

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, December 9, 2019**

The meeting of the Public Works and Safety Standing Committee was held on Monday, December 9, 2019, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Kane, Markley, Philbrook, Johnson, and BPU Board Member Groneman. The following officials were also in attendance: Melissa Sieben, Alan Howze, Assistant County Administrator; Matt May, Emergency Management Director; Jeff Fisher, Executive Director of Public Works; Misty Brown, Deputy Chief Counsel; and Officer Jay Doleshal, Sergeant-At-Arms.

Chairman Bynum called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman Bynum said we have one revision on tonight's agenda. It's submitted for Item No. 1, which authorizes the adoption of the Kansas Homeland Security Region L Hazard Mitigation Plan.

Approval of standing committee minutes from October 21, 2019. **On motion of Commissioner Markley, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

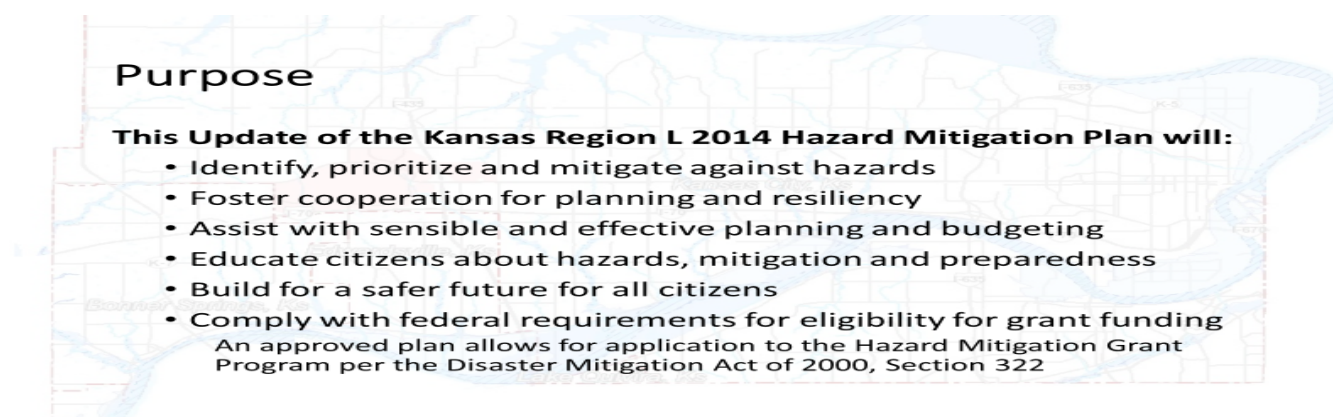
Item No. 1 – 191086...RESOLUTION: APPROVE REGION L 2019 HAZARD MITIGATION PLAN

Synopsis: A resolution approving the proposed Region L 2019 Hazard Mitigation Plan, submitted by Matt May, Emergency Management Director.

Matt May, Emergency Management Director, said I want to go through just a quick explanation about what this long named document is and why it's important, and then entertain questions and then there'll be a full reading of all 600 pages.



Real quickly, what is this? Hazard mitigation is about trying to identify our threat and risk, eliminate it where we can, reduce it if we can't, and be better prepared for it.



The best way to do that is to know what those risks are. That's what this document is all about. It's something we cycle through every five years. It obviously helps us, like I said, identify what those risks are. Plan and budget for the ones that we can't eliminate. Educate our citizens about them, that's important, that way they can take their own protective actions if need be. Then last, but not least, is make sure that we meet the federal requirement if we were to go after any grant funds. There are several grant programs that require this document to be a plan and adopted..

Participating Jurisdictions

- Johnson County
- Leavenworth County
- Wyandotte County



In 2013 the first Regional Hazard Mitigation Plan developed in the Country was Region L, this 3 county region. It proved that a plan could be developed that adequately addressed the issues of a like group of counties and reduced the work of producing multiple copies of plans with very similar content.

Last year, or last cycle 2013, we did the very first regional hazard mitigation plan in the country. FEMA had not done this before. They've always done them by counties. You can imagine of the 105 counties in this state, probably 95 of those plans looked almost identical. The names change, but the content, more or less, the threat and risk, more or less is the same. However, for us, those of us who are in the larger areas, with the more metropolitan areas, it's very different and so they very wisely lump us together. They put Johnson, Wyandotte and Leavenworth together, and that's what this plan is that you see in front of you is the second iteration of the regional plan.

Participating County Jurisdictions

- | | |
|--|---------------------------------------|
| • Unified Government of Wyandotte County and Kansas City, Kansas | • University of Kansas Hospital |
| • City of Bonner Springs | • USD #202 - Turner |
| • City of Edwardsville | • USD #203 - Piper |
| • Board of Public Utilities | • USD #204 Bonner-Edwardsville |
| • Kansas City Community College | • USD #500 Kansas City, Kansas |
| • Kansas School for the Deaf and Blind | • Boys Scouts of America (Camp Naish) |
| • Kansas University Medical Center | • Fairfax Drainage District |
| | • Kaw Valley Drainage District |

We had a lot of parties, groups, partners and stakeholders involved in this process starting first with a defined political jurisdiction so the cities, the community college, the School for the Deaf and the Blind participated, both elements of KU Med and the University of Kansas Hospital. The school districts, as I said. Camp Nash, even the nonprofits are eligible in some cases and they certainly have a property that is a significant threat potential, especially when you've got a couple of thousand kids running around out there, so they become very important.

Stakeholder Participation

- Lists of representatives from the participating stakeholder organizations can be found in section 2.4. They participated in the development of the plan via a series of planning meetings (plan section 2.7)
- In addition to local groups State, Federal and NGO organizations were invited to participate both for their awareness and for their subject matter expertise. (plan section 2.5)
- The public was also invited to provide input both via an online system as well as participation in the planning meetings where the content of the plan was reviewed and input sought. There was also a multi-week long open comment period on the draft plan. (plan section 2.6)

Stakeholders had several opportunities to participate. There was a planning team made up of key elements of that. You can refer back to the document if you want to see. Section 2.4 has a list of who they are. They also participated in several planning meetings. Those specific dates and times are located in there as well.

There were other groups, like I said, state and federal partners who participated. We even had some of our sister jurisdictions, Johnson County and Leavenworth, attending each other's meetings to get some good cross-information going on.

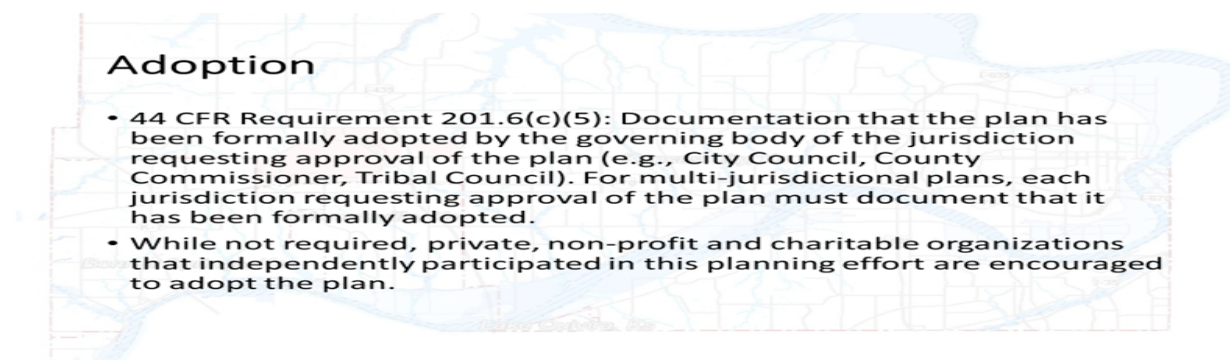
The public was invited on several occasions. This is not something that sets a whole lot of people's hair on fire, to be quite honest, so there wasn't a huge amount of response, but there was some. We offered them multiple methods to do that. One was an online survey and, in the document, you'll see not only the content of the survey but everything that was received back out of that. I think, Wyandotte wide, we had seven people participate in the survey so unfortunately, it's not a big data set.

Assurances

- This hazard mitigation plan was prepared to comply with all relevant the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended by the DMA 2000. This plan complies with all the relevant requirements of:
 - Code of Federal Regulation (44 CFR) pertaining to hazard mitigation planning
 - FEMA planning directives and guidelines
 - Interim final, and final rules pertaining to hazard mitigation planning and grant funding
 - Relevant presidential directives
 - Office of Management and Budget circulars
 - Any additional and relevant federal government documents, guidelines, and rules.

Assurances, we had to ensure the feds and everybody else involved that we would do a few things. Without getting too deeply into this, it's a whole lot about rules. We're doing 44 CFR. There's a

subset within that. It's two CFR, which has to do with our purchasing procedures and things like that. Because of another grant program I help administer, we were able to get a lot of those little issues cleaned up here, so we're all current on any of these. There needs to be—anything else that might change—this is the other piece that's in this big long list is FEMA's notorious for making changes. The president will send out a new presidential directive. We haven't seen one of those in a long time fortunately, but they happen. This is basically just saying that if those come down the pike, we're going to accommodate them.

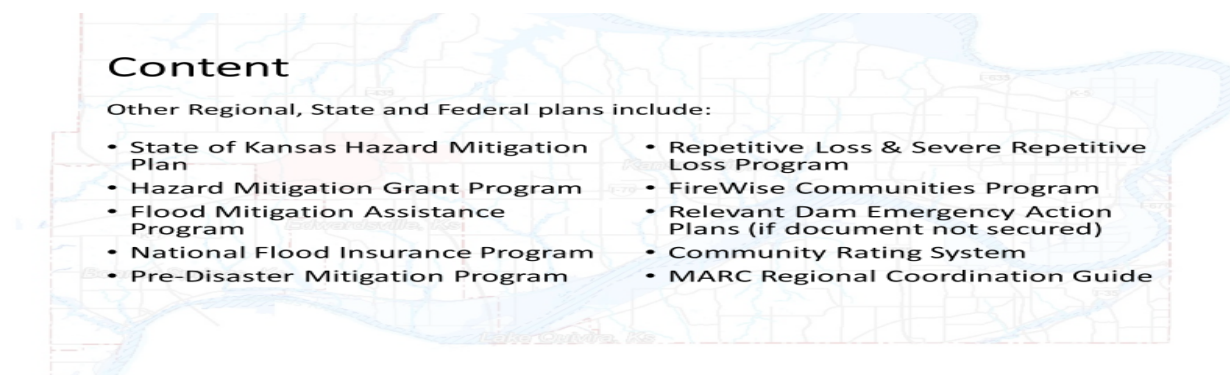


The adoption process is what we're doing right now. It says that there has to be a document to that effect, and this is just the starting off point. With adoption here, we're going to move on then to each of those jurisdictional groups that you saw in that previous list. The school districts, even Camp Nash has a governing body that will need to adopt this. Those documents will be part and partial to this document. Eventually we'll scan them all and we'll integrate them into the document so if somebody goes online to look at it, they'll see that those people have all participated.

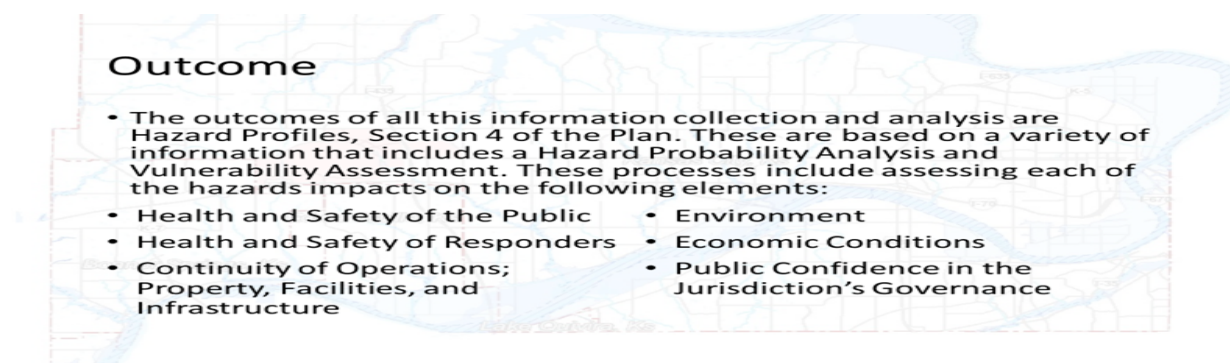


Content, we got data from all sorts of great places. A lot of our own local codes and ordinances, comprehensive plans, master plans, economic development plans, our own emergency operations

plan, this was signed of self-feeding. We delve a lot of what we do in the EOP based on what comes out of this. What goes into this is some parts of our EOP. We are always making changes and adapting to that, and we're going to add that in. Flood mitigation, land use, wildfire protection plans, again, not as big an issue for us as it is for the guys out west, but it's a big deal if you're in Brown County, for example.

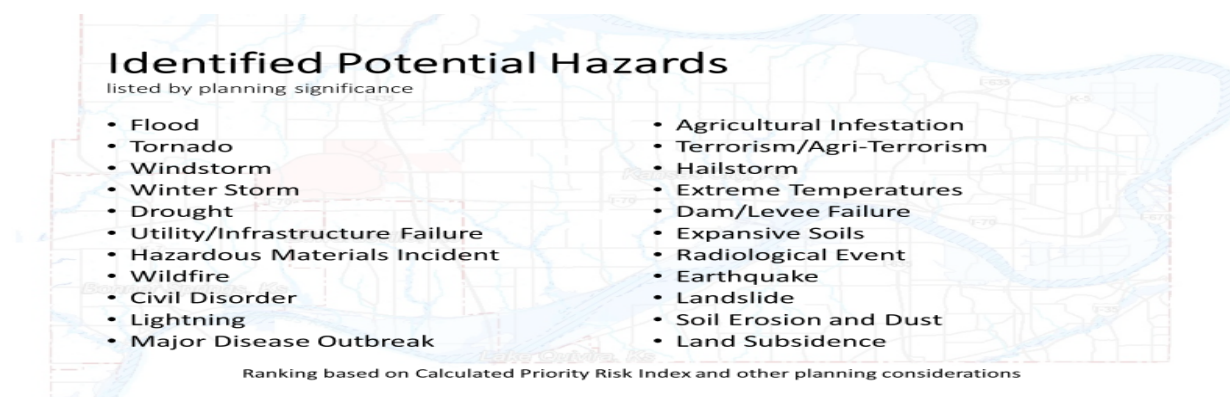


Content, the state provided a lot. They have their own hazard mitigation plan, their own flood mitigation plan. There's even a regional plan called the regional coordination guide and it's structured the exact same way we are down in our EOC, by emergency support function. For every ESF we have, there's a regional plan to go with it. We look at all those documents and make sure that they're all in sync and what we call deconflicted.



The outcome of this is to create what we call hazard profiles. This is probably the most interesting part of what comes out of this document is what, at the end of the day, is our biggest concern and that's this list right here. We have flood as number one. Now, most people think of tornadoes and other weather events potentially as number one. This changes every time we do this. It's based

on not only the threat and risk, the likelihood of something happening, the severity of the impact and the duration and then quite bluntly, whether we can do anything about it.



We put at the top things like flood. There's a lot of flood management work that can be done to try and make that better, not so much for say an ice storm. We know those are devastational. They can be long term. They can be very broad geographically, but there's not much you can do to stop them. The best thing we're doing right now is putting as much power as we can underground, that helps a lot, but you can see the list. They're in order from left to right. You go down, floods kind of our number one, and land soil erosion, land subsidence, those are kinds of things that aren't as likely to happen and so we don't spend as much time in our planning processes; but quite honestly, most of these things, as far as the citizens are concerned, there's probably about three or four different actions and they're almost all the same.

Commissioner Philbrook asked so it's flood and then go over to agriculture. **Mr. May** said that's correct. They go from left side to right side. **Commissioner Philbrook** said not that I'm going to rate you. **Mr. May** said I appreciate that, I'm just trying to make it as easily consumable as I can because it's buried in here, trust me. There're actually several pages on each one of those items about what those impacts are.

Mitigation Strategies

- Mitigation actions are developed based on the threat and risk already identified and the determined mitigation strategies developed by each stakeholder to reduce or eliminate the impact of that threat or risk.
- Each Stakeholder is asked to provide a mitigation action that they are working towards and to identify the status of that effort and any impediments to completing them. That list then becomes possible projects eligible for funding from the Hazard Mitigation Grant Program. This program is aimed to address the following core capabilities.

What are our mitigation strategies? That's something we went to our groups and our partners and said, what are you doing about it? I'll pick on my friends at the levee districts. They have been working very hard since March and nothings let up yet. Their job is basically keep the wet stuff on the right side of the levee and they need help with that. There are some projects that they could potentially apply for grant funds for because this document exists and because we've adopted it showing that flooding is a concern for us. They can point to this document and say that's a concern. Here's what we do to stop flooding from happening. Here's the things that we need help with to make that happen. That's kind of how this process works, and then it's up to them to go and apply for those grants.

Mitigation Strategies

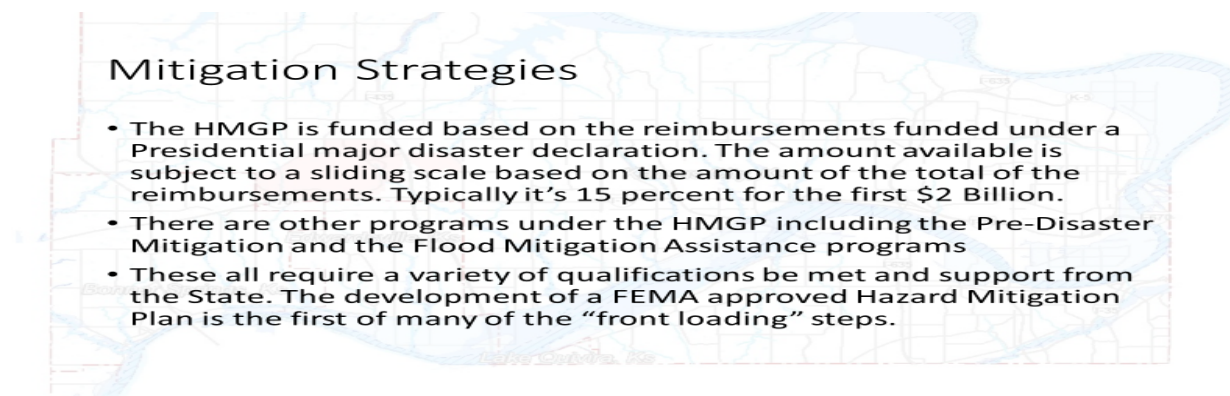
The National Mitigation Framework comprises seven core capabilities, including:

- Threats and Hazard Identification
- Risk and Disaster Resilience Assessment
- Planning
- Community Resilience
- Public Information and Warning
- Long-Term Vulnerability Reduction
- Operational Coordination

Mitigation strategies are based on seven basic core issues, core capabilities. Threatened hazard is primarily what this one's about, but it has some touches in some of these others like risk and disaster resilience. The planning process, obviously, that's part of that. Community resilience, by having these public meetings, by making this public today, we may be raising some awareness for some folks, and they'll be able to get this online. As soon as we get it adopted, I'll put it up there and they can start to leaf through it and see what some of the concerns are.

Long-term vulnerability reduction, that's certainly a goal for us all the time. Last, but not least, is really one for us internally is operational coordination. Make sure the left hand knows what the right hand is doing, and that includes our partners geographically. Do we know what

Leavenworth's dealing with? Do we know what Johnson County's dealing with? How can we help them, and then our other partners farther out?



This is the piece about the HMGP, the Hazard Mitigation Grant Program. Underneath there, there are two other additional programs. The HMGP gets its funding from those disaster response reimbursements, one of which we are in the middle of a bind for now. 4449, we have not gotten very far mostly because FEMA is very backed up on their requests for that information so we're kind of in a hold pattern. Typically, it's 15%. If we do a billion dollars worth of the damage here and we get reimbursed for that, they set another 15% of that portion aside in a mitigation fund. Quite honestly, I was at a conference where I got to talk to Brock Long for a little bit, our former FEMA Director, and he says there's actually a fair amount of money in those programs compared to all the rest. It's really pretty well funded. What we need to do is come up with better projects to put that money out and into use and better processes for getting that process taken care of.

Two other programs: there's a pre-disaster mitigation that doesn't require there to be a disaster to have the funds available. Then there's a flood mitigation assistance, which obviously is specifically aimed at keeping flooding from happening because we know how devastational that is. All this comes down to this document's adoption as one of the very first of what I call front load. These are steps you have to do before you even think about applying for any of this. You've got to do these steps up front, and that's what this document is all about.

Commissioner Philbrook asked did this document come into play when we we're talking with the federal government about doing the work down on Kaw. **Mr. May** said yes, I believe so. It certainly should. They have this. They've already approved it. FEMA has already looked at this and approved it. **Commissioner Philbrook** said right, right. **Mr. May** said we just now have to adopt it. **Commissioner Philbrook** said okay. **Mr. May** said it's all, like I said, this is one of the

foundation cornerstones of our planning process. This one, the County Emergency Operation Plan and a couple of others that we lean on each other for, and then they have access to it and then we can bring that up. We can reference it. I reference that list that you see all the time, and even in our training down in the EOC. Why are we here? Well, it's this list.

Commissioner Kane asked if a dike is breached, who is responsible for that. **Mr. May** said it depends on who owns it. For example, I can pick on the one that's just north of our jurisdiction, Striker Island. That one actually is a privately owned dike so it's up to them to repair it. Unfortunately, the problems then go downstream. That's one of the huge deals with flooding is things that happened upstream have huge impacts downstream. There's no direct way to go back to that cause, unfortunately. We just have to hope that everybody does their right part and does their pieces.

I think the last number I heard it was probably going to be five to six years before most of those levees get rebuilt. Now, the water has to go down first before they can do any of the work they need to do. **Commissioner Kane** said it's way up. **Mr. May** said it is and it'll stay there, and now they're not looking like we're even going to get a break. The runoff melt will start in February and it will be right back to where we are.

Chairman Bynum asked I was just at a meeting before this one with Fairfax Industrial and Union Pacific and believe me, this was a topic of potential flooding. **Mr. May** said it has huge impacts for them because they tend to run their rail lines right along the water lines. **Chairman Bynum** said right. **Mr. May** said that's really all I had unless you folks have any other questions.

Chairman Bynum asked questions or comments from the committee, please. Just to note what you stated at the beginning, which is simply that we're complying with federal requirements for grant eligibility, and that it's three counties that are creating this document together. **Mr. May** said correct. **Chairman Bynum** said I think this is going to go to the other two counties if it has not already. **Mr. May** said I believe we may—I'm not sure where Leavenworth is. I know Johnson County has adopted theirs. **Chairman Bynum** said okay. **Mr. May** said they had a quicker opportunity to do that.

Chairman Bynum asked is there anyone from the public here wish to address this item. If so, we'd ask you to come to the podium. See no one coming forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 2 – 191087...ORDINANCE: REVISIONS TO LOW PRESSURE SEWER SYSTEM FEES

Synopsis: An ordinance relating to the maintenance fee assessed to persons with building sewers connected to a low pressure sewer system; amending Sections 30-1 and 30-72, submitted by Jeff Fisher, Executive Director of Public Works.

Misty Brown, Deputy Chief Counsel, said this is an ordinance that is in line with our discussion we've had maybe two months ago about the low pressure sewer system. What this ordinance does is it changes the existing ordinance, where it removes the fees associated with the lowpressure sewers. If this ordinance is passed, essentially folks that are on a low pressure sewer system would no longer pay the monthly fee starting in 2021. Since the budget was already set for 2020, it remains in place; and then effective 2021, they no longer pay the fee for low pressure sewer. **Chairman Bynum** said do I also understand that everyone and it's approximately 400 homes, everyone is on the insurance plan. **Jeff Fisher, Executive Director of Public Works**, said I believe we're a little over 200 homes. **Chairman Bynum** said 200, good. 200 homes, everyone's in and we're not passing fees on to them. **Ms. Brown** said that's correct going forward.

Commissioner Philbrook said would you please explain to the TV audience what we're talking about, what low pressure sewers are. **Mr. Fisher** said these homes have a grinder system external to the house. All of their wastewater goes to this grinder system that's pumped into the public system. That's not normal. It's something that was used to address difficult topography out in that area. **Commissioner Philbrook** said in other words, we're pumping uphill. **Mr. Fisher** said yes. **Commissioner Philbrook** said instead of it flowing down, okay. Just want to make sure

everyone understands what this is for. **Mr. Fisher** said eventually, it gets to go downhill. **Commissioner Philbrook** said eventually gets to go downhill, thank you.

Commissioner Kane asked this isn't going in effect until 2021. **Mr. Fisher** said correct. **Commissioner Kane** asked do we need to take care of the folks that are not covered in the interim should something happen prior to 2021. **Chairman Bynum** said give us an example of what you might mean. **Commissioner Kane** asked if something happens now, between now and 2021, are the people covered. **Ms. Brown** said we were discussing that part of it. My advice to the department was to start acting as if everybody was on the insurance program and proceed with getting some community outreach, sending out letters to the folks that are in these areas that have low pressure sewers, to first let them know that they do in fact have one. Explain the maintenance program, and use 2020 as a time to wrap up, or ramp up the program so that we have proper communication and outreach and let everybody know that we're moving forward in this direction.

Commissioner Kane asked did the bill use to say 3236 and it should say 1306. **Ms. Brown** said I'm a bit confused by that one, Commissioner. **Commissioner Kane** said the amount of money. How much were they paying prior to? **Ms. Brown** said well, that's difficult because it's not on the BPU bill so you can't see what you're paying, which is part of the problem. I think when it first started, it was very low. My recent look on it was about \$32 a month. That's part of the issue why we wanted to make these changes as you can't tell what you're paying on your BPU bill, or if you, in fact, have a low pressure sewer. It's just kind of up to the homeowner to understand what they have. **Mr. Fisher** said that's tough. It's tough for the UG to administer. It's tough for the BPU to administer. It's hard for the customer.

Commissioner Kane said one of these in my neighborhood. I think the issue is, is maybe we need to do a better job when we're telling these folks if they want to build, build where we don't need something like this. Maybe the ground isn't acceptable to do that because this causes you guys a great deal of problems. **Mr. Fisher** said that's right.

Commissioner Kane said I would think that we would be money ahead by making sure we got plenty of ground. Have them build where it's adaptable versus putting a pump in because it's puts out a pretty good stench. **Mr. Fisher** said in the future, staff would take a standard

approach everywhere it can. **Commissioner Kane** said I like that answer. **Chairman Bynum** said you're absolutely right.

Commissioner Kane said it doesn't make sense, since there's so much property to put in a spot like that. When you buy that house, most of the time you wouldn't know you got that. **Chairman Bynum** said that's right. **Commissioner Kane** said you're just buying a house. **Chairman Bynum** said so we're working on kind of cleaning up all of those issues. Points very well made.

Commissioner Philbrook said well, to tag onto the back of that, that's why I think we're doing three-acre minimums on some of them now so they can have a septic tank. It's so cost prohibitive to run sewers for a few houses that nobody's going to want to pay that extra amount of money. Then, if we did, then we have to have this other mode of moving the stuff on. It's cost prohibitive. So, yeah, I'm really glad you guys are looking into that and paying attention to that in new developments.

Chairman Bynum asked any other questions from staff or the committee members.

Ms. Brown said I would just like to remind everyone that may not have seen the presentation earlier, the low pressure systems were used as a development tool back when they were first trying to develop Piper. The new information came down and we have different standards in our code now about the use of low pressure sewers so they're definitely not a favored way of doing things. Another piece to it is after the grinder pump pumps the sewage up, it goes into a pressurized line where homeowners can't really maintain it. It's pressurized so you can't even get in there to inspect it or do work without serious city intervention.

Chairman Bynum asked any member of the public have comments on this item. I don't see anyone coming forward. I would entertain a motion on this item.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 3 – 191088...RESOLUTION: WASTEWATER CONNECTION AGREEMENT FOR BONNER SPRINGS CROSSING DEVELOPMENT

Synopsis: A resolution authorizing the Unified Government to enter into a Wastewater Connection Agreement with the city of Bonner Springs, Kansas, to provide sewer service to the Bonner Springs Crossing development located at the southwest corner of State Avenue and 118th Street, submitted by Jeff Fisher, Executive Director of Public Works. It is requested that this item be fast tracked to the December 12, 2019 full commission meeting.

Jeff Fisher, Executive Director of Public Works, said the UG and Bonner Springs have been working pretty closely to help set the stage for this proposed development in Bonner, just off the southwest corner of State and 118th. We've been working closely with Amber McCullough and Sean Peterson, and if Melissa would like to jump in. **Chairman Bynum** said right.

Melissa Sieben, Assistant County Administrator, said you've got a group of us in here that have been working with the city of Bonner Springs on this exciting project that they're trying to bring to their northeast corner of their city. What this does is, establishes a long-term agreement for accepting their wastewater from this site. If you would like any of the legal terms. I'm sure Misty will be more than happy to fill you in. We've worked together as a team from the two cities to try to come up with a way that provided affordable service to them, but also protected the Unified Government's ratepayers as well.

Chairman Bynum asked are there questions. Would you like to add anything since you took the time to come and be with us?

Amber McCullough, Assistant City Manager, City of Bonner Springs, said I don't have anything to add. I just want to thank the staff and all of you. **Chairman Bynum** said welcome to our meeting. **Ms. McCullough** said I just want to thank you all and staff for working with us so closely and collaborating with us to get this agreement done and get this project off on the ground. It should be very exciting for the entire county.

Chairman Bynum asked questions, comments. This is also a motion to accept this agreement.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were six “Ayes,” Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Public Agenda

Item No. 1 – 191101...APPEARANCE: TSCHER MANCK

Synopsis: Appearance of Tscher Manck requesting community resource officers be used to provide a night hoop program.

Action: **Ms. Manck did not appear.**

Adjourn:

Chairman Bynum adjourned the meeting at 5:28 p.m.

mbb