STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **SPECIAL SESSION, THURSDAY, NOVEMBER 18, 2021**
CITY OF KANSAS CITY, KS)

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 18, 2021, with ten members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze and Melissa Sieben, Assistant County Administrator's; Carol Godsil, Deputy Unified Government Clerk; Misty Brown, Chief Counsel; Jeff Fisher, Executive Director of Public Works, Dave Reno, Public Works Community Engagement Officer; Robert Anderson, Public Works Asset Manager; and Ashley Hand, Director of Strategic Communications.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Kane, Markley, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted virtually on Thursday, November 18, 2021, at 5:00 p.m. for Commission Infrastructure Subcommittee reports.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said as we all know the Infrastructure Committees were tasked with listening to Public Works and to other staff, Parks, Rec, and others to really ascertain what the challenges are facing our community in regards to our infrastructure needs and to identify briefly what kind of the emergency needs might be. What part—what infrastructure that does not receive care in the next several years might reach a point of failure and then ultimately kind of a long-term plan for remaining infrastructure.

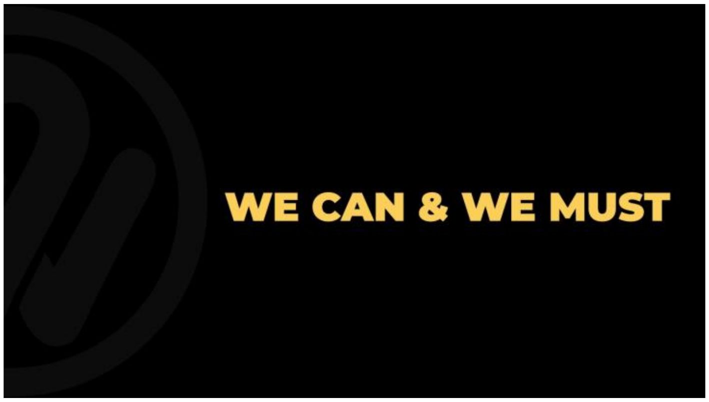
We divided up into three different, actually six different areas, and coalesce those into three different things. So, what we're doing tonight is just giving a report from those subcommittees, and again, this is a work in progress, but I think the way this is going to go is we will have Public Works or whomever is responsible for that particular area, staff to give us a report and then to follow-up with the Commission members who are engaged on that committee.

I'm going to pass this on now to Mr. Bach.

Doug Bach, County Administrator, said as the Mayor said, this is kind of an accumulation of activities that have gone through the course of the year. Tonight we have a presentation that staff has put together in coordination with the committee Chairs. I believe all of them will have a part to present during the presentation this evening and while most are just status reports, there is more of a recommendation coming out of the Stormwater Committee, I believe, as they've invested a little bit more time in figuring out where we can go with an issue that has been in progress for several years as the Commission is well aware as far as future funding and how that may work. At this time I'm going to turn this over to Jeff Fisher, our Director of Public Works, who is with his staff members in the Public Works conference room.

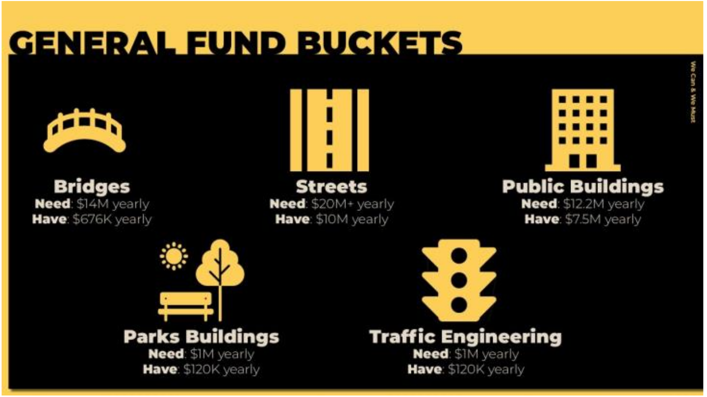
Jeff Fisher, Executive Director of Public Works, said it's probably best to give some background. All the way back four or five years ago and largely the start of it was our Citizen Survey and infrastructure ranked real high on the citizens minds, particular streets. It would be highest by far—**Mayor Alvey** said, Jeff, if you don't mind for just a moment, is there any other way—is there a microphone there? **Mr. Fisher** said we apologize. Just taking us all the way back to the beginning four or five years ago, Citizen Surveys kept saying the infrastructure was high on their minds, particularly street maintenance. So, listening to that, we started this big effort to collect data on all of our infrastructure for a couple of years and start to understand where the needs are.

About a year and a half ago, we started telling that story that infrastructure needs more investment, we need to be smarter about it, so we developed a Capital Maintenance Improvement Program. Then, sharing with you and the public the condition of our infrastructure and how much more investment that needs. You heard that, and the Commission heard that, and you proceeded with the subcommittees which have been very exciting. We've been working real hard on that and Public Works itself, during that period, came to the conclusion that our mantra needs to fit this urgency, this infrastructure crisis.



You've seen our mantra, We Can & We Must. Public Works, acting accordingly, this mantra, "We Can & We Must", is just to say UG Public Works we can be helpful in this way. We must attack this infrastructure problem, help the CIO, help the Commission, and help the public figure out how to turn the corner. Working with the subcommittees have been real exciting.

Starting with our Enterprise Funds. Wastewater is a full cost recovery Enterprise Fund. It's operating largely under a consent decree. It has a plan. Revenues are supporting that plan. It's tight, but it's working.



Stormwater, on the other hand, is a much different story. We're going to get to that later, but the needs annually on a scaled down version or that $10M and we're only spending $3-$3.5M, that's not working. The system is failing.

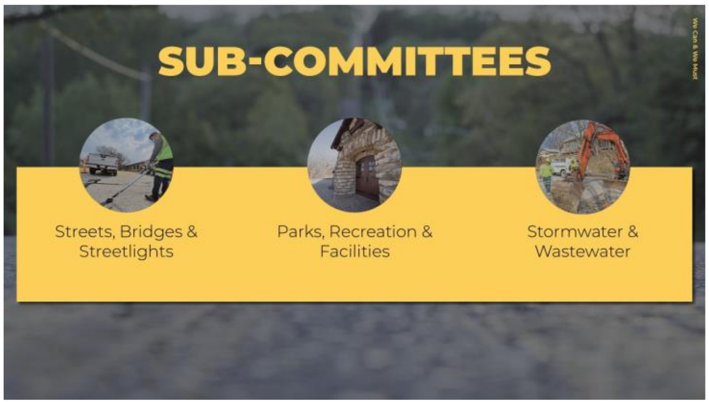
Bridges, the needs are at $14M a year for 10 years. Right now we're spending about $676K a year. That's way under.

Streets, we've talked about this a lot. In order to increase our Pavement Condition Index from a current 53 to 65, it's going to take $20+M a year. We're barely spending $10M a year.

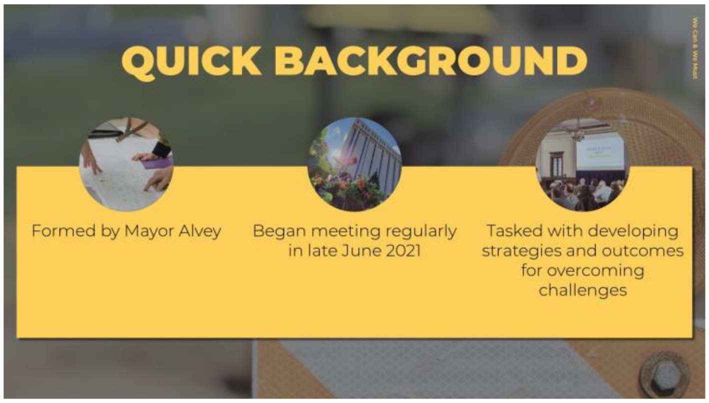
Facilities, $12.2M a year need and we're spending $7.5M. The discussion you'll hear later is maybe we have too many facilities. We can reduce that and be better about maintaining fewer facilities.

Parks, the same. Lots of parks, lots of rec centers. Maybe we need to do that differently. We're not meeting the needs there nor meeting expectations of the public.

Traffic Engineering, you can clearly see we need to spend a million dollars more a year to do an effective job there.



Mayor and Commission Subcommittees. The subcommittees are broken up into Streets, Bridges & Streetlights; Parks, Rec & Facilities in general; and then the Stormwater & Wastewater Utility Subcommittee.



By forming those subcommittees, the Mayor set us off on a course of regular meetings, Public Works and other staff, Finance, working with these subcommittees since June, meeting about every three weeks on average and tasked with, as the Mayor said, what are the outcomes we want in the future, five, ten, twenty years from now. How are we going to get infrastructure to support the welfare of this community and support a thriving community, so we've been working on those outcomes and strategies to support that. You'll hear a little bit more from the Chair.

The first Chair of the—I'm sorry, I'm going to let Dave Reno jump in for a minute.

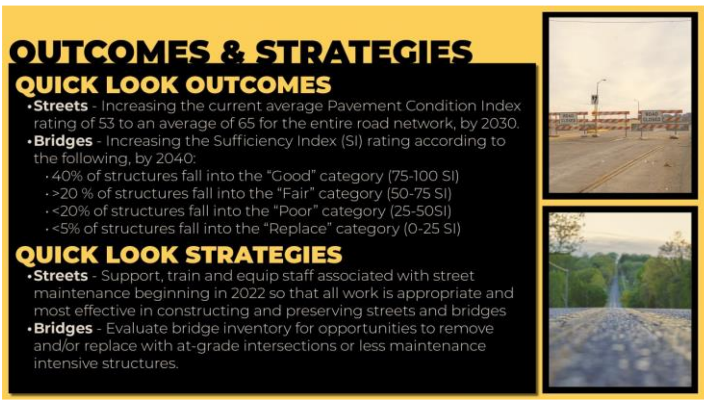
Dave Reno, Public Works Community Engagement Officer, said one of the things that we did right out of the gate here, we started speaking the same language. Engineering has a lot of technical terminology, architecture terminology and sometimes although we're thinking about the same things, we don't know that we're talking about the same thing. We started out defining key terms and Public Works, we're really preoccupied with outcomes, outcomes and goals, but really outcomes are things that make a difference. The difference is made generally by collections of outputs and those are themselves made up of collections and strategies.

One of the things that we need to do on a daily basis for the strategies, we need in order to accomplish our goals, so working backwards we figure out what we want our outcomes to be, what does the committee think is the most important thing we need to address and we figure out—Public Works staff, what are the strategies we need to develop in order to get to those outcomes. I think this route has been extremely successful so far building some outstanding outcomes for us to pursue.

Mr. Fisher said Commissioner Bynum has been the Chair of the Streets, Bridges & Streetlights and I'll hand that over to her and let her speak to that experience.

Commissioner Bynum said I'm going to start with what we learned and my committee is myself, Commissioner McKiernan, and Commissioner Townsend so District 2 and District 1. My comments are focusing on the What We Learned portion for the moment. I want to start by giving, not just a thank you, but a huge thank you to our Public Works staff for their strategic efforts that have been made to date, for developing and knowing what the data tells us, and also for being so willing to work with the commissioners on these committees.

We know that in this category a minimum of $26M additional dollars annually is needed just to start flattening the curve in terms of addressing our needs with this infrastructure. So, to me, I think it's fair to say that efficiency is important and helpful, but it is not the answer to this problem. Efficiency alone does not get us to goals and just by way of example, we can talk about pavement preservation alone and we can compare ourselves to neighboring cities. We spend $5.5M of our $420M annual budget or 1.3% of our total budget on pavement preservation. Overland Parks budget is $327M. They spend $15M on pavement preservation. Olathe has an annual budget of $472M, they spend $17.9M on pavement preservation. Topeka has an annual budget of $339M, they spend $7.5M. Interestingly enough, out of all of those cities, we have more lane miles which it seems really hard to believe. More lane miles and the lowest in actual real dollars and percent of the annual budget spent on only pavement preservation.



Dave Reno, I don't know if this slide is for me or you, but I can go through it or you can, I don't care. **Mr. Reno** said this slide is for you, Commissioner. **Commissioner Bynum** said I'll take this slide and then I'll just wrap with a brief statement.

Some of the outcomes that we've developed obviously in order to increase the current average Pavement Condition Index or PCI from a 53 to a 65 by 2030, my point that I made about what we are dedicating to that should be very clear. In the category of bridges, we're talking about a sufficiency index rating and so we're shooting for 2040 with that outcome, 40% of structures are good, 20% are fair, excuse me, less than 20% are fair, more than 20% are in the—I'm saying those backwards. I apologize, 5% of structures in the replace category, so obviously, plenty of work to do in the bridges category and then what we're calling Quick Look Strategies, in streets we support, train and equip staff associated with maintenance beginning in this coming year so that the work we do is appropriate.

Then, we evaluate our bridge inventory for opportunities to potentially remove or replace with at-grade intersections. This is obviously way more cost effective and I believe it's only those two slides, Dave Reno, if I'm correct.

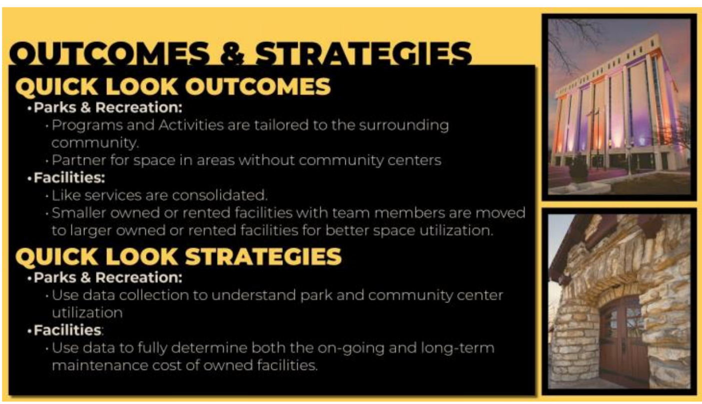
Here's where I think we are and this probably goes for every team, but we've learned so much among our committees and particularly with this committee, just by spending time and having these meetings with our staff it really helps us to not only know it, but know it, learn it, memorize it, and understand it. I think what we have learned primarily is that firm and focused attention absolutely must be given. This is not a one-time fix. That's very clear. It has to stand multiple generations of Mayors, commissioners, and administrations, but before it can span those years and sets of leaders, it has to start. I do believe in '22 we made a small start, but we really need to take a good long hard look at the choices that we are making and we need to commit to making some very difficult choices with some of our upcoming budget decisions as we move forward.

With that, I will hand it back over. I'm sure my committee mates will have comments once we hear from all the committees, so thank you very much.

Mr. Fisher said before we hand it over to Commissioner Ramirez, thank you Commissioner Bynum. I do want to say you saw two outcomes and two strategies. Those are just examples. This committee has developed a much longer list and the Parks, Rec & Facilities committees have done the same, so we're just providing a couple of examples of outcomes and strategies that these subcommittees have already developed.

Commissioner Ramirez said first, thank you Commissioner Bynum for your last statement. I completely agree with you and I'm right behind you on that. First, I want to thank Public Works, Parks & Recreation, and Facilities. Thank you to the commissioners who serve on this committee. We've had a lot of good conservation. We first started up the conversation as kind of a hypothetical what could—if we were to redo our city, how would that look like, how would our parks and recreation look like, what would our facilities look like and that was just to get us in the zone of what needs to be done. Then, we dove deeper into the Ameresco Study and talked about that and we've also heard from a couple of consultants who have done studies on community centers and they came and presented to our committee of what they have done and really kind of showing us what they could do for here in Wyandotte County.

We've had a lot of good conversation about what our facilities should look like, how many we should have, should we have more, should we have less. I'm sure from what I've heard from the committee and from staff, we need less facilities. For Parks & Recreation, what I've heard and I'm sure the other committee members can make comments at the end, you know, for Parks & Recreation we need more of that for our community.



As Jeff had mentioned, these are just a few outcomes and strategies that we have come up with. For Parks & Recreation, you know, we want to make sure our programs and activities are tailored to the surrounding community and a part of that is, are there partners out there in our community and around our region who can help in those areas that may not have community centers. For example, Rosedale. Rosedale doesn't have a community center, but across the way in Argentine, they do or we might be able to find a partner that may be able to come in and provide programs and activities for the children and for the community.

For Facilities, like services consolidating, right-sizing our buildings, but not only right-sizing our buildings, but right-sizing the staff to those buildings. You know, in City Hall we have floors where we—we have departments where they have big offices, but a lot of empty space. How can we right-size those down to the building to ensure that we're not paying more than we need to.

A couple of strategies for Parks & Recreation, using data to understand how our parks and community centers are being used and that strategy came out of the presentation we heard from the consultants about their micro study of community centers and what our community centers actually provide. How can we provide those services better with the community centers that we have.

Then, a strategy for Facilities, is use data to fully determine both the ongoing and long-term maintenance costs of owned facilities. With everything that we continue to do and we will always be doing, and I thank Jeff and his team for doing this, is every decision that we make is going to be based off data, not with just Parks & Recreation and Facilities, but with streets, stormwater, bridges. Everything is going to be databased. So, I thank you for all that you have done for that and continue to do.

Again, these are just a couple outcomes and strategies that we've come up with. Going forward, this committee is going to continue to have those conversations and come up with a fuller list of outcomes and strategies. I don't know if there is anything else, Jeff, you would like me to mention. That was just a quick run through.

Mr. Fisher said you did very well Commissioner Ramirez. I think the theme of that subcommittee has been smart utilization of space and reduction.

In the Utility subcommittee, it's been a little bit different discussion mostly around stormwater, the presentation to follow this. Commissioner Philbrook has been leading this group and I'll hand it over to her.

Commissioner Philbrook said I've been attempting to lead this group. I will tell you that this is really, excuse the pun, but this is a dirty job because with stormwater and wastewater a lot of times you don't notice the problem until it's in your backyard or backing up into your basement. So, people don't really think about this part of it.

Stormwater and Wastewater basically is the foundation of our community and if we don't keep the water running exactly where it needs to be, then we run into trouble like roads washing out or collapsing; that sort of thing. Fortunately, we already have a wastewater plan and that came to be because of the federal regulations that we had to come in compliance with and so we had to bite the bullet back then and make those decisions and get an agreement with the federal folks on that. So, that one is why we're breaking about even.

Stormwater has been a step-child and has been ignored for quite a while. Our group really we tried to start out with how do we want it to look, but it's like how do you explain how you want stormwater to look. We ended up getting literally down in the weeds quite a bit and for us I think that helped us as a whole understand between administration and Jeff Fisher's group, the engineers, and the commissioners where our problems lie. We had to figure out what does these words mean. You know, what are these acronyms. Talk to us, so we created a way to actually be able to converse with each other and when we got through that, then I believe we really did start perking.

So, stormwater and wastewater, so basically I mentioned the wastewater. We already have that in place and we need to continue to take care of that and they also have some things that they are looking at putting into place so we can actually get some money back off of the biosolids and that sort of thing and maybe off of some of the gas that it emits.

Stormwater is the tough one because that's when we get down into dealing with imperviable service and that has been quite an interesting conversation. I believe really at this time the next strategy for stormwater is creating how we are going to sustain a stormwater plan. I think at this point it would be a really good idea to bring Brian McKiernan in to present his two plans and then our other plan that has been developed and look at those and then continue the conversation a little bit longer. If you don't mind Brian, would you do that please? **Mr. Fisher** said if you don't mind, we'll hold that off until the next presentation about stormwater. **Commissioner Philbrook** said until the next presentation? **Mr. Fisher** said yes. Are you finished Commissioner Philbrook? **Commissioner Philbrook** said well, I mean, there's really not a whole lot to say until we get into the rest of our conversation when we finally got down into taking care of business when we realized what we had to do.

Mayor Alvey said, Jeff, if I may, I know we're going to go into a discussion looking for a recommendation from the Commission to staff about how to proceed with the structure of the rates, but I'm going to ask at this time, any comments or questions from the Commission about any of the three committees before we go into more in-depth about a proposed rate structure.

Commissioner Markley said I would just say for our committee and perhaps for all of them, I don't know, I think sort of a big reframing happened for me when we were having the discussion about wanting more recreation services and I think, for our committee at least, my sense is that we all want to provide more services, but that's not necessarily the same as having more facilities. I think that's the discussion we're trying to have, are we providing the best services, are the facilities we have in the right places to provide the best services and can we provide more services without having the same number of facilities. So, I think we're just reframing our thinking, we want more and we want better and I think there was a time where more and better always meant more and better facilities, but I'm not sure that's the case anymore and I think that's part of our discussion in our analysis of the issues.

Mayor Alvey said to that point, the second part of this obviously is, how do you fund all these necessary investments. I think, Commissioner Bynum, you said it very clearly, efficiencies are necessary but they're not sufficient for us to get where we need to go. I comment all the time to people that I feel our UG staff, on practically every department, is more lean than really is operable. I think it constricts our ability to flex. I think it constricts our ability to really change how we do things. If you're constantly just trying to keep up with the load that is in front of you, it makes it very difficult to be creative and so that's kind of a difficult place for us to be in.

I would also second Commissioner Bynum's statement that this is something that is not going to go away. This is not a one and done deal. This is why we really broke it up in three categories, what's at the point of failure. For instance, we know the Central Avenue Bridge is the point of failure. What do we do with that? Then, we have stormwater, we have certain places where roads have failed because the stormwater infrastructure is not sufficient, it's outdated. The storms are becoming more intense. The number of intense storms with mass amounts of runoff are only going to increase if lime is changed is a reality, which it clearly seems to be, so those are going to be ongoing problems.

Then we backoff and say what do we need to take care of in the next several years to prevent a particular piece of our infrastructure from reaching the point of failure and then kind of long-term.

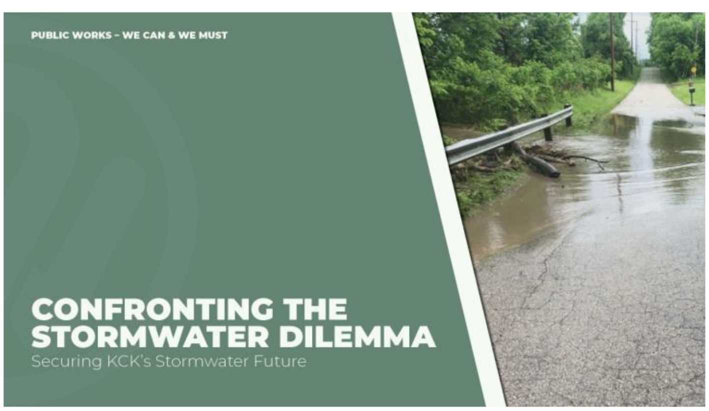
I think what's been helpful for all of us is to engage the problems as they are, work with staff. Staff, I think, so many times feels frustrated because they want to do so much more and we simply don't have the resources to hand them to get the job done and so they are looking for efficiencies. I look back, for instance, at the hot patch pothole filler and what an amazing improvement in just our pothole maintenance. That piece of equipment has been—of course, that was not free. That was a significant investment, but it provided efficiencies that allows us to be more—to really improve the quality of life for our residents.

You know I've heard Commissioner McKiernan say, in reference to the stormwater, we're not going to get out of this all at once and, you know, the danger is to overburden with fees, debt or a surprise, a shock that constrains the ability of residents and businesses to budget for those but at the same time there's a certain urgency, especially on the failed infrastructure, but that infrastructure that is nearing the point of failure, there's an emergency there. So, that's a very tough balance and, again, this is something that has to be excessive, you know, changes in leadership, it's not going away and we have to keep in mind—while we kind of see where we don't want to be because it's all around us.

There are streets that are undermined now because the culverts have failed. There are streets that—the street where I live is swapping off into the hill—down the hillside. These kind of things are happening all across our community. We know kind of what we don't want. We don't want where we are. What we do want is that confidence that we have a strategy or actually a set of strategies that is going to allow us to address these issues and really communicate to our residents and businesses that we believe this community is worth our investment and it's worth their investment. It's something that we're all reluctant to address because we know it requires more revenues and those revenues have to come from increase in property values and that's going to come about one way or another.

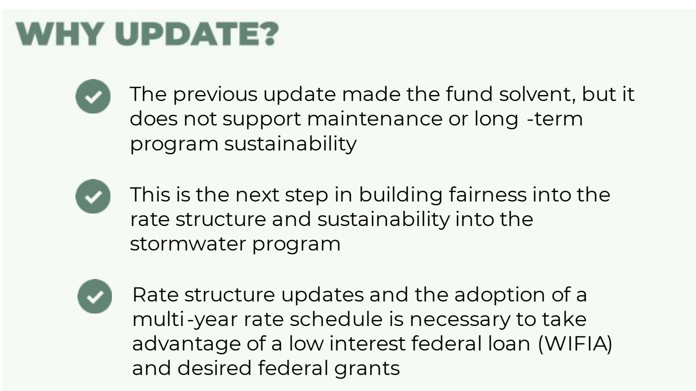
So, we have to be upfront with folks, we have to say these are the issues. We didn't create this, we're not responsible for this. What we are responsible for, at this point, is to make sure that we carry this narrative forward into the future so that anyone who runs for office can come and stand in front of constituents and say I'm committed to making your neighborhoods and your city better and it's not going to be easy and there's going to be pain involved, but look at where we can get to. We're not satisfied with where we are, as Jeff Fisher noted in the survey, we're not satisfied with where we are, how do we get out of this, let's come up with that strategy that balances our needs long-term and balances the need for revenues which is really the need not to overburden and that's the tough spot and we can't move off of that. That's where it is. We're going to have to get comfortable with that, being uncomfortable with it.

Any other comments or questions from the Commission? Jeff or Commissioner McKiernan, back to you all.



Mr. Fisher said I guess to go back to the beginning to the background on stormwater again. The citizens spoke through the survey over a couple of different cycles, the stormwater is a concern. Staff was dealing with citizen concerns in several spots and so we commissioned the study on just eight basins in the 40+ basins of KCK and identified something like $160M of these through several discussions and communication and we scaled that down quite a bit and started engaging the public—the Commission and the public back in late 2018. We worked very diligently with the Commission to get it to something that was amenable as possible to residents and businesses. Since then we've also pursued federal opportunities to help augment the plan. So we were successful in securing what we call Water Infrastructure Finance Innovation Act, WIFIA, and so we will speak to that in a little bit.

Here we are, we went through 40 something different iterations of stormwater rate models to find something that, again, was amenable to the community.



Recently the Commission adopted a new rate structure. The sole purpose of it was to make the stormwater fund solvent because it was a point to be at the end of this year, so that was a good first step at creating the residential rate versus the non-residential rate that will start next year, and again, to make that fund solvent. It won't do any more than what has been done in the past and I'll speak to it a little bit more later, but it was a good step in building fairness enough into the rate structure so that smaller, impervious parcels were paying less than non-residential, but generally are bigger.

Rate structure update and the adoption of a multi-year rate schedule is necessary to take advantage of a low interest loan, so WIFIA spoke to that. In order to utilize WIFIA, we had to take that first step and now we have to take the next step which is a rate structure that will take us into the future that will support a sustainable system that then we can access WIFIA in its entirety.

OPTION 1 - MONTHLY USER FEE

Monthly Flat Residential User Fee & 5-Tier Non-Residential User Fee

	2022	2023 & 2024
Residential	$6.00	$6.00
Non-Residential	$14.00	**Tier 1** 0 – 5,000 ft^2, **$10** **Tier 2** 5,001 – 8,000ft^2, **$15** **Tier 3** 8,001 - 20,000 ft^2, **$35** **Tier 4** 20,001 - 50,000 ft^2, **$95** **Tier 5** Over 50,000 ft^2, **$375**

Back in the spring of this year, by listening to the community, the residents and the business community, staff proposed this rate structure. It's a residential versus non-residential, but the non-residential then gets broke up into five tiers to build even more equity into that rate structure that will start in 2023. We went through multiple visits with the Commission and then the Chamber of Commerce and the Chamber of Commerce unanimously supported this. We always recommended that as much as we can we need to build in equity and the individually calculated impervious surface stormwater model was always the best way to go. This rate structure gets us real close to that.

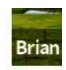
Commissioner McKiernan was always a strong advocate for individually calculated and so he has done a lot of work and working with staff and Black & Veatch. Black & Veatch has been with us throughout and is also on the call to answer questions, if needed. I'm going to hand it over to Commissioner McKiernan.

A Proposal for Funding Improved Management of "Stormwater"

Reduce flooding and improve quality of life

Commissioner McKiernan said I appreciate the Mayor, Doug, Jeff and my Commission colleagues giving me just a moment to make a presentation here to share with you in a little bit more detail some thoughts on something that I've been on the record on since the very beginning of this over 2 ½ years ago. Now, the title here on the screen says a Proposal for Funding Improved Management of Stormwater. Yes, I am going to have a proposal in here because I'm trying to follow the old adage of don't come to me with a problem unless you've got a possible solution, so I'm going to bring a possible solution, but I want to make sure to my Commission colleagues I'm not trying to lobby you, I'm not trying to convince you. I simply want to take this time to educate you on a perspective that I've had from the beginning and whatever the Commission does, the Commission does in terms of moving forward.

Background



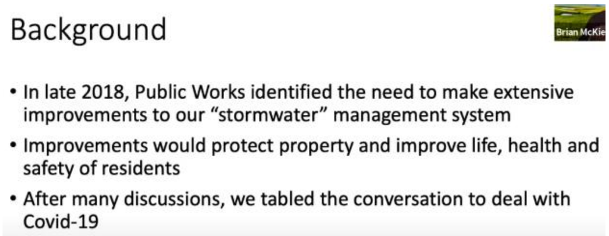
- In late 2018, Public Works identified the need to make extensive improvements to our "stormwater" management system

As we've already heard by way of background, in 2018 almost three years ago, Public Works identified the need to make extensive improvements to our stormwater management system. They told us that our system is failing because the fee that we have been paying for all these years of $4.50 a month for every parcel, regardless of size, simply wasn't sufficient to maintain and improve our system for the future.

Background

- In late 2018, Public Works identified the need to make extensive improvements to our "stormwater" management system
- Improvements would protect property and improve life, health and safety of residents

If we make improvements, and this is going over old ground, we've already talked about this, all of the improvements that we could make will protect property from flooding and could improve the life, health and safety of all of our residents because we're all affected potentially by the runoff of water from storms.



Now, we as a Commission, got into this and we went through many iterations of a potential plan, but after all those discussions we effectively tabled the conversation to deal with COVID-19. That really knocked us for a loop and took about a year and a half out of our sails and now-ish COVID-19 is in our rearview mirror and it’s time to come back to the discussion.

Our stormwater challenge is getting bigger by the day. There is no doubt about it. A year and a half of inaction has allowed the system to deteriorate just a little bit more than it was the last time we discussed this.

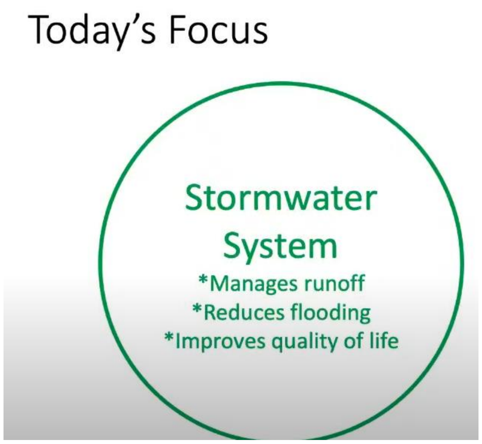
As they’ve said before, Public Works has had a plan from the beginning to fund systematic improvements that will put us where we want to be as a city of the first class.

Now, just really briefly, just to remind—I know everybody who's on this Zoom already knows this, but if anybody happens to watch this from the public, just to draw the distinction between stormwater and wastewater, we manage two different kinds of water as the Unified Government. They're related, but in some ways they're separate from each other. Stormwater is what we're talking about today. It is effectively managing the water from storms. Water that falls from the sky.

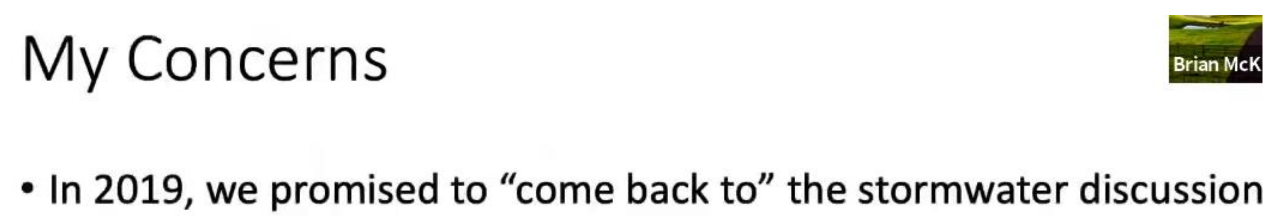
Here on the slide, you see a curb and a storm drain inlet, you see a swale, all of these mechanisms we put in place to make sure that water that falls from the sky is routed to a safe channel where if it then can be funneled toward a body of water like the river, the Kansas or the Missouri River. So, by using our stormwater system we manage runoff so that it doesn't get into people's houses and onto their property. We reduce flooding and property damage and by doing that we improve quality of life.

Now, we contrast that with wastewater. Wastewater is dirty water. It's water that has been in our house or has otherwise been contaminated somehow. Maybe it has come from our bathroom, maybe it has come from our kitchen sink, and ultimately we want to manage and clean the waste from the water so that we can put it safely back into a public water source, again, like the Missouri or the Kansas Rivers.

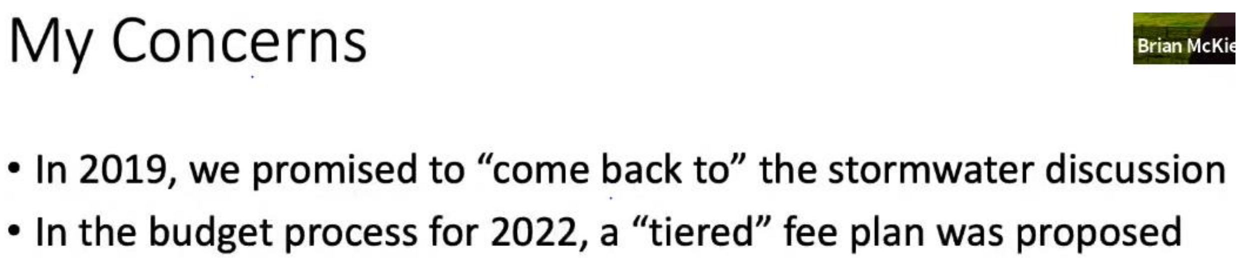
Although there is some overlap between the two…



today all we're going to consider is the stormwater piece of it. I'm almost to the point where I catch us up to where our conversation was.

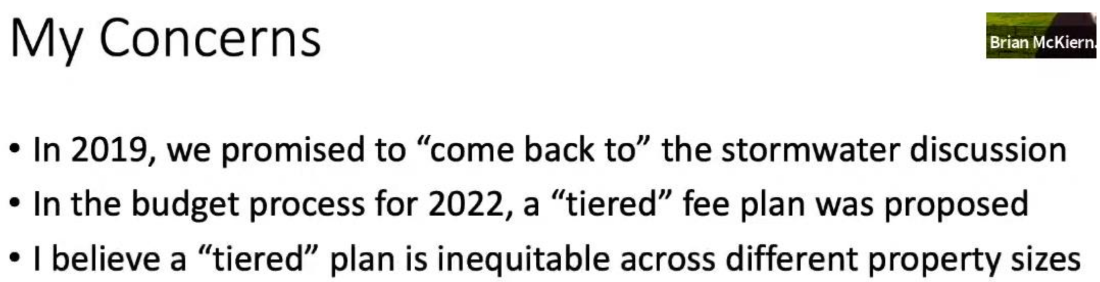


In 2019, unless I missed it, we promised the public that we would come back to the stormwater discussion. We promised that we would finish the discussion of how best to pay for this, how best to raise a very large amount of money and yet do it equitably and in a way that didn't crush individual ratepayers.

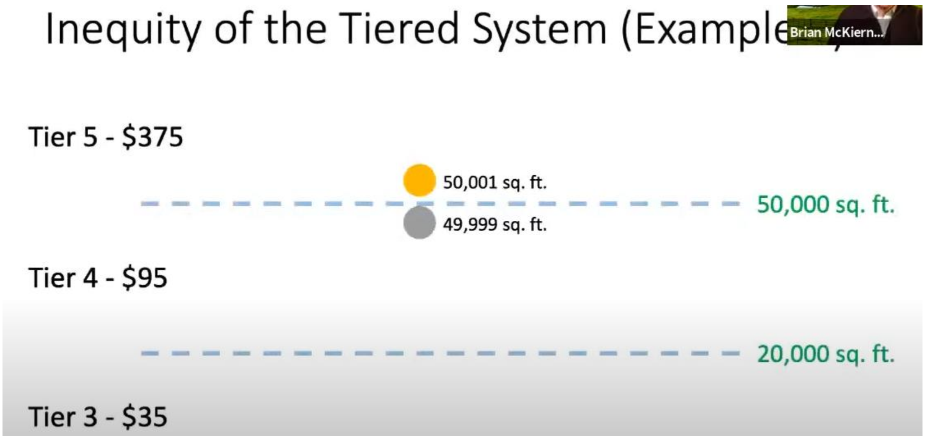


To the best of my knowledge we have not come back to that discussion.

In the budget process for 2022 we did approve the first step of adjusting the rate so we approved the small increase in the monthly rate that Jeff showed you for residential versus non-residential parcels. But in that process, a tiered fee plan was proposed.

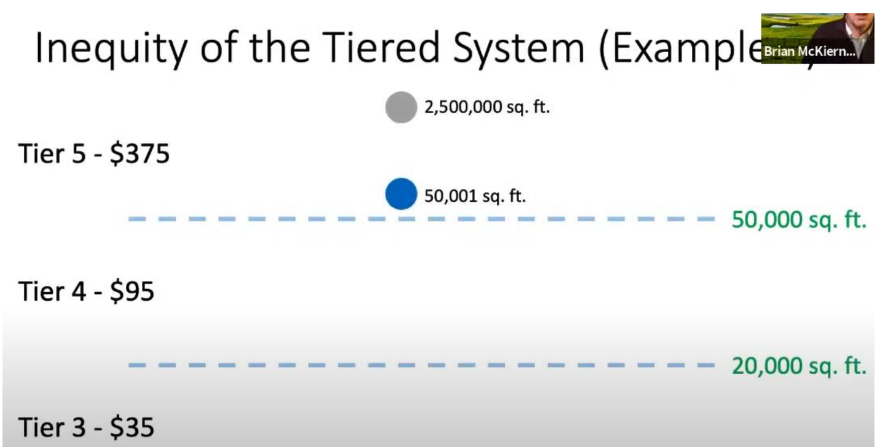


Those of you who have been keeping score at home know that I have said from the beginning that I consider any tiered plan where properties are grouped in bundles by size is inequitable across different property sizes and across different ratepayers. That's what I would simply like to inform you about today.



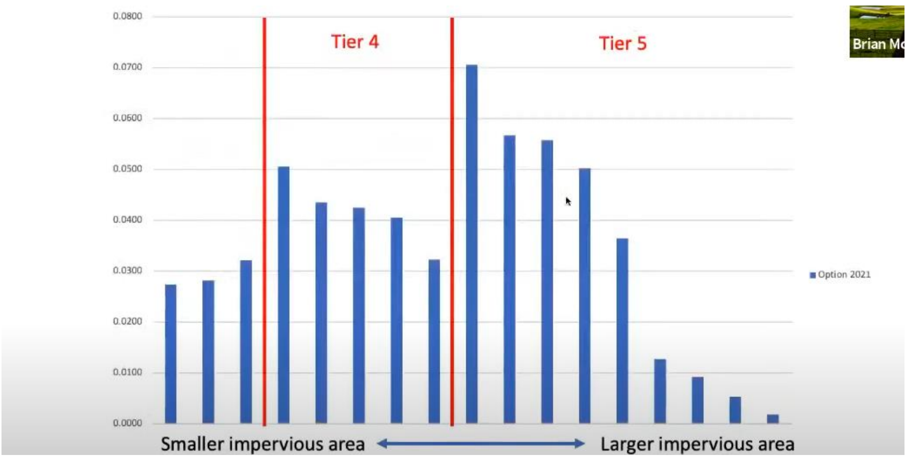
Let me give you two examples of how I can graphically illustrate the inequity of a tiered system at least in my estimation. In the new 5-tiered system there's a break line from Tier 4 into Tier 5 and that break line occurs at 50,000 sq. ft. of impervious area. Impervious meaning it's a hard surface like a roof, a sidewalk, a driveway, a parking lot; a surface that water does not soak through, but rather runs off and needs to be captured by the stormwater management system.

I'll give you two hypothetical properties here. One has 49,999 sq. ft. of impervious area and in gold one of these properties has 50,001 sq. ft. of impervious area. These two parcels are two square feet different in size, but because they cross the break line from Tier 4 into Tier 5, Tier 5 pays $280 more a month than Tier 4. The gold property pays almost $300 more a month despite just being 2 sq. ft. different in size. I believe that's inequity.



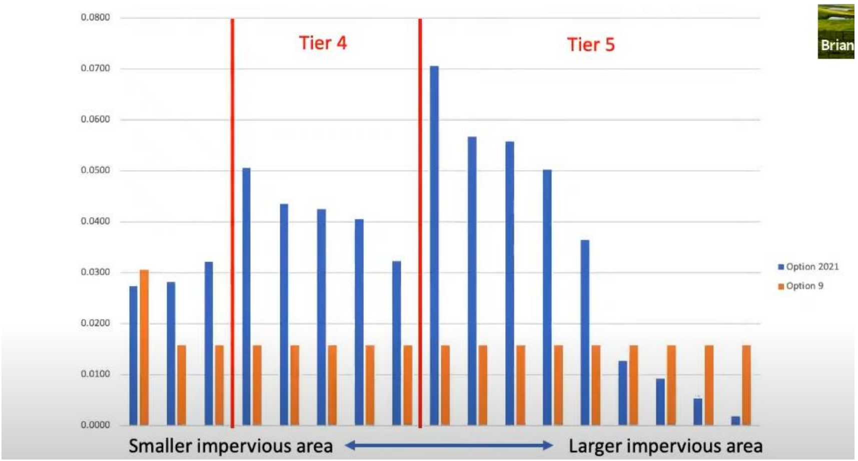
Let me give you one more example. Let's put two properties into Tier 5. One of them that has 50,001 sq. ft. and one that has 2,500,000 sq. ft. of impervious area. Now, you might think I just pulled that figure out of the sky and it's big, but we do have some properties in the Unified

Government that are over a million sq. ft. I consider this an inequity of the person who has 50,001 paying the same monthly fee as the person who has 2,500,000 sq. ft. The person with the larger square footage is paying the same fee as someone with considerably smaller square footage.



I tried to illustrate this graphically. I have a bar graph here. What I did was, I have 17 sampled properties that I selected, mostly from my district, just so I could see how all of our different options worked with each other. I have created a model for modeling out how rates change over time under all the various plans. I created that model over 2.5 years ago. I've been sharing it as freely as I can for 2.5 years and I want to bring it back today and just show you some things for your consideration, as Rod Serling used to say, on the Twilight Zone.

The vertical blue bar here is cents or money per square foot of impervious area on each of these 17 different parcels. Here at the top it's 8 cents per square foot. Nobody quite gets that and here at the bottom is zero cents a square foot. To the left are the parcels that are smaller in terms of their square area impervious and the parcels gradually grow in size until we get all the way over to the right. Let me point out two bars. Both of these are within Tier 5. This is a parcel in my district that has about 64,000 sq. ft. of impervious area. This parcel under the 5-Tier plan would pay 7 cents a square foot for its runoff into the stormwater system. This parcel is about 850,000 sq. ft. and it would pay about one-half cent per square foot. I consider that inequitable that these parcels by virtue of their size are multiplied by a different—effectively multiplied by a different rate.



If we had an individually calculated option, every parcel would be calculated at the same rate. Now the flip side of that is these very large parcels, even though they are calculated at the same rate, would in fact pay a larger dollar amount because they have a larger square area that is contributing to runoff in our stormwater system.

“Option” Comparisons

Two and a half years ago I created a model. I wanted to see graphically how our different plans would affect my 17 sample properties. I’m going to show you two bar graphs and then I’m going to throw out something for your consideration.

“Option” Comparisons

- Option 1 – original plan calculated on impervious area

I’m going to show you two bar graphs that each have three different lines on them representing rate over time, rate over the years. In green you’ll see a line that I call Option 1. This was Public Works very first proposal way back in 2018 or early 2019. It was an individually calculated plan that people fed back to us was too expensive so we came up with other options.

“Option” Comparisons

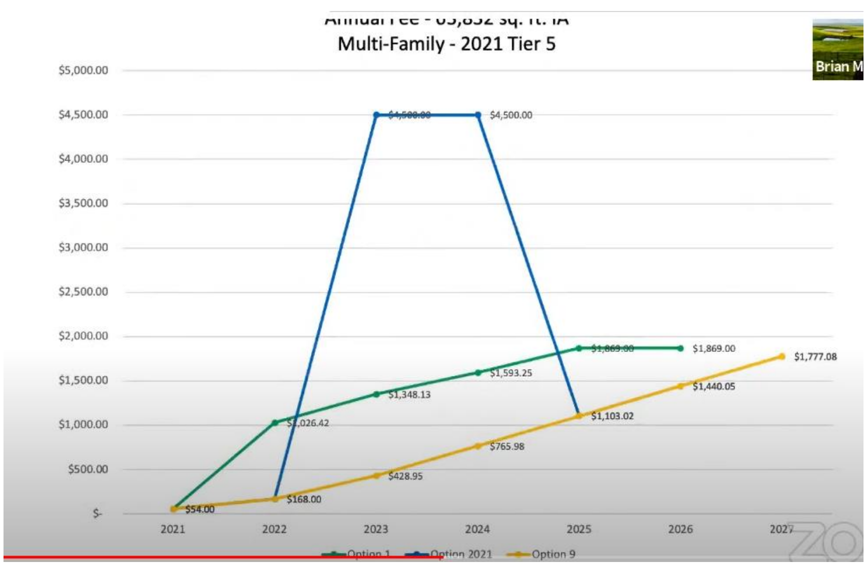
- Option 1 – original plan calculated on impervious area
- Option 2021 – new plan with five tiers

I’m going to call it Option 2021. It’s in blue. It’s the new 5-Tiered model. I call it 2021 because that’s the year it was presented to us even though it won’t be enacted until 2023.

“Option” Comparisons

- Option 1 – original plan calculated on impervious area
- Option 2021 – new plan with five tiers
- Option 9 – proposed plan calculated on impervious area

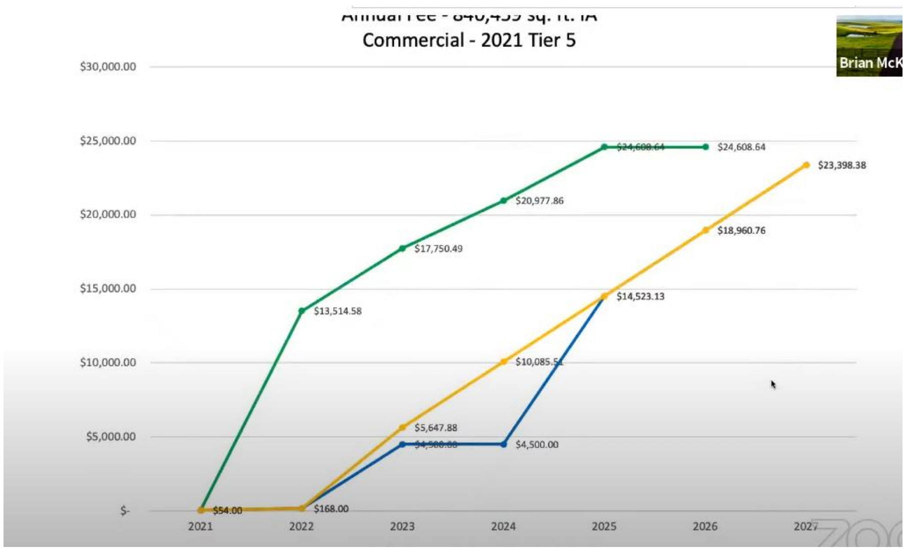
Then I have Option 9. It will be in gold. It is the product of the mathematical model that I created where I could manipulate the factor or the multiplier for square feet to get a particular amount of charge.



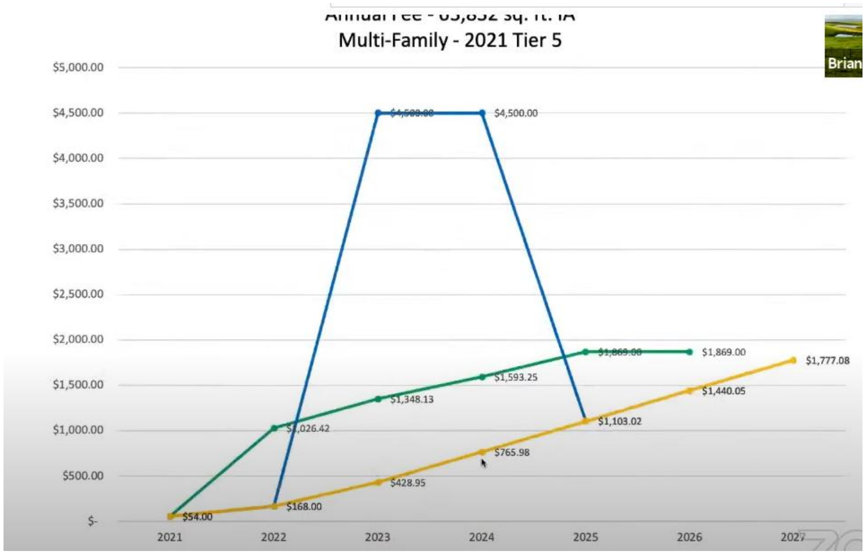
Let me show you a 64,000 square feet parcel in my district. Under the original, original, original Option 1, the very first individually calculated proposal, this green line traces the trajectory of how stormwater fees would rise over time. A pretty steep rise at the beginning, a fairly linear rise over a few years and then flattening out. On my graphs here, I have shown everything as annual payment, not monthly payment.

So, the owner of this parcel came to me when we put out our original and said, Brian, I cannot afford to pay this amount of money under your proposal. That's when we started coming up with alternatives. The blue line shows what this parcel would pay under the 5-Tier plan. Because it's close to the bottom of Tier 5, this parcel would pay $4,500 a year. That would be well in excess of our original plan that this property owner said would be a burden.

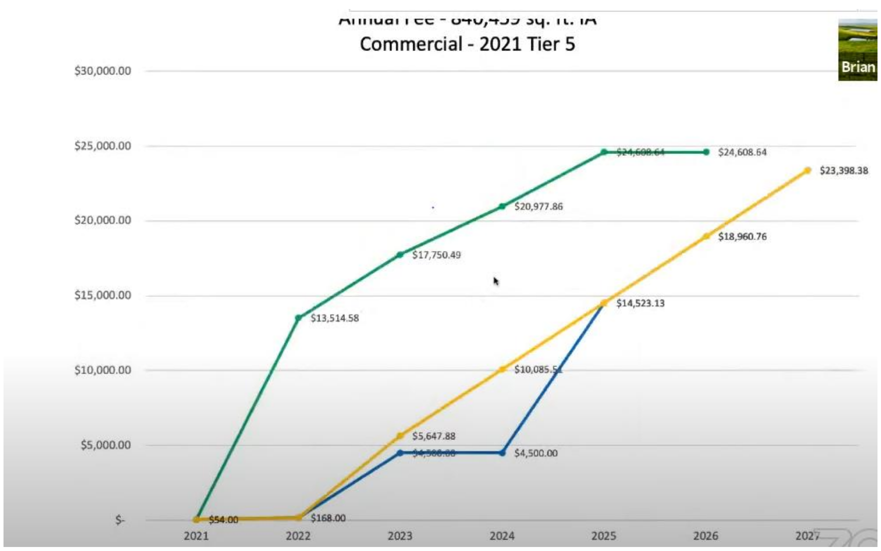
My proposal is here in gold. I have adjusted the multiplier so that I've controlled down the annual payment and I've made sure that the payment changes in a fairly linear fashion so it's predictable and plannable from year to year. In my particular plan each year is less than our original proposal and that is both a blessing and a curse and I'll get to that in a minute.



Here's the 840,000 sq. ft. parcel that pay one-half cent per square foot. Here was the original proposal that we put out way back in 2018. The owners of this parcel also said we can't do this. Okay. Here's the 5-Tiered proposal that I call 2021. Notice how much less it is. It's so dramatically less…



whereas this one is so dramatically more because this parcel is at the bottom of Tier 5…



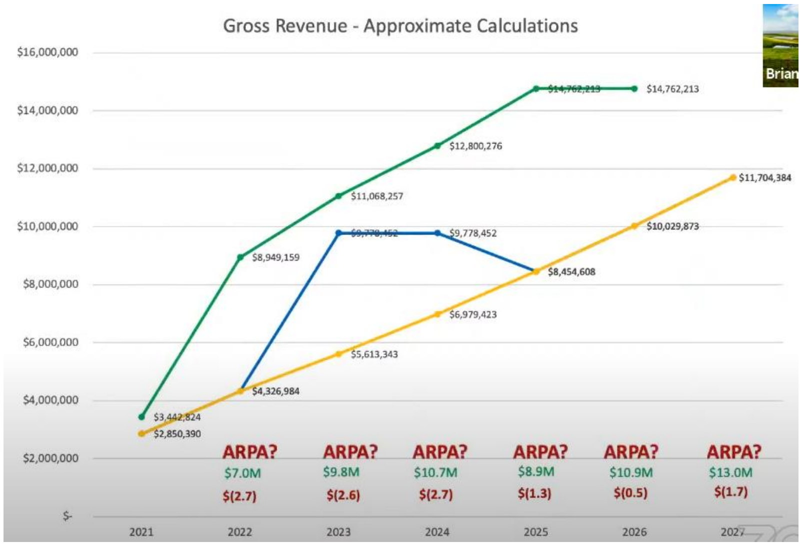
and this parcel is at the top of Tier 5. Again, I go back to what I see personally as an inherent inequity that I believe we should endeavor to change.

In my proposal with the multipliers as I had them plugged in on this particular day, here's how the rate would rise over time. It would be greater than the 5-Tiered proposal, but it would be less than our original proposal. I'm almost done.

Ana and Black & Veatch were nice enough to give me what Public Works has identified as their revenue targets for each year. The amount of money that they need to raise to initiate and complete the important stormwater projects that they have identified as the most critical and needing to be done first, those revenue targets are here in green numbers across this graph ranging from $7M in 2022 up to $13M in 2027.

I also was able to get from Ana the range of sizes of parcels and I was able, in my model, to roughly project how much revenue each of these various approaches would raise in a given year. Now, you may notice that this blue line goes back down to the gold. I didn't have anything to guide me beyond 2024 with the 5-Tiered proposal, so I just assumed that it would come back to mine. In reality, that's not possible. If we decide to go forward with a tiered plan, then we pretty much have to stick with it. If we decide to go forward with an individually calculated plan, we pretty much need to stick with it. We can't really cross over between the two.

So, I've come up with revenue projections. In red you'll see how much revenue my model falls short of the revenue target in each of the fiscal years. Because I have turned down the multiplier to try to make this a more manageable rate for property owners, I have also missed the target. What do we do to make up the gap?



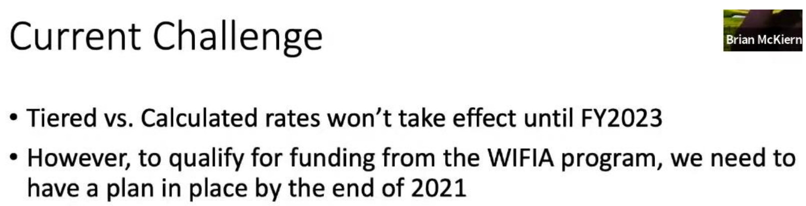
Here's an idea that may be new for someone to think about, but stormwater improvement is an allowable expense under the American Rescue Plan and I just throw out a what if. What if we were to use ARPA dollars to fill the gap allowing us to get started on the very real needs of improving our stormwater system while at the same filling the gap so that the increase in rates was not so much as to be completely unburdened—or to be completely burdensome and unbearable on our constituents.

So, there it is. I have a proposal, but the Commission can do whatever the Commission chooses to do.

Current Challenge

- **Tiered vs. Calculated rates won't take effect until FY2023**

Here's our current challenge. The tiered vs. calculated rates won't take effect until FY2023. In my head I was thinking that we had the budget cycle for 2023 to bring this discussion back and consider this.



Unfortunately, as I have now learned, to qualify for funding from the WIFIA Program, we need to have a plan in place by the end of 2021. I do apologize that it seems as if I have brought this forward at the very last moment, the eleventh hour, that wasn't my intent. I've been on the record about this since day one, but I just wanted to present that for consideration.

Mayor, Doug, Jeff, fellow commissioners, I appreciate the time.

Mayor Alvey said, Commissioner McKiernan, I just wanted to say thank you for really digging into this and being consistent on your principles that we really need to find an equitable solution to this and to generate necessary revenues. You know, as you and I have discussed, I would prefer that the stormwater as an Enterprise Fund be self-sustaining and generate sufficient revenues within itself to be able to solve the problems. ARPA, though, no matter where we apply that money, we could say the same practically about any program we might apply that to, but specifically, an Enterprise Fund I would—I do think long-term as an Enterprise Fund that has to generate sufficient revenues to cover maintenance costs and improvement costs and capital investment. That's what Enterprise Funds are supposed to do so that you don't pull revenues away from the General Fund.

As I told you, I would have almost preferred to jump start this and be heavier on the rate structure at the beginning, but then really reach out and do instead—let those cover Projects 1, 2, 3 and 4, whatever those priorities might be and then we might jump out and say, well, then we can get out in front now of five and six, but it's six one way, half a dozen the other, frankly. So, I'm comfortable with this proposal. It is necessary for this to be equitable and we do have to generate sufficient revenues to be able to solve these problems.

As we're seeing, already out in Piper, two roads closed. We're now going to have to put the extra money into the roads themselves, not just into upgrading the culverts. We're now going to have to fix those roads. In the meantime, those residents can't use those roads. So, I think the urgency is clear, the necessity of doing an equitable rate is clear and the possibility of ARPA, I think, is then going to be at the discretion of the Commission.

Again, I want to thank you for doing extensive work on this. I think it's a defensible solution.

Mr. Fisher said we only have a little bit more ground to cover. Would you like us to do that or start fielding questions? **Mayor Alvey** said oh yes, I'm sorry, go right ahead.

OPTION 1 - MONTHLY USER FEE

Monthly Flat Residential User Fee & 5-Tier Non-Residential User Fee

	2022	2023 & 2024
Residential	$6.00	$6.00
Non-Residential	$14.00	**Tier 1** 0 – 5,000 ft^2, **$10** **Tier 2** 5,001 – 8,000ft^2, **$15** **Tier 3** 8,001 - 20,000 ft^2, **$35** **Tier 4** 20,001 - 50,000 ft^2, **$95** **Tier 5** Over 50,000 ft^2, **$375**

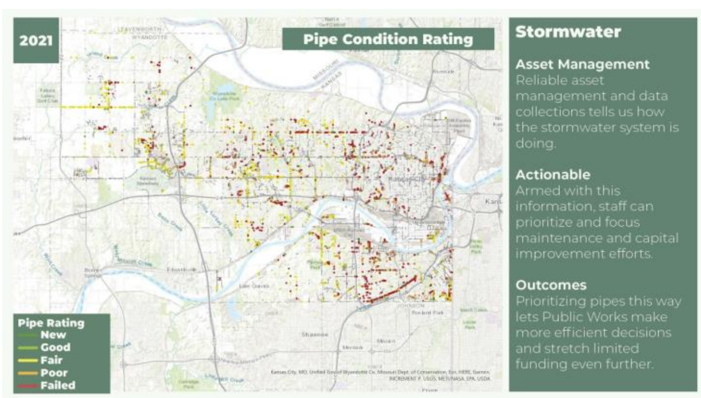
Mr. Fisher said the only thing I'll say is, as Commissioner McKiernan mentioned, whether you adopt the individually calculated or the tier, we would be starting that in '23 to even '24 to give plenty of time. Because of that, the tiered structure that you saw back in the spring, it was supposed to start in '22 as proposed and it's not, of course, so the rates in that tiered structure, if you were to adopt it, would look a little bit different. They'll be adjusted. We have options, you know, with and without ARPA that we can talk through.

WHAT IF WE DON'T UPDATE?

With Update	Without Update
Up to 100% of the Current WIFIA Stormwater CIP	Up to 15% of the Current WIFIA Stormwater CIP
Community-Based Partnership	No Jersey Creek Projects
Increased Maintenance Throughout the Community	No Argentine Projects
Reduction in Deferred Maintenance	Significantly Reduced Community-Based Partnership
Ditching Program	Fund Will Become Insolvent by 2024
Community Educational Programming	
Workforce Development	
Jersey Creek Stormwater & Wastewater CIP	
Community Partnerships for Project Construction	
FEMA Grant Program	
CORPS Engineering Analysis Program	
Watershed Economic Development Program	

The biggest point to make tonight, because of the urgency that Commissioner McKiernan mentioned around WIFIA, we have to have an adopted rate structure by the end of the year in December. If we don't—well, if the things we'll get from updating it and adopting the next phase of the rate structure is WIFIA and community-based partnerships, increased maintenance like ditching and the annual capital maintenance. Ditching and the annual capital maintenance are really the everyday things that folks would see that they're not seeing right now that would be hugely impactful. Workforce development—the WIFIA package just includes so many benefits. We're wrapping all that up to maximize the impact on the community. If we don't take the next step and update the rate structure, we will still be able to do WIFIA, but about 15% of that package which means no Jersey Creek Projects, no Argentine Projects, a significantly reduced community-based partnership, which is a very exciting opportunity, and the fund will become insolvent by 2024 and we'll be doing this again.

So, I urge the Commission to take action on one of those two options or we will lose a lot of opportunity and be back in the same situation in a couple of years.



A reminder that current conditions of our stormwater are—I would say, generally poor to fair. If we don't get on track and start doing something, adopt this rate structure that allows a more sustainable program, allows the UG to do the work on the system every year, it's going to turn into a very failed system very soon. Ten years, we'll see a lot of red, just like we're going to see in our street conditions in that same period if we don't start ramping up investment. We'll have potholes, we'll have failed inlets, we'll have more detours because infrastructure is failing and I know nobody wants to see that. This is a real picture of what our future holds for us if we don't begin to start taking action on this now. That is the presentation and we'll be glad to answer any questions.

Commissioner McKiernan said if I could add just one thing, I completely understand that in some ways suggesting ARPA dollars to fill in the gap is convenient because it's there and it's an allowable use, but I completely understand that we as a community have many needs that were sharpened in focus by COVID and so there are many ways to spend those dollars besides, or in addition to, using them for augmenting or slowing the rise of the rate for stormwater. I also understand, and I'm not trying to bring this forward as an end run. I do know we have a committee structure that we've set up to evaluate all of the applications for this and that if we were to go forward with something like this, it would have to be vetted by the Commission.

Commissioner Ramirez said thank you Commissioner McKiernan, you are our data commissioner on this. I'm not going to lie, you changed my mind. Until you brought it to me graphically and visually of what those tiered systems do, it is very inequitable. I will say I support your proposal because we need—we're coming out of a year where we saw a lot of inequity in our community and we don't want to do that again with our property when they pay their stormwater bills. We want to make sure that they have the ability to continue paying and then we have the ability to upkeep our stormwater and I do agree that we should be using our ARPA funds for this to help the gap for those targets. Now, we have leftover ARPA funds, but we also have ARPA funds sitting in our fund balance that we could use for this.

This is something that we've been talking about and so I thank you for your presentation and for presenting this to us. You did change my line of thinking and how I saw this. I will support it in any way that I can.

Commissioner Markley said I also support Commissioner McKiernan's plan. He showed it to me some time back and I think it resolves a lot of the issues that we have been grappling with. But, perhaps if Commissioner McKiernan has been forever on the record of saying it has to be equitable, I have been on the record of saying we have to do something. The most inequitable option we have is to continue letting everybody pay $4.00 when there are people who are clearly contributing a greater amount of stormwater runoff in our community. So, the most inequitable option right now is to do nothing. We need to do something, we need to make a decision and we need to make it on a deadline that gives us access to all of these benefits that Jeff is referencing.

I guess that is my call to this Commission, is whether we're going to get behind Commissioner McKiernan's plan, which I think resolves a lot of the concerns that we have or whether we move forward with the other option. We've got to do something and we need to do it quickly, so I would just urge us to get that on the agenda and make that decision as quickly as possible.

Commissioner Johnson said thank you Mayor and to Mr. Fisher. I want to appreciate the consistency and the time and effort that you and your staff have put into this issue and your patience in dealing with the responses from the Commission and you're doing the best that you can to present something that can be received by the public at large. Then to my colleague, Commissioner Brian McKiernan, who I have the pleasure of sitting next to in most meetings. Of course, I have been hearing about the inequitable nature of the proposals as presented for at least three years and so I can tell you, this is not again an eleventh hour move on his part. This is something that has been done with great consideration for the community at large and we should really appreciate that we have both staff and commissioners that are committed to trying to work towards the overall well-being of our Commission—of our city.

I think that in some of our conversations, and I'm going to really call Mr. Bach forward, if possible, that we talked about, you know, this gap that could—that we're going to need to fill. It's something that we've already talked about with regard to ARPA funds, but I'm just wondering and I think just in the midst of some of our conversations that, you know the gap as we under—well first of all, Commissioner McKiernan, how much is that gap overall, over the course of the time that you have put out? **Commissioner McKiernan** said it's in excess of $10M. **Commissioner Johnson** said okay, so roughly a $10M gap. Are there alternatives, Doug or Jeff, that we might be able to look at beyond with or beyond ARPA to fulfill or to address that particular gap?

Mr. Bach said yes, I would say there are. When you're looking at the size of the projects that we're after, you know we're going after $700M to accomplish this over a long-term. To me, with a gap, and I think over the years it ends up the gap that's that $10+M, maybe close to $12M that would need to be filled to accomplish it all. If you come into it and you adopt a permeable rate structure similar to what Commissioner McKiernan has proposed tonight, you can put a placemark on and say, okay, we could go after ARPA funds, allow that to be evaluated as you go through comparison with other ARPA dollars. During that time we know on the federal government level, there are many different grant opportunities for us to go for that will be available for infrastructure such as stormwater, so we don't have to take and spend that $10M immediately. It's a decision you can make to say ARPA is an option for us. We can go for additional grant money. In the years to come you could make a decision to say, you know, we're going to fill that hole with General Fund dollars if you decide not to go after ARPA, so I think we are in a position that you can solve that $10 to $12M over the next couple of years as we start taking down our WIFIA loan money and using that as our—at what we're doing from our local match and our payments against that.

I think that puts us in a—adopting the plan will put us in a strong position to say we can do this, we have enough, we have the revenue source coming in annually to make it happen and we'll just have to know as a Commission that you're going to fill the rest of it. ARPA is an option, grant funding is an option. You know, $10M is a big number. It is if we decide to go back for something else, but it's a manageable number working within our budget that allows us to access all the additional money we can get from this program.

Commissioner Johnson said thank you Doug. That really helps me with regards to the plan that's been proposed by Commissioner McKiernan because it means to me that we have options.

First of all let me, and before I go any further, let me say this, I don't want to do anything to mess up this opportunity for these WIFIA funds. We've got to get that thing in place, so therefore, we've got to put together a structure and get it approved as soon as possible as has been already identified by Commissioner Markley. I agree with that, we've got to get it done, but I have more confidence in knowing that we have options. I think the WIFIA funds gives us options. I think that if we look at this from this perspective that ARPA funds are there, if needed, but if not, there are other ways and means that we might be able to fill this gap. That gives me great comfort in supporting Commissioner McKiernan's proposal to us, Mayor. So, with that, I'll yield the floor.

Commissioner Philbrook said I would like to inquire if there are any other commissioners that want to weigh in on this before I make my statement because I have a statement and some questions to ask, but I would like to be the wrap-up one on this.

Commissioner Burroughs said I guess I'll be the outlier on this issue. I do think it's last minute and I do appreciate the work put in it by our colleague. I truly do and it's no secret I haven't voted for either one of these plans moving forward because I don't think the plan has been properly communicated or well thought-out. The WIFIA plans are out there with the opportunities, I understand that, but we're not at the end of the year yet and I think we're missing a few things here. I'm looking at my BPU bill and I have a Water Pollution Abatement at an average of six. Now, I don't know if I use six, I don't know if I use three, I don't know if I use ten, but I am paying an average of six.

So, if we talk about that cliff that I believe Commissioner McKiernan talked about between the difference in two feet on a piece of property, we can slice and dice the defeat in reference to the cliff, but I want to talk about the fact that these numbers have been floated out for the last year and a half and they've changed consistently. I commend staff for continuing to go back to the public and educating them on the significance and importance of these issues. However, we finally get a plan that's in place and out there that a large majority of the small businesses and large businesses can agree on and I don't find it real onerous, I just don't think we have let the figures come to light yet.

What concerns me greatly is all of a sudden every plan is just fantastic as long as we supplement it with ARPA funding. All I've heard since the budget and the ARPA money has come is, we want to use ARPA money for infrastructure. We don't know how much money ARPA money we're going to need or use, but we can't wait to spend it and that concerns me greatly.

We have an issue within the budget that I questioned and voted no on and that's the lost revenue that we experienced which took a big chunk of ARPA money and put it back into the budget which denied us as commissioners a chance to how we were going to spend those ARPA dollars. So, we have a very small amount of ARPA dollars left that we commissioners can direct. The additional dollars that will come in once the fees that are already out there that are not enough to maintain, I'm assuming that when we talk about the additional $10M or $12M that's in addition to the monies that are in place already, Jeff. Are those additional dollars the fee will be or are we just going to co-mingle those dollars and call them $20M. Are we raising 10, are we raising 30, what are we raising here with the rate structure, the first rate structure that you proposed? If I don't know, I think the public may be confused. The Chamber was supportive of the rate structure the 5-Tier rate structure, that was explained by Mr. Fisher early on.

We have had a tremendous amount of discussion. I've stated from the very beginning if I'm going to vote on a rate structure, I want a rate structure that's absolute. I'm going to get one bite at the apple and I caution us on piecemealing. I caution us on using funds that we do not know how much they are because I don't believe that the numbers are reflected correctly within the budget. I'm going to state that fact once again that I also believe that there's going to be others that will pick and choose the projects.

My district, on the south side of the river, and Mayor, it incudes the district that you live in, the roads are atrocious. They're getting more narrow because the roads are collapsing on the sides because the ditches are full. The comment was made to me, if you vote for the infrastructure—well it's a five-year plan, we'll get to you. You know what, come see me in five years and I might give you my vote, but I am tired of sitting here waiting for an opportunity to hold on to these ARPA funds, so I'm going to make a motion. It may not be favorable.

I'm going to make a motion that we go ahead and pass the resolution that we're going to talk about tonight, but I want to hold on to this until the middle of December and table this spending on ARPA monies until the end of December that by the end of the year and I don't want to give you a date certain because I don't know the date that we'll have our next meeting. I am aghast that we have this ARPA money, it's the last minute program put forward. I don't know if the program's a good program or not. I'd like to trust my colleagues that it is, but trust—but verify and we have one shot at this. So, I'm going to be a no. I'm transparent, I am a no. I'm really reluctant to vote on anything that's brought up at the very last minute. It was discussed with the budget, it was last minute. We went ahead and chose not to do anything on it, so it seems like we have a double standard here, but I am a no and I'll make a motion that we table this until the middle of December.

Mayor Alvey said let's be clear, we're not actually having any resolution tonight. This is simply a sense of the board about which of these options we would like to move forward. So, yeah, you stated your position.

Commissioner Ramirez said I want to clarify, I didn't say that we need to use ARPA funds only, but this is an option. I agree with Commissioner Burroughs that these monies are once in a lifetime thing so I just want to make sure that was clear. I wasn't saying, let's use that money now. Let's put it as an option to use if and when we need to. As Mr. Bach said, especially with the Transportation Bill and Infrastructure Bill that Congress just passed, we may have millions of other opportunities to use those funds and we don't even have to touch the ARPA funds.

I'm just saying I would support if we got to the point, again, it has to be the last—I'm trying to think of the saying, it has to be the last choice for ARPA in my opinion. ARPA has to be the last choice we make to use end gap so we have other opportunities out there that we can use to fill that gap. I just wanted to make sure that was clear.

Commissioner McKiernan said I do want to just say again that I have identified what I believe is a challenge and I brought a possible solution to the meeting tonight. I completely understand the concerns about me bringing this, although I have been on the record from the beginning, as having these concerns. I asked for the opportunity to graphically illustrate them to my colleagues. I appreciate the opportunity to do that and whatever the Commission decides to do is fine with me. We will succeed, we will overcome, we will move forward regardless of the actual method that we take to do it.

Commissioner Philbrook said out of all this whirlwind of information and thank you Commissioner McKiernan for being so determined and persistent in your beliefs, which is not always easy to do as a commissioner, to stay with it and to keep reminding us that there are options. I want to thank the Mayor for creating these committees and our Administrator for working with us through Public Works with Jeff Fisher and his team because this is the first time that I've known of that administration and Commission and Mayor have worked together openly on some of our issues that we have in the community. So, with our conversations being so, you know, with a lot of energy and a lot of differing opinions and a lot of information to us, because we have been able to work together and I think that is a great step forward and I hope that continues.

The how, what, where, when and why of some of the stuff we know, some of the stuff we don't know, but if we were so Sayer's and had a crystal ball, that would be a whole different thing, but we're not and we're—and excuse the flippant comment, but we are not God. So, therefore, we do not know what the future holds. All we can do is have faith in our trying to work through things for the better of our community.

I understand the frustrations. I've been around for a while too and lived in this community all my life so I understand a lot of that stuff. I want to thank Commissioner Burroughs, Commissioner Johnson, and our newly appointed into our group, Commissioner McKiernan on this. He just kind of walked right into it and now he's part of it. I really thank you so much for working so hard. Jeff Fisher, your group is just phenomenal and they were so helpful in answering our questions when they came up and making it plain. It was infrastructure for dummies for me and I really do want to appreciate all that help.

How much money are we talking about, thinking about using, the WIFIA for? Now, I know it's a low interest loan and I guess that means that WIFIA money, it would depend on what rate structure we choose, is that correct, how much money we would need to ask for in this, in the WIFIA? **Mr. Fisher** said the application is around $150M and some of that is local match, but it's local match through SRF, the State Revolving Fund. **Commissioner Philbrook** said so, we're looking at around $150M in low interest. **Mr. Fisher** said that's right. **Commissioner Philbrook** said that's what I was wanting to get my head around so other people understood what we're talking about when we talk about the WIFIA.

So, for me, if I say this incorrectly, please let me know, but as I understand it for our organization, meaning the Unified Government, to put together a request for the WIFIA monies, we do need to have this done before the end of the year and it needs to be put forward so we can be eligible for the WIFIA funding, correct Jeff? **Mr. Fisher** said that's correct. The WIFIA program as proposed. If no actions taken, we'd still be in the WIFIA, but we wouldn't be able to do Jersey Creek and Argentine and those big accomplishments.

Commissioner Philbrook said okay, right, so along with that question you need time to be able to put together your proposal if we should shift gears on you and decide to go number two proposal, the McKiernan proposal. **Mr. Fisher** said it would take us about a year and a half to be—maybe two years to be ready for that, so I would say safely start January 1, 2024, with the individually calculated. **Commissioner Philbrook** said but my question is you have to have your proposal set up succinctly and explainable when you are asking for these WIFIA funds? **Mr. Fisher** said that's right. We've been working closely with them. We need a commitment in December by adopting a rate schedule as proposed, end of December of 2021 that would be effective January 1, 2024. **Commissioner Philbrook** said having said that, and I know that we don't do—since this is like almost like a hearing discussion sort of thing, you know, we do not take any action, but we can give direction to administration. Is that correct, Doug?

Mr. Bach said yes. If you come through these like you do in the budget process or in other meetings, if there is a consensus of the governing body to offer direction for something for us to go out and prepare and finalize, then we would do so and bring it back to the governing body for your formal motion consideration. **Commissioner Philbrook** said do you mind if I ask for a feeling or a consensus. I've already heard from several commissioners on the direction they would like to go. Is it possible for us to get somewhat of a straw poll before we make the suggestion on what we would like to go forward with? I might ask it this way. Who would be in agreement with Commissioner McKiernan's proposal that we could move forward with that. Is that a possible question, Doug? **Mr. Bach** said I think that's more of a question for the Mayor. **Commissioner Philbrook** said okay. Well, Mayor, I'm just asking. **Mayor Alvey** said we have Commissioner Townsend and Commissioner Burroughs who wish to offer something.

Commissioner Townsend said just listening to my other colleagues, some of the questions that I would have proposed I think have been answered. I still have a few that I'm writing down and checking off. Again, I commend Commissioner McKiernan for his diligence in looking at a problem and trying to come up—this is very difficult to do with an alternative. I mean that across the board with any situation. It's one thing to say we have a problem and another to really put forward an offering on how to solve it.

My question has to do with the WIFIA and the plan—I've forgotten what it would be, it wouldn't be Option 1. I think Commissioner McKiernan's was Option 9, but it was the tiered plan that we saw and the issue about wherever we get the shortfall money, as I call it, what period of time are we talking about. Is this something that will solve our problem within the next four years or three years or in three or four years we'll be right back here having a similar discussion and trying to talk about how to fund stormwater improvements. So, I'm just trying to see where we are right now with WIFIA, with your eligibility with the non-McKiernan plan as well. I understand we have to have some plan so that's just the basic fact. I'm just asking here.

Mr. Bach said, Jeff, I mean when we look at that $10 to $12M shortfall, if you look at the current plan, I think which is one of the questions to come into play, I believe as this relates to the WIFIA dollars, it's the drawdown structure that we start to initiate, move forward with projects and if you take the loan and then you don't go forward to spend it to do the projects because we haven't identified how we'd fill that up, I think is when we fall in that category we will have to identify it by that time. What is our timeframe for that? Do you know that. **Mr. Fisher** said I don't know that we're certain on that, Doug. **Mr. Bach** said I believe it's a take down structure that's associated with how you're doing the projects and you don't do all the projects in 2022 or 2023 nor do you do them all in 2024. So, I mean you really have got two to three years, the way I read it, that you'll be able to go through and be able to make final decisions or you would have to pay back the loan or just return the loan structure, the money, I think is how that's set up.

Mr. Fisher said I think I'm following you now. If we didn't fill that gap immediately, it took some time to figure that out, we would still be able to do the projects. I think the more time it took to fill that, the sacrifice would be in the maintenance programs, the ditching, the capital maintenance every year. We wouldn't want to sacrifice our ability to do the projects with WIFIA to pay that loan. We do have five years to start after completion, substantial completion of the working with you before we have to start paying that. So, we have a little breathing room if I'm following your question. **Mr. Bach** said so it's more the cash funded projects that we will be shorting ourselves on as we go through this. **Mr. Fisher** said that's right. **Mr. Bach** said loan funding will be good with all the loan funding. It'll just be we'll essentially be cutting off some of the smaller ones out of the overall project. **Mr. Fisher** said that's right. **Mr. Bach** said, Commissioner, does that answer your question?

Commissioner Townsend said well, I'm not sure. I'm not talking about us shorting anything. So, to do everything we desire to do, do all of those projects. My question is really to be eligible for WIFIA, what is it that we need to do before the 22nd because we have a plan whether or not the tiered plan is the one to go with or Commissioner McKiernan's plan is the one to go with. What is it that has to be done by the 22nd? **Mr. Bach** said if you adopt either the tiered plan or Commissioner McKiernan's Option 9 plan, either one of those will allow us to move forward because that will show a funding stream, a commitment to be able to be able to pay for this over the future time period. **Commissioner Townsend** said but now with the difference between the two plans, one of the biggest difference that I'm grasping, is that there is a shortfall with

Commissioner McKiernan's plan. Commissioner, correct me if I'm wrong, and so, assuming that is correct, then we move on to the discussion about how to bridge that shortfall and I understand some are saying ARPA and the ARPA money has to be spent within a certain amount of time. With all our needs, I'm sure we can spend it, but I know that's not an everlasting stream and also we're looking at—and we don't know how much money we're going to get with this Infrastructure Bill. So, those are some alternative strings. Am I correct? **Mr. Bach** said you are correct.

Commissioner Townsend said okay. I just kind of wanted to get those facts out in my mind. The other thing that I am concerned about and I've voiced this during our last budget session. I want to see equity. I am concerned that especially the smaller homeowners in the eastern part of the city not be burdened with anything more. We did go with an increase for a couple of dollars. The impervious service, most of them under some of the very early, early plans brought forward by our outside consultants would not have increased the rates for a lot of people in my district, so there has been an increase. I am adamant that there be no more. I would not want to see that, so that's one of the other tenets of this thing that I would be looking at, but again, thank you Commissioner McKiernan for not only seeing the problem, but coming up with another alternative. Thank you to Public Works for all they've done to help us in our subcommittee and helping us understand the details that Commissioner Bynum as Chairman of our committee already went through.

Mayor Alvey said, Doug, if I'm clear, the need for direction, you could proceed with and prepare for both of these, bringing any of the three options actually, but we really moved away from the first proposal that was presented back in the day. When we would vote on this would be December 2nd at the earliest. **Mr. Bach** said that would be correct. Mayor, we could prepare a resolution to bring forward to you to move one of these—to advance one of these proposals for that Commission meeting. **Mayor Alvey** said I know that Commissioner McKiernan has actually offered this to the commissioners and explained this, but in the interest of giving more time for this to settle in and generate more questions, perhaps it would be best to wait until that time to have the final disposition and allow one or either of the options to come forward and take votes that day. Does that work, Jeff? **Mr. Fisher** said yes sir.

Mr. Bach said just to be clear, you would like us to prepare it as an agenda item for December 2nd for consideration and we would put that on. You want us to leave it open as to which plan or would you like us—**Mayor Alvey** said yes. **Mr. Bach** said I did hear quite a few comments toward Commissioner McKiernan's plan, but you'd like us to leave that open. **Mayor Alvey** said yes because there might be opportunities and I'm going to impose on Commissioner McKiernan again to be available perhaps with Jeff and staff to provide additional consultation on this. If we're not going to vote until that date, we don't need to assume at this point that we're going to move one direction or another.

Commissioner Bynum said I'm curious, for an agenda item on December 2nd, would that include opportunity to hear from the public? I want to state that I support the plan Commissioner McKiernan brings forward, but I can understand the consternation from those who, you know, haven't had a chance to see it or vet it. That's why I'm asking the question about what kind of road show, first of all, can we take this on prior to then and then would there be opportunity to hear from these folks on that night? **Mayor Alvey** said I'm assuming that since this is a rate adjustment on change in fees, it would require public hearing. Is that correct, Misty? **Misty Brown, Chief Legal Counsel,** said that would be correct, Mayor.

Mayor Alvey said, again, even on the—if I'm reading this right, even on the 2nd if there was sufficient question and concern, it could be delayed until the second meeting in December, correct? **Mr. Bach** said Commission can pick whatever action you wish—you wanted, whether you take action to advance it and approve it or you take action to table it or deny it. **Mayor Alvey** said we're well within the parameters in order to access the WIFIA. I think that's the key consideration here at this moment. **Mr. Bach** said you're right.

Commissioner Burroughs said, Mayor, thank you for that comment. That's exactly right. We're still within the parameters and I apologize if I seemed like I was yelling. I'm having mic problems with my computer so I'm trying to stay away so it doesn't crack and I'm trying not to get too close and that's why I don't have my camera on so you don't see me coming in and out on my screen.

Commissioner McKiernan, thank you for the opportunity to listen to your proposal. I would just state that, again, I have not had a chance to look at your presentation and your concerns.

I know a number of us have raised concerns over the tiered issues, but I do know in talking with a majority of the Chamber, that they were to understand that the 5-Tiered method was one that they could accept because there was some certainty built into it. And the uncertainty that came in your plan is something I think they should have a chance to at least consider and work with.

I am just absolutely adamant, colleagues, in reference to the ARPA funding as I've stated all along I have—I'm a fiscal conservative. It's no secret and I believe that those dollars are our dollars to utilize in a prudent manner and to identify those without certainty is not the prudent manner that we should utilize. I know through the budget discussion many of you stated you wanted to see those ARPA funds go towards infrastructure. I'm not saying I'm opposed to that. I just want to ensure that we get the best return on our investment should we utilize any of the ARPA funds, but Mayor, I certainly appreciate the fact that you clarified the statement that I think many of us were concerned about moving forward in discussion to the WIFIA funds.

Mayor Alvey said it looks like we have a plan. I wanted to say thank you to all the members of the Commission. I had hoped to attend most of those infrastructure meetings. That clearly did not happen, but did not need to because I knew that you would all do due diligence and thank you to all those who consistently and assiduously spent time in doing the necessary research. Again, this is one of those problems or challenges that will not go away and it's going to require a consistent and cohesive approach to really solve our infrastructure needs.

MAYOR ALVEY ADJOURNED
THE MEETING AT 7:50 p.m.

Brett A. Deichler
Unified Government Clerk

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