

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, April 26, 2021**

The meeting of the Public Works and Safety Standing Committee was held on Monday, April 26, 2021, at 5:00 p.m., via Zoom or on-site. The following members were present: Commissioner Bynum, Chairman; Commissioners Markley, Ramirez, Kane, and Philbrook, and BPU Board Member Tom Groneman. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Emerick Cross and Alan Howze, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Troy Shaw, County Engineer; Misty Brown, Deputy Chief Counsel; Rocki Mayes, Executive Assistant to County Administrator; Jeff Fisher, Executive Director of Public Works; Jonathon Wiles, MS4 Manager, Public Works; Troy Shaw, County Engineer; and Mitzi Belcher, UG Clerk's Office.

Chairman Bynum said before I call the meeting to order, I do want to announce that due to COVID-19, some committee members, staff, and public are attending remotely by Zoom and some are on-site. All participants joining by phone, we ask that you mute your phone when you're not speaking so that we can avoid background noise.

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

Due to COVID requirements, in-person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit their comments by email prior to our meeting, and those comments are included in the recording of our meeting.

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

Chairman Bynum said we do have a new item, Item No. 3, which will be a request to submit a grant to the EPA. We do not have minutes to approve, so that takes us straight to the Committee Agenda and we have three items tonight.

Committee Agenda:

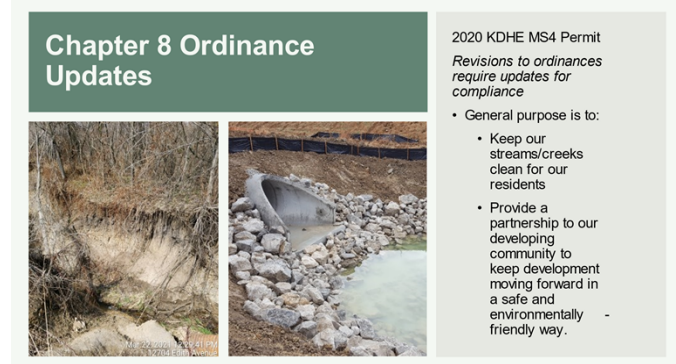
Item No. 1 – 21774...ORDINANCE: REVISIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Synopsis: An ordinance revising regulations to comply with the requirements of the 2020 KDHE MS4 Permit and comments made by the EPA related to the Unified Government's Pretreatment Program, submitted by Jeff Fisher, Executive Director of Public Works.

Chairman Bynum said I will ask Mr. Jonathan Wiles to present this to us. You might start with telling us. What our pre-treatment program means, Mr. Wiles.

Troy Shaw, County Engineer, said I'll kick this off really quick. I don't know, most of you may not have met Jonathan Wiles. He's the Project Manager in Public Works Engineering. I'll give him a quick introduction. He's the one in charge of our MS4 Program, and he can tell you all the information you want to know about that, so I will turn it over to Johnathan right now.

Jonathan Wiles, MS4 Project Manager, Public Works Stormwater, said this is a presentation for the ordinance updates for Chapter 8 Articles XIV and XV.



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Really, the main purpose of this is to provide clarity from the previous ordinances. It helps us with our definitions, delineating responsibilities and our tightening up in enforcement. It also provides consistency with the EPA model ordinance, standardizes processes and assessments, and ensures we're meeting our federal and state stormwater requirements.



Chapter 8 Article XIV follows the revisions that follows the model EPA ordinance delineating responsibilities between development, community and the UG, provides clarification and expectations for the enforcement, and bridges a partnership with the developers to keep development moving forward while still meeting all state and federal stormwater requirements.



Then Article XV, once again, follows that model EPA ordinance. It provides easement requirements to help with meeting federal and state stormwater requirements, it standardizes and formalizes the inspection and certification processes, provides further clarification between pre-construction and post-construction stormwater requirements, and adoption of the revised and updated APWA MARC BMP manual, supports updating the design criteria for our stormwater treatment facilities and detention facilities. With that, we are here for any questions. Misty, do you have anything to add to this?

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Misty Brown, Chief Legal Counsel, said yes. Commissioners, I know this was a very large packet that was delivered. When we started going through these revisions to Chapter 8, and it looked, basically, all of the numbers changed. When we were going through it, the red line was almost unreadable because there were so many additions and movements within the document. We repealed everything and then redrafted it.

In sum, it basically goes through and not a lot has changed substantively, but we did include definitions that are going to be helpful and required with state and federal requirements, and then went in there and just provided a bit more meat to it.

An example, one part of it, when a storm—when you are going to get a land disturbance permit, we don't want any type of erosion activity to affect an adjacent property. We included the word adjacent property in there to protect the properties around it, not just the streets and the storm drains.

Other things that we did was we clarified that the engineer would have the authority, the County Engineer would have the authority to enter property or to inspect, and that was implied in the last ordinance, but we made it very clear. Throughout it, there's just a bunch of modifications, but the nuts and bolts of how it worked essentially stays the same. We just wanted it very clear and to follow best practices going forward. It is dense. If there are any specific questions, I know Jonathan, Troy or I could address them.

Chairman Bynum asked, are there questions from the committee members? Has the Clerk received any comments from the public? **Ms. Belcher** said no.

Commissioner Philbrook said real quick comment. **Chairman Bynum** said, sure. **Commissioner Philbrook** said I noticed that you said that they, that you put in something that directly affects, or to give notice to folks that if they cause issues with erosion and so on, they're not only responsible to us, but they have a responsibility to their neighbors. Is that correct? **Ms. Brown** said that's correct, Commissioner. One thing that we had put in there is if they did a land disturbance activity, they need to follow the best practices, even if a permit is not required. Also, anyone who was doing a land disturbance activity, they're also being expected to conduct it in a way that they don't affect their neighbors. **Commissioner Philbrook** said okay.

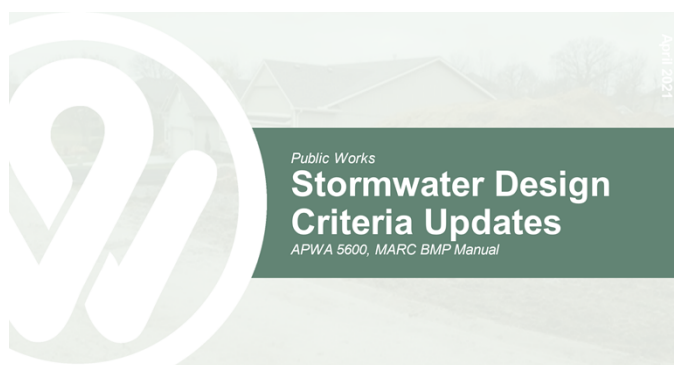
Ms. Brown said it's just noticing there's—it causes a problem and you all hear from it when the neighbors get dirt and gunk in their driveways or on their properties. **Commissioner Philbrook** said okay. Well, thank you for putting that in and that makes it a little bit clearer for folks. I'm sure that we have folks out there that are really happy you did that. Thank you so much. **Misty Brown** said well, that would be the Engineering team. **Commissioner Philbrook** said whomever, the whole herd, thank you.

Chairman Bynum said thank you, Commissioner. I believe I heard the clerk say that we had not received any public comments. **Ms. Belcher** said that is correct. I said that is correct. **Chairman Bynum** said thank you so much. Any other questions or comments from our committee?

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

Item No. 2 – 21773...UPDATE: STORMWATER DESIGN CRITERIA

Synopsis: Update on the Unified Government's Stormwater Design criteria to APWA 5600 to be consistent with the criteria utilized by most of the metro area, submitted by Jeff Fisher, Executive Director of Public Works.



Troy Shaw, County Engineer, said the reason I'm bringing this to you is just kind of follows up with the ordinance that was just passed in the MS4.



We are looking at updating our stormwater design criteria. The reason we're doing this right now is it hasn't been done in at least 15 years. I think we've added a few little things over the time, but a wholesale update hasn't happened and updating or developing stormwater design criteria is part of the requirement for the MS4 permit by the state. That's the big reason why we're doing it. I've included some other reasons on here that this will also impact, but I think the most important one is all the way at the bottom where we're trying to improve our community and what we do with stormwater. If you look at pictures on the left, that's kind of an idea of some functioning stormwater BMPs and drainage facilities that also provides an amenity to the community as well as manage stormwater appropriately.



A quick update what we're doing is, we've identified we need to do an update. We've got a group of people that are working on this. We started studying what we need to do and what we're looking at doing is adopting APWA 5600, which is the Kansas City Metro Chapter of the American Public Works Association has developed a set of stormwater design criteria, and we're looking at just adopting those that are familiar with everybody else in the metro area. That's what's being used in a lot of other places.

We may have a couple of minor changes for those that fit the city the way that we want it, but we're looking on an adoption of those. Once we come up with a consensus, we'll send it out for public review to developers and designers to get comment on. We'll approve it and once we all agree upon what we're doing, we'll publish those documents, hopefully later this summer is the plan.

Reference Material

Current UG Design Criteria

- Storm Drainage Design Criteria: <https://www.wycokck.org/Planning/Engineering.aspx>
- 2009 MARC BMP Manual: [https://www.wycokck.org/getattachment/Departments/UIUrban-Planning-Land-Use/Engineering/MARC-BMP-Manual-\(August-2009\).pdf.aspx?lang=en-US](https://www.wycokck.org/getattachment/Departments/UIUrban-Planning-Land-Use/Engineering/MARC-BMP-Manual-(August-2009).pdf.aspx?lang=en-US)

Base Proposed Design Criteria

- Storm Drainage Design Criteria: <http://kcmetro.apwa.net/PageDetails/439>
- 2012 MARC BMP Manual: http://kcmetro.apwa.net/content/chapters/kcmetro.apwa.net/file/Specifications/BMPManual_Oct2012.pdf

Real quick, here's our current design criteria and the marked BMP manual that we referenced now which is the 2009 version. The BMP manual is best management practices, and it is basically the retention ponds, the bioswales, the green infrastructure type of stuff that you see. We're looking at updating to the APWA 5600, which that top link at the bottom, and then the 2012 marked BMP manual as well. Both of those documents are well known metro wide. We're just kind of getting up to speed with the rest of the metro. That's really all I have. I just wanted to give you a quick update on that. If you have any questions, let me know.

Chairman Bynum said I have two questions. The first slide with the photograph in the upper right, I hate to ask, but is that a Wyandotte County location? **Mr. Shaw** said that is not; not currently. **Chairman Bynum** said good.

Then, moving from the MARC document, '09 to '12, is that the most current document there is? **Mr. Shaw** said yes. The '12 is the most current one they have with that and we're even looking at that one. Part of what we're going to provide as well is a preferred planting list that we're going to include with that. They're just plants that function a lot better with UG soil and what we have and are able to be maintained easier and fit with what we do. We're even looking at including a little more with that just to help us be consistent.

Chairman Bynum asked, the design criteria, once you've got to a place where you're satisfied, is that coming to us? Does that need a commission vote or will you just adopt it as policy? **Mr. Shaw** said I believe it can just be adopted as policy. I'd be glad to share it with you and give you all the information you need, but I believe it's just adopted as policy.

Chairman Bynum asked, how long do you think this process is going to take? **Mr. Shaw** said I'm anticipating we'll be ready to publish by the middle of the summer. **Chairman Bynum** said oh, great, okay, great. **Mr. Shaw** said we've been working on it already. Like I said, we're adopting the APWA criteria already. It's a well-established criteria. We're just going through and making sure we update other things, within that we fit our county.

Chairman Bynum asked, anyone else have questions for Mr. Shaw?

Commissioner Kane asked, we're going to adopt something without sharing it with the rest of the commissioners and without sharing it with the community? **Mr. Shaw** asked, Misty, do you have any—I'm not sure what the ordinance says about that. I believe it says the design standards fall under the county engineer. Misty, do you know? **Ms. Brown** said yes, Troy. Commissioner, these are one of the standards that the ordinance regulates responsibilities to the county engineer to adopt standards for it.

I see that Jeff has logged on here. I think Troy and the group had went and looked at the MARC ones and thought those would be the best standards to use for the metro area and wanted to advise the Commission that that's what they were going to move forward with. Jeff, have I left out anything? **Jeff Fisher, Executive Director of Public Works**, said nope. While the ordinance, it's been the case for some time, gives the engineer in their discretion to adopt standards like APWA, like ASTO, there's a number of different standards that are regional and national.

Commissioner Kane said okay. So you're supposed to share it with the Commission, is that what you're saying? **Mr. Fisher** said I don't know if we're supposed to, but we are just to let you know how we're doing this and what we're doing and we'll keep you in the loop all the way through. **Commissioner Kane** said but we're not the entire Commission. We are just a small portion of it; we're half of it. I would think that you want to share this with the other half as well.

Chairman Bynum said it strikes me that perhaps maybe once budget adoption occurs, we can see more of this in detail in a special session. **Commissioner Kane** said and you can do it on-

threes so just so they know. **Chairman Bynum** said that's true. Yeah, you're right; absolutely right. **Commissioner Kane** said I'm not making a big deal; let's just share it with the rest of the group.

Chairman Bynum said and then a question kind of following up on Commissioner Kane. I have to assume that folks familiar with working through our processes, developers and home builders and whatnot, are already versed in the storm drainage criteria that exists right now and probably well aware that updates are regular and coming. Would that be a fair statement? **Mr. Shaw** said yeah. One of the benefits of what we're planning on doing is we're looking to adopt mainly the APWA 5600. That criteria has been out for a while, and it's used by many other cities in the metro area. We're not reinventing the wheel here. Most of the developers, and certainly the engineers that do the designing, are very familiar with that criteria.

Mr. Fisher said standardizing how we do this helps the development community. When a city is unique in this way, it causes issues. That's largely what Troy is doing is going through a comprehensive assessment of standards and updating those, and as much as possible, standardizing those with the rest of the metro.

Chairman Bynum asked, what other questions and comments from our committee do we have?

Commissioner Philbrook said it's more of a statement. Jeff, what I think I'm hearing is that you're saying that we're coming more in line with the rest of the metro area so when a developer wants to come in, they're not having to recreate the wheel to come into Wyandotte County. Is that what I'm hearing? **Mr. Fisher** said that's exactly right. Cities typically take that standard approach with APWA, MUTCD as to other standards and then they'll make exceptions that fit their community. That's exactly what we're doing here.

Commissioner Philbrook said so we're looking at that then we will adjust and tweak for our community, but overall, most of it's going to be pretty much in line with the rest of the metro area. **Mr. Fisher** said that's right. That'll make it much easier on the development community. **Commissioner Philbrook** said okay, thank you, sir.

Melissa Sieben, Assistant County Administrator, said I just wanted to echo what Jeff and his team are saying. These are inners that have been out there and sometimes Troy's been out there a

little while longer than some time, but it is something important that will help be clearer when people work in Kansas City, Kansas; what the expectations are because they're not changing from one location to another in the metro.

The other thing I would say is Commissioner Kane's idea about on-threes, I think, is a very good idea because this is, again, something that impacts all of our neighborhoods and especially as we see more infill happening we're going to see in other areas that aren't just in some of our greenfield sites.

Chairman Bynum said thank you very much. All right, are there other comments on this item? It is an information only item. If not, then we will move to our last item on our agenda which is the blue sheet.

Action: For information only.

Item No. 3 – 21781...GRANT: HEALTHY, RESILIENT, AND SUSTAINABLE MATERIALS

Synopsis: Request authorization to apply for the EPA, Region 7, Healthy, Resilient, and Sustainable Materials Management Grant, submitted by Melissa Sieben, Assistant County Administrator.

Melissa Sieben, Assistant County Administrator, said I actually have Jonathan Gutierrez. He should be sitting out there so he can be promoted if he's not already in. He's our new Solid Waste Manager for the Unified Government.

A few weeks ago in the flurry of federal grants and dollars that were coming out, I noticed that our EPA Region 7 had once again started sending out its publication regarding grant opportunities. Knowing in the past that I've seen things that we would have qualified for or that might have been of interest to us, I was peeling through this with just pure excitement to see what was there. We stumbled upon this Healthy, Resilient and Sustainable Materials Management Grant. Given that we have a lot of opportunity here to change up how we're handling our material waste stream, I brought this to the attention of Jonathan. Jonathan, I'm now going to hand it over

to you. He and I are working quickly with our outside consultant Burns and Mac to pull this together because it is due next Monday if you would like us to submit.



Jonathan Gutierrez, Solid Waste Manager, said like Melissa said, we came upon this grant opportunity through the EPA. Again, it is called the Healthy, Resilient and Sustainable Materials Management Grant. Also, like Melissa said, this was basically introduced just this past month.



This is a few grant details for this particular grant. It is just through the EPA Region 7, which would include Kansas, Missouri, Nebraska, and Iowa. Also, like Melissa mentioned, it is due by May 3rd so we are in the process of working on this and getting this application submitted. EPA grants three to six individual awards through this process, and the amount is anywhere from \$50,000 to \$200,000. The projects themselves can actually last up to two years.

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Grant Details Continued

- **INCREMENTAL FUNDING**

Awards are incrementally funded in FY 2021 & 2022

- **NO MATCH REQUIRED**

Awarded funds do not require the organization to provide matching funding

- **ELIGIBILITY**

Eligible Entities must submit application demonstrating means to improve community health, resiliency, and sustainability through source reduction, reuse and recycling.



A few more details. The grant awards are incrementally funded in Fiscal Years 2021 and 2022. The one bullet point I want to emphasize the most is there is no match required for this grant. There is no obligation from us to apply for this grant. Eligibility, eligible entities must submit an application. It says here demonstrating means to improve community health, resiliency, and sustainability through what the EPA refers to as some of their key pillars which is reduction, reuse and recycling.

Proposed Project

Sustainability

Develop a Sustainable Organics Management System

Feasibility

Perform a formal feasibility study for a UG-owned compost facility

Integration

Address multiple waste streams that are currently landfilled

Evaluation

Evaluate how and where compost is used by residents, businesses, and departments

What we have here is kind of a graph of our overall proposed project looking at four different areas. First of all, we'd be looking at sustainability, developing a sustainable organics management system. In that proposal, we would be looking at the feasibility of specifically looking at a UG-owned compost facility. Then we would look at integrating what we currently have as some multiple waste streams that are currently landfilled that would possibly be used in that compost facility. Ultimately, we propose that we evaluate how and where maybe, possibly a compost could be used by residents, businesses, and departments.

Proposed Project Summary

- Develop a sustainable Organics Management System
- Address multiple waste streams currently landfilled
 - Biosolids, tree & yard debris, and food waste
- Perform a formal feasibility study about a UG-owned Compost Facility:
 - Use the facility to compost biosolids, tree & yard waste, and food waste
- Evaluate how and where the compost is used by residents, businesses, and departments like Parks & Recreation

We'll kind of reiterate some of that again, but with a few more specifics. Once again, our proposal would be to develop a sustainable organics management system. Those waste streams, specifically, that we'd be looking at that are currently landfilled do include like our biosolids or our sludge from our wastewater treatment plants, tree and yard debris that would include those that we collect at our current recycling center, and then also the potential food waste that's generated.

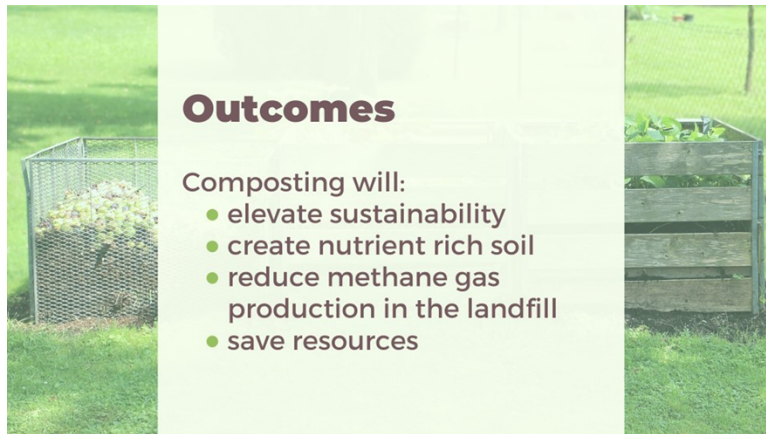
The feasibility study about a UG-owned compost facility, again, we'd look at those specific waste streams and how we can potentially capture that and use at a compost facility. **Ms. Sieben** said I do want to note this would be county-wide because the work here is a county-wide work with the solid waste function. Just clarify that everybody would benefit if we're able to do this. **Mr. Gutierrez** said yes, and that would be part of our study as well as on the evaluation.

Proposed Project Summary Continued

- Include planning level capital & operating budget for development operation of proposed facility and a site evaluation
- Include stakeholder engagement & exploration of public/private partnerships



Then the last couple of bullet points on our actual summary that we would put into our application is we'd be looking at planning level capital, the operating budget for the development of a proposed facility and a site evaluation, and then we would definitely include stakeholder engagement, and potentially some exploration of some public and private partnerships if we would look into this project.



This is basically what we would spell out to the EPA and the outcomes that we'd look at for application for this grant. Again, evaluate sustainability, where we're using potentially waste streams that might be going to a landfill for another use. A byproduct would be, obviously, potentially creating some nutrient rich soil that could be used. We would also be demonstrating that we could potentially be reducing methane gas production in the landfills itself if we were using those waste streams for another purpose and then, ultimately, some of the resources that could be saved.

Ms. Sieben said so what's exciting here is there's a lot of interplay that can be had with this grant within our waste stream, within the county, but also potential beyond that. It's going to be exciting to see what we can learn if we're able to study this with the EPA grant.

Commissioner Ramirez said I'm in support. This is a good opportunity for us to be more sustainable more sustainable for our community. I just have one question more so on process. After tonight, is this item going to be fast tracked to Thursday's meeting? **Ms. Brown** said I think that's a good question, Commissioner, I think— **Commissioner Ramirez** said my only—the reason I ask that question is because this is permission to apply, and as Commissioner Kane had indicated earlier, we're only half the body. I think if we're going to apply for a grant, we should have approval from the entire governing body, so that's why I asked the question if this was going to be fast tracked for Thursday since deadline is next week to apply.

Ms. Brown said I think you caught something, Commissioner. It definitely does need to be fast tracked so that it could go in front of the full governing body this week. **Ms. Sieben** said typically we don't get a lot of notice so we do the best we can with these. Oftentimes you're hearing about them after the due date. These things never have a long period of time so yes, we would

want to do that, and we want to be able to move forward if that's the deference of the governing body.

Commissioner Ramirez said no, of course. It's always hard to keep up with all the deadlines and everything, especially with so many grants out there so no, I completely agree. That was just my question about the process of it. **Ms. Brown** said I appreciate the question. I think in our rush to get it to standing committee, we didn't think about the fast tracking so if the commission wishes to proceed, including a motion to fast track would be appreciated.

Chairman Bynum said question on the process. Obviously, I support applying for the grant. I see that one of the items is the possibility of creating sort of a composting operation that—help me understand. First of all, would it be composting on the part of the Unified Government City of KCK, or would it be available to the community or both? **Ms. Sieben** said, Jonathan, help me here, but I'll say that what we're looking at is exploring this and what makes most sense. Certainly, we're looking at it in the broadest sense of use for the compost community parks and rec and other folks, but we're also looking at how a public/private partnership might help. Do we take on all of the role of it or is there a private partner that would want to work with us on this? I think that's what this is going to look at is what is that kind of innovative approach to being able to meet the kind of offsets and sustainability that the EPA is looking for and to ultimately provide the cost savings to our residents and businesses in KCK and Wyandotte County.

Mr. Gutierrez said yeah. I think Melissa, exactly what she described, that what we're looking at is to apply for the EPA grant to see and look into any and all opportunities. Like Melissa said, that's a possibility for a private/public partnership. Essentially at this point in time, we are just providing and putting the information together on what we'd like to see and propose in our application process.

Chairman Bynum said I'm going to think positive and talk as if we're going to receive the grant and say that I'm sure that what I was going to say was incredible. It has escaped me. I guess I was thinking along the lines of, as we make our way through our budget and our CMIP needs, we talk about having too much inventory. Once we receive the grant and we're beginning to discuss what a composting operation would look like, then I think we have to stay mindful of the fact that we already talk as if we own too much stuff so. We just have to keep that in mind.

Ms. Sieben said I think Jeff Fisher is popping on here because we're all very mindful of exactly what you're talking about. I think part of what we're looking at is using the existing location that we have co-located some stuff in a location that would be accessible to the entire community. We don't see this as adding necessarily more land or facilities, per se, to our docket rather reusing stuff. Jeff, go ahead.

Jeff Fisher, Executive Director of Public Works, said I thank the commissioners for that reminder. It's definitely something we want to be sensitive to. I was just going to say too, this is very much in line with the large biosolids project we have at the Kaw Point Treatment Plant. This is in line with a vision that we've had for that project. Feeding the Parks Department with compost and diverting waste at the same time, we think it's a worthwhile adventure and the grant will be very helpful in helping us determine that. **Ms. Sieben** said this is the best of productive reuse if we can get there.

Chairman Bynum said fantastic, thank you all so much. Are there other questions, comments, or a motion that would include a fast track, please?

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve and fast track to Thursday's meeting.** Roll call was taken on the motion and there were six "Ayes," Groneman, Philbrook, Kane, Ramirez, Markley, Bynum.

Adjourn:

Chairman Bynum adjourned the meeting at 5:33 p.m.

mbb