



Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, November 15, 2021
5:00 PM

Location:

You are invited to a Zoom webinar.

When: Nov 15, 2021 05:00 PM Central Time (US and Canada)

Topic: PWS & AHS Standing Committee Meetings

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86145480513?pwd=L2tSeS9Qbjd2RmN1NWxjZ29oOWFzZz09>

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Or an H.323/SIP room system:

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162.255.37.11 (US West)

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149.137.68.253 (Mexico)

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Meeting ID: 861 4548 0513

Passcode: 629319

SIP: 86145480513@zoomcrc.com

Passcode: 62931

<u>Name</u>	<u>Absent</u>
Commissioner Melissa Bynum, Chair	☐
Commissioner Angela Markley	☐
Commissioner Christian Ramirez	☐
Commissioner Mike Kane	☐
Commissioner Jane Philbrook	☐
Tom Groneman, BPU Board Member	☐

- I. Call to Order/Roll Call**
- II. Revisions to November 15, 2021 Agenda**
- III. Approval of standing committee minutes from September 27, 2021**
- IV. Committee Agenda**

Item No. 1 - RESOLUTION: EMERGENCY COMMUNICATIONS SERVICES

Synopsis: A resolution authorizing the Cooperative Agreement between Bonner Springs, Edwardsville, and Unified Government establishing the Unified Government communications center as the public safety answering point and creating an advisory committee in accordance with the agreement, submitted by Casey Meyer, Senior Counsel.

Tracking #: 211160

Item No. 2 - RESOLUTION: ARMOURDALE INDUSTRIAL DISTRICT PUMP STATION

Synopsis: A resolution declaring that the Armourdale Industrial District Pump Station (CMIP 6309) Project is a necessary and valid improvement project and authorizing a survey of land for the project, submitted by James Bain, Assistant Counsel.

Tracking #: 211162

Item No. 3 - PRESENTATION: OPEN BURNING

Synopsis: A presentation of potential options to change the Municipal Code to improve clarity to both the public and staff as to what options are available the next time a large storm affects the area, submitted by Jon Khalil, Assistant Counsel.

For information only.

Tracking #: 211065

Item No. 4 - PRESENTATION: CMIP PROJECT REPORT

Synopsis: The Public Works team will discuss 2022 CMIP projects & the CMIP criteria weights and data-driven selection process, submitted by Jeff Fisher, Executive Director of

Public Works.

For information only.

Tracking #: 211164

Item No. 5 – PRESENTATION: MOWING UPDATE

Synopsis: Presentation on Parks & Recreation end-of-year update on mowing services for county-owned land, submitted by Angel Obert, Director of Parks & Recreation; Jack Webb, Deputy Director of Parks & Recreation; and Stephanie Bell, Program Coordinator for Parks Dept.

For information only.

Tracking #: 211165

V. Public Agenda

VI. Adjourn

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, September 27, 2021**

The meeting of the Public Works and Safety Standing Committee was held on Monday, September 27, 2021, at 5:00 p.m., via Zoom or on-site. The following members were present: Commissioner Bynum, Chairman; Commissioners McKiernan (substituting for Commissioner Markley), Ramirez, Kane, and Philbrook. Commissioner Markley was absent. The following officials were also in attendance: Alan Howze, Melissa Sieben, and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; James Bain, Assistant Counsel; Casey Meyer and Susan Alig, Senior Attorneys; Kathleen VonAchen, Chief Financial Officer; Kris Finger, Water Pollution Control/Engineering; Don Ash, Sheriff; Kelly Herron, Assistant Police Chief; Carol Godsil, Deputy UG Clerk; and Alley Porter, Commission Liaison.

Chairman Bynum said before I call our meeting to order, I want to announce that due to COVID-19, some committee members, staff and public are attending remotely as well as some on site. All participants should mute speakers when not speaking to avoid background noise.

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

The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments are included in our record of the meeting. The public may also indicate their intent to provide remote public comment by contacting our Clerk's Office by 5 p.m., the Thursday prior the meeting. The public will also have an opportunity to provide brief comments, either by phone or Zoom from the lobby of our municipal office building.

Chairman Bynum called the meeting to order. Thank you to Commissioner Brian McKiernan for joining us this evening as Commissioner Markley is absent. Roll call was taken, and all members were present as shown above.

Chairman Bynum said, we do not have any revisions to our agenda tonight, and we also do not have any minutes to approve, so that does take us to our Committee Agenda. I will pause briefly, there is some background noise. I cannot identify where it is from, so I would just ask all to mute unless you are speaking, please.

Committee Agenda:

Item No. 1 – 211030...RESOLUTION: BISHOP WARD HIGH SCHOOL – SCHOOL RESOURCE OFFICER

Synopsis: A resolution approving an agreement with Bishop Ward High School for the Kansas City, Kansas Police Department to provide a School Resource Officer (SRO), submitted by Casey Meyer, Senior Attorney.

Casey Meyer, Senior Attorney, said, this agreement is identical to the two other SRO agreements, which were approved by full commission earlier this month. It's an agreement which provides the provision of one school resource officer to Bishop Ward High School from the Kansas City, Kansas Police Department. The term is for ten years, and we have a graduated reimbursement schedule. Included in the agreement which would include a \$30,000 reimbursement back to the Unified Government for school year 2021 through 2022. The next year from 2022 through 2023 is \$33,000. The next year from 2023 to 2024 is \$36,000, and then for the school years 2024 through the term of the agreement will be based off of the officer's base salary plus the cost of living increases which will be equal to the FOP for memorandum of understanding. So, that is identical to both the other SRO agreements between Piper and Turner.

Chairman Bynum asked, are there questions from the committee?

Commissioner Kane said, some of the brightest minds graduated from that school.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve as submitted.**

Chairman Bynum asked, Madam Clerk, were there any comments from the public? **Carol Godsil, Deputy UG Clerk**, said, no comments were received.

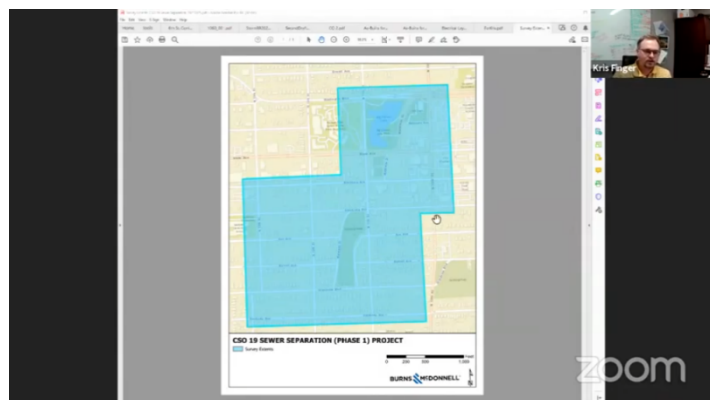
Chairman Bynum asked, and is there anyone online that you can see that wants to make a comment? **Ms. Godsil** said, there are no hands raised.

Roll call was taken and there were six “Ayes,” Groneman, Philbrook, Kane, Ramirez, McKiernan, Bynum.

Item No. 2 – 211029...RESOLUTION: CSO 19 SEWER SEPARATION (PHASE 1) CMIP – 6130

Synopsis: A resolution declaring CSO 19 Sewer Separation (Phase 1), CMIP 6130, to be a necessary and valid improvement project, and authorizing a survey of land for said project, submitted by James Bain, Assistant Counsel.

James Bain, Assistant Counsel, said, this resolution is the first step in the property acquisition process for Public Works projects. When the commission deems the project necessary, we can get survey and find out what property needs to be acquired and begin that process. This project is sewer separation south of Big Eleven Lake, also Big Eleven Lake enhancements, including some stormwater storage. Kris Finger, from Water Pollution Control, I think has a map to share and explain more about the project.



Kris Finger, Water Pollution Control Project Engineer, said, so this is the basic outline of the area that we’re looking to do this initial project in. As James mentioned, we’re looking to do sewer separation as a base project for our consent decree to test out some methods that we’re looking to

try for this in future projects. This will include using Big Eleven Lake for some stormwater detention during peak flow events. When we receive rain, we'll bypass some of the stormwater flow to Big Eleven Lake instead of sending it directly into the sewer first. Ultimately, it'll slowly discharge back into the system after the rain is complete. Are there any questions for me?

Chairman Bynum asked, are there questions for Mr. Finger?

Commissioner Philbrook said, so, Mr. Finger, at the risk of sounding ignorant—which is not a problem for me, I can do that—explain to the public why you want to separate this out; what the problem is.

Mr. Finger said, this area around Big Eleven Lake is part of our combined sewer service area, so both stormwater and sanitary sewer have to share the same pipe during storm events. When this happens, our pipes get overwhelmed with the amount of flow coming into them from the rainfall, thus causing us to have discharges potentially. It's different places around the combined sewer system into ponds, creeks, things of that nature. This, ultimately, will look to capture some of that stormwater upstream of those discharges, preventing them before sending it back into the system to get down to the treatment plant to be treated.

Commissioner Philbrook asked, so did I hear you say that that water would be diverted to Big Eleven Lake?

Mr. Finger said, the stormwater, yes. We'll be installing a separate storm sewer system that would get the water to Big Eleven for storage before getting discharged from Big Eleven into the combined sewer system.

Commissioner Philbrook asked, so, with more water going into there, will it help keep the lake in better condition so it doesn't get the build-up of the anaerobic bacteria that makes everything turn green and all that jazz.

Mr. Finger said, it should help turn that over. We will be evaluating that as part of the design process to ensure everything stays living throughout that turnover of the water and environment of that pond during wet weather events.

Commissioner Philbrook asked, so if there's fish in there, they might be happier? **Mr. Finger** said, yes. Yes, they'll be much happier.

Commissioner Philbrook said, okay. I just wanted some clarification for the public. Thank you so much.

Commissioner McKiernan said, Mr. Finger, on the resolution, it says that it is found and determined necessary that certain lands be condemned for public use, providing the land necessary for the improvements that you've described. Give me an idea about the lands that could potentially be condemned for public use and the eminent domain procedure used.

Mr. Finger said, well, James will back me up here, but that's just the basic language, I believe, that's in all of our resolutions of survey. I don't think, at this point, we're looking to go outside of public right-of-way or land that we own for any nature of doing these improvements at this time. There's no planned improvements outside of anything we own. It's just part of the general verbiage that's put into that resolution.

Commissioner McKiernan said, but if there were eventually determined that land outside of the public right-of-way needed to be obtained for the purpose of the combined sewer separation, this resolution would preauthorize eminent domain. Is that correct?

Mr. Bain said, if we needed to file court action, we would have to come back before the commission again. This authorizes the survey, so we know what we're getting into. Once we do our own appraisals of property, we make offers to purchase property from residents or businesses, and once all those efforts fail is when we come back to the commission and ask for permission to file a court action.

Mr. Finger said, and, James, if I'm not correct, correct me, that's through an ordinance, I believe, is that correct, that gives us the right to do that combination proceeding?

Mr. Bain said, well, state statute outlines the number of days and the coming back to the commission twice prior to filing that court action, yes.

Mr. Finger said, so you're authorizing us just mostly to get out there and survey and try to plan the project out. You will have another chance to review anything if we were to have to go to combination, basically.

Commissioner McKiernan said, you just clarified two very important things for me. First of all, that we're authorizing the survey that is the basis for the later improvements, and that at the moment, all of the planned separation improvements are directed to the existing public right-of-way. Is that correct? **Mr. Finger** said, or publicly owned lands, yes.

Commissioner McKiernan said, fair enough. Thank you very much.

Commissioner Ramirez said, my comments will be very, very brief because and thank you, Commissioner McKiernan, for your questions. I had the exact same thoughts and wanted to make sure that the community out there knew because, you know, eminent domain can be a big dirty word of what we do. So, I just wanted to make sure that the community knew that it wasn't—we're not coming for your property unless it's the last thing that's needed. We will do our job within the boundaries of our public land and public right-of-ways. So, thank you, Commissioner McKiernan, for those. I had the exact same questions and thoughts.

Chairman Bynum said, a comment for either James Bain or Mr. Finger. I noticed the packet contemplates the permanent closure of the road, Waterway, directly east of the lake. Do we need to have more conversation about that right at the moment or is that a final decision? I do understand it, but I think that's another thing of interest.

Mr. Finger said, so, if I could address that real fast. We do plan on having some public meetings as part of our outreach through the design process. So, we'll be getting public input. If the public input and design mesh and it works out that we take that, then we will utilize that space, but otherwise, our design will go in some other direction.

Chairman Bynum asked, other questions or comments from anyone? Any comments from the public? **Carol Godsfil, Deputy UG Clerk**, said, no comments were received.

Chairman Bynum asked, and do you see anyone present that would like to speak? **Ms. Godsfil** said, there are no hands up in the attendees list.

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

Item No. 3 – 211027...UPDATE: CORDICO WELLNESS APPLICATION

Synopsis: Update on CORDICO, a wellness application that Public Safety has implemented, submitted by Don Ash, Sheriff; Michael Callahan, Fire Chief; and Karl Oakman, Chief of Police. For information only.

Chairman Bynum said, I do not see Fire represented. **Bridgette Cobbins, Assistant County Administrator**, said, Madam Chair, I just spoke with Chief Callahan. There was a mix-up in their schedule. So, they may not be joining us this evening.

Don Ash, Sheriff, said, this has been an initiative that we’ve been interested in for a long time, and it is finally coming to fruition. We have all of the appropriate contracts and everything in place, and we’ve gotten our people, trained our point lead people, and we have been busy about educating our entire workforce about the app. The CORDICO wellness app is really state-of-the-art technology that puts the ability to have resources literally in the palm of your hand with your smartphone.

The app is available to all current employees, sworn and civilian, in the Sheriff’s Office, and also to their spouses, significant others, their family members, as well as all of our retirees, some of who still deal with some post traumatic stress issues from time to time. So, at the present time, we rolled it out maybe about three weeks ago now or so. It took us a couple of weeks to get around to every shift and every unit and section in the agency to educate and inform people and then assist them in downloading the app. We have, as of this afternoon, there have been 81 downloads and they have been accessed almost 400 times. So, obviously, people are accessing the app multiple times.

The feedback has been very positive. Feedback coming to our leadership team that’s worked on this, as well as our—we drew in all of our peer support team members to get them edified and educated so that they, then, would be able to help us enlist and help people download the app.

Comments have been very positive. The only criticism, if you will, or suggestion—it really wasn't a criticism, really—the suggestion that a couple of folks noted that there was not much about financial literacy on the app. So, I think that's a good thing that people are asking about that and wanting that because certainly people's personal finances contribute to just some of your day in and day out stress so, we have worked to correct that issue. We've created a folder on the Sheriff's Office Y Drive where all of our employees have access to that and they can access other resources.

So, we are going to—I am going to author a letter. We are going to put together a letter that we're going to mail out to each employee's home address so it can make the information—it's kind of like your kids in school. You're not sure the information from the teacher gets home to you as a parent, so we've got the same issue, we think, with some of our employees. We want to make sure that information is getting home to significant others and children and so forth. So, we're going to do that. We're going to follow up with some other internal email announcements and making the app available with simple links so people can get to it and download it. So far, for no further in than we are, we think we're tracking along, in really good shape, and people are reporting to our peer support team and our leadership team that they have found the resources to be great and very helpful.

Kelly Herron, Assistant Police Chief, said, just to touch with Sheriff Ash. I think there's been good collaboration between us, the Sheriff's Department, and Fire Department. They've all been talking about the rollout with all three of us and it's pretty consistent with what the Sheriff talked about with the rollout. I know it was important for us, I think, when we were talking about the rollout to educate family, the officers' families.

Along the same lines, we're sending out letters to all the officers' homes so that the families can read what it's about, the education piece, so that we educate that, hey, this isn't just for work, it's also for at home, and the letter will include download instructions. Chief Oakman has also emailed the department as a whole in support of the app and about officers' mental health. We've hit roll calls and posters and materials to get this item out.

So, a lot of it's just a repeat of what the Sheriff's talked about. We're doing the same thing, and I'm pretty sure if Fire was here, they would be saying the same thing because the three organizations have worked close together in this rollout. So, I don't really have anything else to add other than what the Sheriff talked about and then those bullet points.

Chairman Bynum asked, questions from our committee members? It sounds like a wonderful program.

Commissioner Philbrook said, I have a real quick question. So, this app is strictly for our law enforcement and our fire. Is that correct?

Assistant Chief Herron said, families of law enforcement, they can use it.

Commissioner Philbrook said, okay because I was thinking maybe—I'm in a high stress job, maybe I could use some help.

Commissioner Kane said, it's a long time coming. We appreciate what you guys do day in and day out, every day, all day; all night, for that matter. It is something that was much needed and I'm glad we got it going. Thank you very much.

Chairman Bynum said, that is an appreciated comment. This is not a voting item.

Alan Howze, Assistant County Administrator, said, just to follow up on Commissioner Philbrook's question and for those listening. There is an Employee Assistance Program that is available through the UG health benefits that is available to all employees regardless of which area of the UG they work in and that is specifically designed to provide confidential and support for people who are under stress or for any number of different reasons. That's something that is available to all employees.

As you heard tonight, CORDICO is really geared toward the specific needs of law enforcement and public safety and the specific stresses that they're under, but we do recognize particularly in the age of the last 18 months with COVID, the significant stress that this has placed on employees across the organization and want to make sure that folks who are listening know that support is there through the Employee Assistance Program for all employees.

Commissioner Philbrook said, so, access to that is—we get on which website, or which part to access that? We go to the Wellness Clinic? Where do we go?

Renee Ramirez, Director of Human Resources, said, as part of the Employee Assistance Program, it is with New Directions Behavioral Health. I do want to clarify, it is through—we have cards, we have posters all over the UG. We do have a special code that employees would have to use to access certain benefits through there.

I do want to make one point of clarification with the Employee Assistance Program. That program is available to all employees and those members that are in their household. So, they don't actually have to be on our health plan to be able to access the benefits of the Employee Assistance Program. Each employee has up to eight sessions that they—per cause—that they can contact the Employee Assistance Program. I do want to make sure it is very clear that any employee who is contacting the Employee Assistance Program on a voluntary basis, it is confidential. They do not report back to the Unified Government that the employee has contacted the EAP.

Chairman Bynum said, that is also very helpful information, and it's always a good time to remind our employees that help is available.

Adjourn:

Chairman Bynum adjourned the meeting at 5:30 p.m.

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Staff Request for Commission Action

Tracking No. 211160

Full Commission Meeting Date: 12/2/21

Committee: Public Works & Safety

Date of Standing Committee Action: 11/15/21
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/02/2021	<u>Contact Name:</u> Casey Meyer	<u>Contact Phone:</u> x2851	<u>Contact Email:</u> cmeyer@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Requesting approval of the attached Resolution authorizing the Cooperative Agreement between Bonner Springs, Edwardsville, and Unified Government establishing the Unified Government communications center as the public safety answering point and creating an advisory committee in accordance with the agreement, submitted by Casey Meyer, Senior Counsel.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution regarding Dispatch Agreement, Dispatch Agreement.final11.2.21				

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE APPROVAL OF AN AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, CITY OF EDWARDSVILLE, AND CITY OF BONNER SPRINGS REGARDING THE PROVISION OF EMERGENCY DISPATCHING AND COMMUNICATIONS SERVICES.

WHEREAS, pursuant to Kan. Stat. Ann. 12-1908, Unified Government of Wyandotte County/Kansas City, Kansas, City of Edwardsville (“Edwardsville”) and City of Bonner Springs (“Bonner Springs”), have determined that the interests and welfare of the public will best be served by a Cooperation Agreement between the above parties for the Unified Government to provide emergency dispatch and communications services to Edwardsville and Bonner Springs as the Unified Government is the public safety answering point in Wyandotte County, Kansas.

WHEREAS, the parties have reached and prepared an Agreement describing the responsibilities of the parties concerning the above relationship;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS: That the Unified Government is hereby authorized to enter said agreement by signature of the County Administrator and who is hereby authorized to take any action required and necessary to implement and satisfy the intent of said Agreement.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ day of _____, 2021.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

COOPERATION AGREEMENT REGARDING EMERGENCY DISPATCHING, COMMUNICATIONS, AND OTHER SERVICES

This AGREEMENT made as hereafter provided by and between the City of Bonner Springs (“Bonner Springs”), the City of Edwardsville (“Edwardsville”) and the Unified Government of Wyandotte County/Kansas City, KS (“UG”).

WHEREAS, UG, Bonner Springs, and Edwardsville, are empowered to provide emergency communications services to the citizens within their respective jurisdictions and may, therefore, pursuant to K.S.A 12-2908 enter into an Cooperation Agreement with one another and with other public agencies to perform such services; and,

WHEREAS, UG is the public safety answering point (PSAP) per K.S.A. 12-5374 for Wyandotte County, Kansas and has an emergency communications dispatch center and systems capable of providing emergency communications services to law enforcement agencies, fire departments, and emergency medical services providers within Wyandotte County; and,

WHEREAS, UG has historically provided Bonner Springs and Edwardsville with emergency dispatch and communications services and the UG and Bonner Springs and Edwardsville believe these services as well as other services would be best served by being managed through a Cooperation Agreement; and,

WHEREAS, Bonner Springs and Edwardsville desire to obtain emergency dispatch and emergency communications services from UG, as the existing PSAP; and,

WHEREAS, the parties hereto recognize that it is in the best interests of the citizens within their respective jurisdictions and in the furtherance of the health, safety and welfare of the citizens to have a unified emergency dispatch and communications system having the advantage of economies of scale; and,

WHEREAS, the governing body of each party has resolved, agreed, or ordained that this Cooperation Agreement may be entered into;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed as follows:

1.Purposes. The purposes for which the parties have entered into this agreement are to provide a centralized communication center for the purpose of receiving and transmitting emergency and other information by radio, telephone and other means.

2.911 Advisory Committee. The purpose of this committee is to provide evaluation of technical system replacements or upgrades, implementation of new program and discontinuance of existing programs, and operational direction, support, and grievance resolution as may become necessary in the day to day operations of an Emergency Communications Center. The committee shall meet at least two times each year.

The Committee will assist in offering recommendations to provide efficient and effective communication services to all participating agencies. After discussions the committee may vote on any appropriate recommendations or action to be taken. Any appropriate recommendations or action taken shall be made upon a majority vote of the representatives present at a regularly convened meeting of the committee. In the event of a conflict with the terms of the UG-United Food & Commercial Workers District Union Local Two Public Safety Dispatch Division (“UFCW”) Memorandum of Understanding or the International Association of Firefighters Local #64 (“IAFF Local 64”) Memorandum of Understanding and Advisory Committee recommendations, the UFCW MOU and or IAFF terms will prevail depending on which bargaining unit is affected. The committee will direct its formal written comments, requests or instructions to the Communications Center Program Supervisor and Assistant Fire Chief for implementation or dissemination to the communications center staff.

The 911 Communications Advisory Committee shall be comprised as follows:

- 1) The Kansas City, Kansas Police Chief or his appointee.
- 2) The Kansas City, Kansas Fire Chief or his appointee.
- 3) The Wyandotte County Sheriff or his appointee.
- 4) The Bonner Springs Police Chief or his appointee.
- 5) The Bonner Springs Fire Chief or his appointee.
- 6) The Edwardsville Police Chief or his appointee.
- 7) The Edwardsville Fire Chief or his appointee.
- 8) The Bonner Springs City Manager or his appointee.
- 9) The Edwardsville City Manager or his appointee.
- 10) The Unified Government County Administrator or his appointee.

3. Use of 911 Fees. The Kansas 911 Act, K.S.A. 12-5362 through K.S.A. 12-5381, provides for 911 fee collection for emergency communications services. UG shall use such proceeds and any interest earned on revenue derived from such fee only for necessary and reasonable costs incurred or to be incurred for eligible items authorized by K.S.A. 12-5375, as amended.

4. Termination. Any party may terminate this Agreement upon providing six months advanced written notice to the other parties. All property acquired pursuant to this agreement shall be held by the UG. In the event of termination by the UG, any unencumbered 911 fees acquired on behalf of Bonner Springs or Edwardsville will be redistributed to Bonner Springs or Edwardsville within 60 days. In the event of termination, all property acquired pursuant to this agreement shall be transferred to the City or the UG in proportion to the City and UG funds used to purchase property.

5. Approval and Authorization. The parties warrant and represent by the execution of this Agreement that this Agreement has been approved by its governing body and by its legal counsel, that the execution, delivery and performance of this Agreement by such party has been authorized by resolution or ordinance duly adopted by its governing body, and that this Agreement constitutes a legal, valid and binding obligation of such party enforceable in accordance with its terms.

6. Duration. This Agreement shall continue until December 31, 2030 and, thereafter, shall automatically renew on a year to year basis, and shall thereafter automatically renew for another year on each subsequent December 31, until terminated as herein provided..

7. Survival of Representations and Warranties. All representations, warranties, covenants, and agreements contained herein shall survive the termination of this agreement.

8. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, representatives, successors and assigns.

9. Applicable Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Kansas.

10. Venue. It is agreed by and between the parties that, should any dispute arise concerning the validity and effect of this agreement, or of any breach of the agreement herein, venue of an action concerning such dispute shall be in the District Court of Wyandotte County, Kansas.

11. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Agreement should be determined by a court of competent jurisdiction to be invalid for any reason whatsoever, such decision shall not affect the remaining provisions of this Agreement, which shall remain in full force and effect; and to this end the provisions of this Agreement are hereby declared to be severable and shall be presumed to have been agreed upon knowing that the various provisions of this Agreement are severable.

12. Modification of Agreement. This Agreement may be modified or amended only in writing executed by all parties and will be subject to renegotiation in the event of changes to applicable law, rules, or regulations affecting the subject matter of this Agreement.

13. Prior Agreements. This Agreement constitutes the entire understanding and agreement between the parties hereto with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, and discussions concerning any matter contained herein.

14. Kansas Cash Basis. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is reasonably deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.

IN WITNESS WHEREOF, the parties have signed and executed this COOPERATION AGREEMENT, after resolutions duly and lawfully passed, on the dates listed below.

DATED this ____ day of _____, 2021.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Douglas G. Bach, County Administrator

DATED this ____ day of _____, 2021.

CITY OF BONNER SPRINGS

By: _____

DATED this ____ day of _____, 2021.

CITY OF EDWARDSVILLE

By: _____



Staff Request for Commission Action

Tracking No. 211162

Full Commission Meeting Date: 12/2/21

Committee: Public Works & Safety

Date of Standing Committee Action: 11/15/21
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/03/2021	<u>Contact Name:</u> James Bain	<u>Contact Phone:</u> x5077	<u>Contact Email:</u> jbain@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Armourdale Industrial District Pump Station (CMIP 6309) A resolution declaring that this project is a necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is one of Water Pollution Control's largest pump stations that sends flows to the Kaw Point Treatment plant recently, and had two major failures in the last year. Design has begun on a complete rehabilitation of the pump station. Options are being evaluated to rehabilitate the station and it's expected that a few additional structures will need to be installed near the existing building. Additional site survey and inspections need to be completed to determine the best location for new structures. The location is 300 N. 4 th Street, west of the Kansas River, east of I-70, and north of Central Avenue. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 1 Resolution.Armourdale, AID-PS_Survey Extents_11-3-2021pdf				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **Armourdale Industrial District Pump Station (CMIP 6309)** all in Wyandotte County, Kansas.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **Armourdale Industrial District Pump Station (CMIP 6309)**. This project is one of Water Pollution Controls largest pump stations that sends flows to the Kaw Point Treatment plant recently, had two major failures in the last year. Design has begun on a complete rehabilitation of the pump station. Options are being evaluated to rehabilitate the station and it's expected that a few additional structures will need to be installed near the existing building. Additional site survey and inspections need to be completed to determine the best location for new structures. The location is 300 N. 4th Street, west of the Kansas River, east of I-70, and north of Central Avenue. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

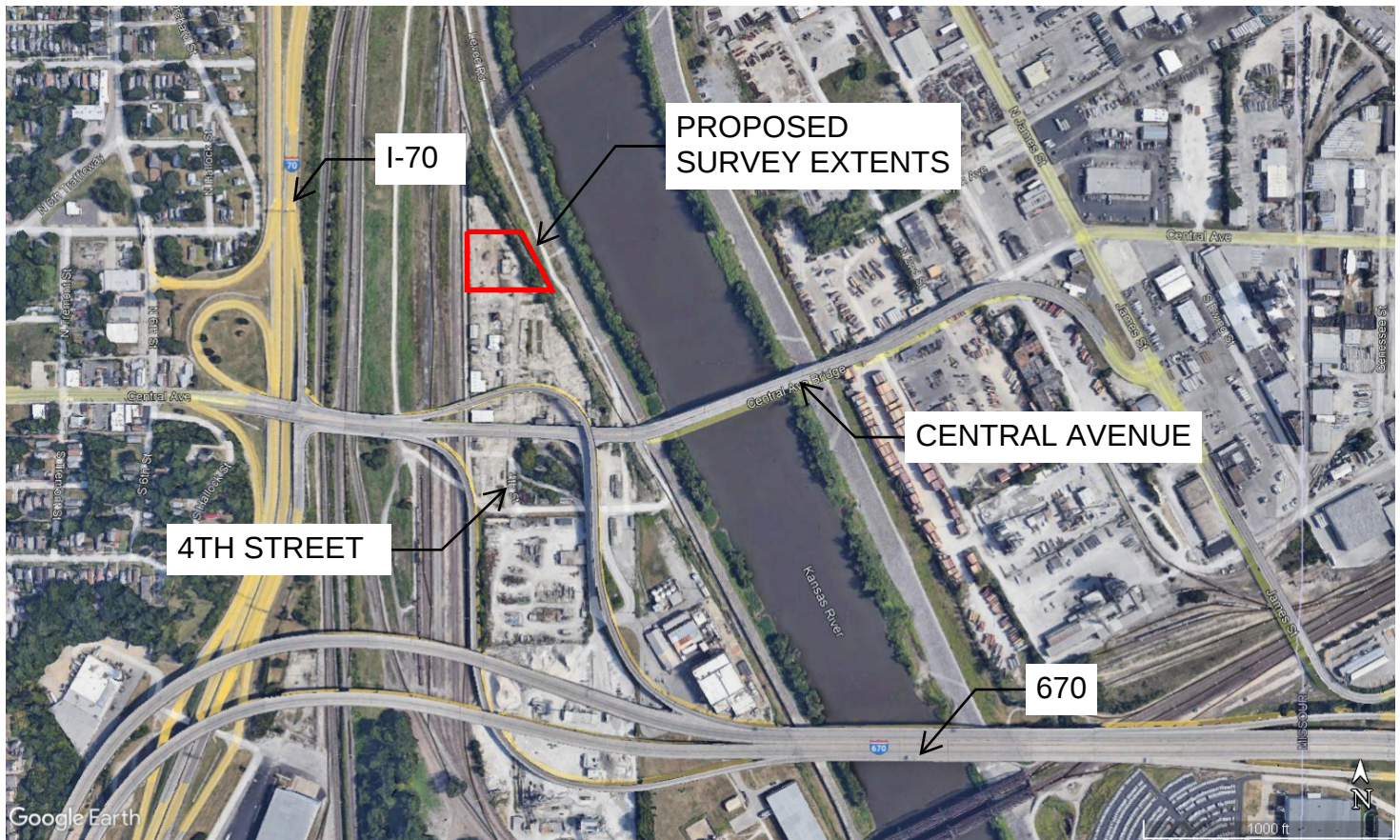
ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _____ DAY OF _____, 2021.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

Edward J. Bain
Assistant Counsel



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS
AID PUMP STATION IMPROVEMENTS PROJECT
PROPOSED SURVEY EXTENTS SITE PLAN



Staff Request for Commission Action

Tracking No. 211065

Full Commission Meeting Date: N/A

Committee: Public Works & Safety

Date of Standing Committee Action: 11/15/21
(If none, please explain): For information only.

Publication Required: No

<u>Date:</u> 11/03/2021	<u>Contact Name:</u> Jon Khalil	<u>Contact Phone:</u> x5085	<u>Contact Email:</u> mjkhilil@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> This is a presentation of potential options to change the Municipal Code to improve clarity to both the public and our staff as to what options are available the next time we have a large storm that affects the area, submitted by Jon Khalil, Assistant Counsel.				
<u>Action Requested:</u> This presentation is for informational purposes and to solicit feedback from the committee and make any additional changes that may be requested.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Open Burning Presentation - final				

Discussion of Burn Permit Options Due to Storm Damage and Air Quality Measures required by Code





Spring and Fall Burning Season

- ◇ During the month of April and from October 16 through November 16 fires set for the disposal of organic yard waste generated on property may be permitted between the hours of 7:00am and 6:00pm
 - ◇ Organic yard waste includes leaves, brush, dead wood, tree cuttings and weeds that can fit within a 10 by 10 ft pile and can be burned completely in three days between the hours of 7:00am and 6:00pm.
 - ◇ During these periods only one permit (for a maximum of three days) per property per burn month will be issued unless the chief of the fire prevention division determines that it is in the interest of public health or safety to issue more than one permit or to extend it beyond three days



Additional Open Burn Periods

- ◇ At times, the County Administrator may determine that open burning is necessary in between the spring and fall periods especially when a large increase in downed trees, limbs, branches, and other difficult to dispose of yard waste
 - ◇ During these time periods the County Administrator may require permits be obtained to conduct burning and that open burning comply with all current county ordinance
 - ◇ Under Wyandotte County Municipal Code Section 3-17(h) there are three main types of waste for which permits may be sought: Nonresidential Waste, Extraordinary Organic Yard Waste, and Organic Yard Waste



Nonresidential Waste and Extraordinary Organic Yard Waste

❖ Under Wyandotte County Ordinance 3-17(h)(a) Fires set for the disposal of nonresidential waste, or extraordinary organic yard waste may be permitted when it can be shown such open burning is:

- (1) absolutely necessary;
- (2) in the public interest; and
- (3) no other method can be used.

The burning of land clearing debris, including trees, brush and vegetation is normally considered as being necessary and in the public interest. Provided that an applicable air curtain open pit destructor of suitable design and capacity is used to accomplish the burning. An additional permit is required to be obtained from the Director prior to the use of an air curtain destroyer.

Nonresidential Waste and Extraordinary Organic Yard Waste



- ❖ Under the current code open burning of nonresidential waste and extraordinary organic yard waste is an option of last resort.
- ❖ And to mitigate against the environment effects of such, burning an air curtain open pit destructor is required for nonresidential waste and may be required for the burning of extraordinary organic yard waste at the discretion of the health director and chief of the fire prevention division.
 - ❖ Whether or not an air curtain destructor is required for extraordinary organic yard waste depends on several factors including the amount of material and nature of material to be burned, and the location of the property.



Kansas Department of Health and Environment Policy

- ❖ KDHE allows for open burnings, but encourages and may require emission controls in sensitive areas or near population centers
- ❖ KDHE prefers to allow open burning only in a manner that guarantees the least number of people will be adversely affected by the burn



Potential Changes to Improve the Ordinance

- ❖ Staff is proposing the following changes to provide greater clarity to both the public and our staff as to what options are available the next time we have a large storm that effects the area
- ❖ We are here to get feedback from the Commission and make any additional changes that may be requested



Proposed Modification #1

- ❖ Amend Section 3-3 to include the following definitions of “Extraordinary Organic Yard Waste” and “Extraordinary Residential Waste”:
 - ❖ Extraordinary Organic Yard Waste- means organic yard waste that cannot be burned within the hours of 7:00am and 6:00pm over three consecutive days while being contained to a 10 ft x 10 ft area as determined by the chief of the fire prevention division or their designee.
 - ❖ Extraordinary Residential Waste - means residential waste that cannot be burned within the hours of 7:00am and 6:00pm over three consecutive days while being contained to a 10 ft x 10 ft area as determined by the chief of the fire prevention division or their designee.
- ❖ Including these definitions in the ordinance would improve transparency and objectivity within the burn permit process

Proposed Modification #2

❖ Amend Section 3-17(h)(1)(a) with language below:

❖ Nonresidential waste, **extraordinary residential waste** and extraordinary organic yard waste. Fire set for the disposal of nonresidential waste or extraordinary yard waste may be permitted only when it can be shown by a person that such open burning is absolutely necessary and in the public interest. **The Director may determine whether the burning of nonresidential waste, extraordinary residential waste, or extraordinary organic yard waste such as trees that are felled by severe storm damage is considered necessary and in the public interest. The Director also may determine what, if any, precautions are needed to ensure air quality standards are maintained.** The burning of land clearing debris, including trees, brush, and vegetation only, **as well as trees and limbs felled by severe weather**, shall normally be considered as being necessary and in the public interest. ~~provided that an approvable air curtain open pit destructor of suitable design and capacity is used to accomplish the burning and further provided that such device is installed maintained, and operated at maximum efficiency. An additional permit shall be obtained from the director prior to the use of an air curtain destroyer. A fee in the amount established by the county administrator or his designee shall be paid for such permit.~~

❖ (i) if an air curtain pit destructor is required by the director, it shall be of suitable design and capacity to be used to accomplish the burning and such device shall also be installed maintained and operated at maximum efficiency at all time.

❖ (ii) An additional permit shall be obtained from the director prior to use of an air curtain open pit destructor. A fee in the amount established by the county administrator or their designee shall be paid for such permit.

Proposed Modification #3

- ◇ Approvable air curtain open pit destructor means a device specifically approved by the director as being consistent with engineering and design requirements established by the director and used to accomplish the controlled high-temperature, minimum-emission burning of land clearing debris (trees, brush and vegetation only) or other nonresidential waste, extraordinary residential waste, or extraordinary organic yard waste. Such device shall consist of a large blower or fan designed to deliver at least 800 standard cubic feet per minute of air for each foot of length of the pit in which the burning is accomplished and a nozzle-equipped plenum chamber designed to deliver air at a minimum air velocity of 150 feet per second in a flat sheet or curtain of air blowing diagonally downward across the pit. The pit used to accomplish the burning with the air curtain destructor must be the exact length of the manifold plenum chamber, eight feet or less across in the direction of airflow perpendicular to the manifold plenum chamber, 12 feet or deeper (consistent with local soil conditions) and have all four sides vertical. New pits conforming to these requirements shall be excavated as necessary to replace pits in which the high temperature operation has resulted in crumbling or erosion of the burning pit such that the pit no longer has the required four smooth vertical walls and/or is no longer consistent with the dimension requirements provided herein. The director may also require any additional design and/or operating conditions for the air curtain open pit destructor as are necessary to accomplish minimum-emission, smoke-free burning of the land clearing debris or other nonresidential waste, extraordinary residential waste, or extraordinary organic yard waste.



Proposed Modification #2 and #3

- ◆ These modifications would give the Director of the Air Quality Division more discretion to determine when an air curtain destructor is required.

Proposed Modification #4

◇ Amend section 3-17(h)(6) to include the following language:

(i) The director, the director's designee, or the chief of the fire prevention division or his or her designee, shall have the ability to enforce any provisions of this section.

(ii) After a denial of a burn permit under this section an applicant may appeal their decision to a panel consisting of the Director, the Chief of the Fire Prevention Division and the County Administrator or their designee by filing a written notice of appeal with the Unified Government Clerk's Office within thirty (30) days of such decision. The panel shall conduct a hearing on the appeal within thirty (30) days of receipt of such appeal.

Proposed modification #5

Amend 3-17(h)(1)(b) as follows:

Organic yard waste.

- ❖ 2. Organic yard waste includes leaves, brush, dead wood, tree cuttings, and weeds. Organic yard waste includes trees felled by storm damage on properties zoned either residential or agricultural. Burning of wire insulation, tires, and other rubber products, automobile parts, paper, cardboard, treated, painted, or finished wood, plastics, garbage, trash, petroleum products, asphalt materials, building materials, demolition debris, paints, agricultural chemicals, household chemicals, or any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants is prohibited.



Proposed modification #6

Amend 3-17(h)(2)(c)(5)

For nonresidential waste, extraordinary residential waste or extraordinary organic yard waste, in addition to the information required in this subsection:

- i. The type of business or activity involved.
- ii. A description of the proposed equipment and operating practices, and the expected composition and amount of air contaminants to be released to the atmosphere.
- iii. Reasons why no method other than burning can be used for disposal of such waste.
- iv. Evidence that the proposed open burning has been approved by any fire department that may have jurisdiction.



Staff Request for Commission Action

Tracking No. 211164

Full Commission Meeting Date: NA

Committee: Public Works & Safety

Date of Standing Committee Action:

(If none, please explain): Information Only

Publication Required: No

<u>Date:</u> 11/03/2021	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> The Public Works team will discuss 2022 CMIP projects & the CMIP criteria weights and data driven selection process.				
<u>Action Requested:</u> Information Only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211165

Full Commission Meeting Date: N/A

Committee: Public Works & Safety

Date of Standing Committee Action: 11/15/21
(If none, please explain): For information only.

Publication Required: No

<u>Date:</u> 11/03/2021	<u>Contact Name:</u> Angel Obert, Jack Webb, Stephanie Bell	<u>Contact Phone:</u> x8354	<u>Contact Email:</u> aobert@wycokck.org	<u>Department/Division:</u> Parks & Recreation
<u>Item Description:</u> Parks & Recreation staff will present an end-of-year update on mowing services for county-owned land. Topics include: staffing devoted to mowing, statistics for areas mowed and rotation, departmental challenges, and future projects.				
<u>Action Requested:</u> For information only.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				