,900,000.00; estimating and appropriating revenue in the amount of \$3,900,000.00 in certain Brownfield Revolving Loan Funds; and authorizing the execution of a cooperative agreement with the U.S. Environmental Protection Agency.

Attachments: [General Ord. Fact Sheet \(2022 KCMO Supp. RLF\)2](#)
[Fiscal Note \(Supplemental RLF FY22\)](#)
[Approp Admin - TMP - 2040](#)
[Approp Admin Rev - TMP - 2040](#)

220631

Authorizing the Director of City Planning and Development to apply for and accept a United States Environmental Protection Agency Brownfields Revolving Loan Fund (RLF) Coalition Supplemental Grant in the amount of \$1,000,000.00; estimating and appropriating revenue in the amount of \$1,000,000.00 in certain Brownfield Revolving Loan Funds; and authorizing the execution of a cooperative agreement with the U.S. Environmental Protection Agency.

Attachments: [General Ord. Fact Sheet \(2022 Coalition Supp. RLF\)2](#)
[Fiscal Note \(Supplemental Coalition RLF FY22\)](#)
[Approp Admin - TMP - 2044](#)
[Approp Admin Rev - TMP - 2044](#)

220632 Accepting a United States Environmental Protection Agency Brownfields Community-Wide Assessment Grant in the amount of \$500,000.00, estimating revenue in the amount of \$500,000.00 in the Brownfields Fund, appropriating funds to certain accounts within the Brownfields Fund and designating requisitioning authority.

Attachments: [General Ord. Fact Sheet \(Community-wide\)](#)
[Fiscal Note \(Community-wide Assessment\)](#)
[Approp Admin - TMP - 2048](#)
[Approp Admin Rev - TMP - 2048](#)

220633 Accepting a United States Environmental Protection Agency Brownfields Site-specific Assessment Grant in the amount of \$350,000.00; estimating revenue in the amount of \$350,000.00 in the Brownfields Fund; appropriating funds to certain accounts within the Brownfields Fund; and designating requisitioning authority.

Attachments: [General Ord. Fact Sheet \(Site-specific Assessment\)](#)
[Fiscal Note \(Site-specific Assessment\)](#)

220638 Amending the Main Corridor Overlay District, which was created by Committee Substitute for Ordinance No. 171037 and includes design and use regulations for property generally located along Main Street from 27th Street on the north to Emanuel Cleaver II on the south, to permit a drive-through restaurant to be redeveloped with dual drive-through lanes. (CD-CPC-2022-00048).

Attachments: [PPT CD-CPC-2022-00048 - City Council](#)
[CD-CPC-2022-00048 Fact Sheet - Text Amendment](#)
[Committee Substitute For Ordinance 171037 \(960891-2\)](#)
[07 CD-CPC-2022-00048-StaffReport](#)
[Communications Received PT 2 - McDonalds on Main 220638com](#)

[220639](#) Approving/Denying a MPD Final Plan in District MPD for Woodhaven, First Plat, on about 19.44 acres generally located at 3201 N.W. 100th Street containing 80 single family residential lots. (CD-CPC-2022-00066)

Attachments: [C1 CD-CPC-2022-00066 StaffReport Woodhaven, First Plat CPC Dispo Letter](#)
[Letter Appealing CPC Denial of Final Plan 6.8.22 \(959826xA006D\)](#)
[Woodhaven 1st Plat - Final MPD - 2022-05-23 v1](#)
[Fact Sheet](#)
[Woodhaven PPT](#)

Lucas, Robinson and Bough

[220642](#) Accepting the recommendations of the Housing Trust Fund Advisory Board; appropriating \$7,953,360 from the Unappropriated Fund Balance in the Affordable Housing Trust Fund; reducing the \$7,953,360 from the Affordable Housing Trust Fund; authorizing the Director of the Housing and Community Development Department execute various funding agreements and expend up to \$7,953,360 from funds appropriated to the Housing Trust Funds in Fund No. 2490; and requiring certain contract provisions.

TRANSPORTATION, INFRASTRUCTURE AND OPERATIONS COMMITTEE

[220621](#) Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri, Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

Attachments: [Fact Sheet Spire Franchise Agreement](#)
[Spire Franchise Renewal - Final](#)

[220622](#) Declaring certain real property generally located at 4250 N.E. Birmingham Road, Kansas City, Missouri 64117 surplus to the City's needs; authorizing the Director of General Services to offer the sale of the City's interest in this real property in accordance with City regulations, and execute related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing City owned sewer, storm water, and water line infrastructure on the said property.

Attachments: [Surplus Ordinance 4250 Birmingham](#)
[Fact Sheet 4250 NE Birmingham surplus](#)
[Fiscal Note 4250 NE Birmingham](#)

220634

Establishing Fund No. 3447, the Special Obligation Series 2023A Streetcar Project Fund in the records of the City of Kansas City; estimating revenues in the amount of \$ 16,500,000.00 in Fund No. 3447, the Special Obligation Series 2023A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds and the Streetcar Extension Grant accounts; designating requisitioning authority; authorizing the Director of Finance to close project accounts upon completion; increasing revenues in the amount of \$3,216,541.00 in the Federal Grant Revenue account of Fund No. 2085, Streetcar Fund; reducing revenue in the amount of \$8,758,500.00 in Fund No. 2085, Streetcar Fund; appropriating the amount of \$1,564,940.00 from the unappropriated fund balance of Fund No. 2085, Streetcar Fund to the 22-DS Street Car account; authorizing Amendment No.1 in the amount of \$1,794,164.00 with Alfred Benesch & Company for Resident Engineer/Construction Administration Services for the Kansas City Street Main Street Extension project, for a total contract amount of \$11,761,204.00; authoring Amendment No. 4 to the CM@R contract with KC Streetcar Constructors for Construction Services in the amount of \$9,316,752.00, for a total contract amount of \$222,757,291.00; and recognizing this ordinance as having an accelerated effective date.

220636

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the "KCI Corridor Trail Segment 1", Project No. 89020225, in Kansas City, Platte County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Department of Public Works; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Platte County, Missouri.

Attachments: [Fact sheet 89020225](#)[8902 0225 KCI Corrdr Trl Seg 1 Air Photo B](#)[8902 0225 KCI Corrdr Trl Seg 1 Map B](#)[Fiscal Note 89020225 v2](#)

220637

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the "KCI Corridor Trail Segments 2 and 3", Project No. 89020301, in Kansas City, Platte County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Department of Public Works; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Platte County, Missouri.

Attachments: [Fact Sheet 89020301](#)[8902 0301 KCI Corrdr Trl Seg 2 & 3 Air Photo](#)[8902 0301 KCI Corrdr Trl Seg 2 & 3 Map](#)[Fiscal Note 89020301](#)**220640**

Authorizing a \$2,144,000.00 Amendment No. 1 with Structure, Inc. for the Tenant Finishes project at KCI Airport; authorizing a contingency amount; and authorizing a maximum expenditure under this Amendment of \$2,572,800.00 for a total contract amount of \$5,144,000.00 from previously appropriated funds.

Attachments: [FACT SHEET](#)[Amendment](#)[Ordinance](#)[Fiscal Note](#)**FLOOR INTRODUCTION(S)****Bunch, Shields and Fowler****220644**

Recognizing Kansas City Fire Department Battalion Chief Todd Covington and Firefighter Joseph Disciacca for their heroic actions following the Amtrak train derailment on June 27, 2022. near Mendon, Missouri.

Barnes**220645**

Appropriating \$50,000.00 from the Unappropriated Fund Balance of the Neighborhood Tourist Development Fund to the Neighborhood Tourist Development Account; approving a contract in the amount of \$86,400.00 with the Negro Leagues Baseball Museum for the Play Ball 2022: Celebrating Baseball's Game Changers; and recognizing this ordinance as having an accelerated effective date.

COMMUNICATIONS:

[220623](#) Notice to the City Clerk from the Performing Arts Community Improvement District approving the annual report for 2022-2023.

Attachments: [The Performing Arts - Annual Report 6.27.2022](#)

[220624](#) Notice to the City Clerk from the 5050 Main Community Improvement District approving the annual report for the period ending April 30, 2022.

Attachments: [5050 Main - Annual Report 7.15.2022](#)

[220625](#) Notice to the City Clerk from the Shops on Blue Parkway Community Improvement District approving the annual report for the period ending April 30, 2023.

Attachments: [Shops on Blue Parkway - Annual Report 7.15.2022](#)

[220628](#) Notice of Intent to lease property pursuant to Sale/Leaseback and redevelopment contract in Wendell-Phillips Urban Renewal Area.

Attachments: [Notice of Intent - Wendell Phillips 7.20.2022](#)

[220635](#) Notice to the Mayor and City Council from the City Clerk pursuant to Rule 7.07, listing the Semi-Annual Docket items considered by the Finance, Governance and Public Safety Committee, Neighborhood Planning and Development Committee and the Transportation, Infrastructure and Operations Committee. Special Committee for Legal Review and Special Committee on Housing Policy have not reported at this time.

Attachments: [Semi-Annual Docket 6.30.2022](#)
[Items Recommended for Release from Respective Committees 7.21.2022](#)

MISCELLANEOUS BUSINESS:

1. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys; or
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate; or
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters; or
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations; or
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding; or
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors; or
- Pursuant to Section 610.021 subsections 20 and 21 of the Revised Statutes of Missouri to discuss security systems for operation of a computer system or computer network.

2. Members of the City Council may attend this meeting via videoconference. The public can observe this meeting at the links provided below.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov/clerk: Quick Links, Video on Demand, Click on "View" for desired meeting
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOublg4fok>
- Watch Channel 2 on your cable system.

The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.