

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

REGULAR SESSION
AUGUST 12, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 12, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First 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; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Burroughs, Commissioner At-Large Second District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Alan Howze, and Emerick Cross, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Misty Brown, Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; and Patrick Waters, Deputy Chief Counsel.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and the public are attending remotely via Zoom or by phone as well as on site. 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 observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Roll call: McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, Alvey.

Mayor Alvey said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor, there were two. A blue sheet was issued modifying Item No. 3 on tonight's Consent Agenda for an ordinance authorizing the establishment of a common liquor consumption area for Legend's Outlet in Village West, and another was for modifying Item No. 3 on tonight's Standing Committee Agenda, discussing burn permit options and air quality control measures. Those were the changes, sir.

MAYOR'S AGENDA

Item No. 1 – 21980...RESOLUTION: AMENDING THE SCHEDULES OF MEETING TIMES FOR THE STANDING COMMITTEE AND FULL COMMISSION

Synopsis: A resolution amending the schedules of meeting times for the Standing Committees and Full Commission of the Unified Government Commission through January 2022, submitted by Jeff Conway, Assistant Counsel.

Jeff Conway, Assistant Counsel, said very minor changes to the two-year schedule for the standing committees and for the full commission. Basically, the first change would be to move up one week the meeting that's for September 16 to September 9 for the full commission. I think the thinking was by moving it up, there would be a very busy budgetary timeframe in that first part of September, but then there would be kind of some time to recalibrate in the middle of the month. By moving it up, that might give a little bit more of a break towards the middle.

The second change would be, it's an odd one. It was revealed when we were talking about when to do the swearing-in after the next election. It says that it should be, and we just changed this a couple of years ago, it should be the Monday proceeding the second meeting in December which puts it on a standing committee day as well. I think the thought was that we would move the standing committee one week earlier to December 6, and then the swearing-in could still be on December 13, and then, of course, then the full commission meeting would be December 16 that same week. That's the only changes.

Mayor Alvey asked any comments or questions from the Commission?

Action: **RESOLUTION NO. R-48-21**, “A resolution amending the schedules of meeting times for the standing committees of the Unified Government Commission and for the Unified Government Commission through January 2022.” **Commissioner Markley made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Mayor Alvey said I’d ask that you’d just put a communication out to all the commissioners so that we have this on our schedule.

CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or the County Administrator wish to set aside any item on the Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve all items as submitted.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 1 – 21930...ORDINANCE: AMENDING THE MUNICIPAL CODE RELATED TO ALCOHOLIC LIQUORS AND CEREAL MALT BEVERAGES

Synopsis: An ordinance amending the Municipal Code to conform to numerous changes made to the Kansas Liquor Control Act (KLCA) and the Club and Drinking Establishment Act (CDEA) by the Kansas Legislature in HB 2137 during the 2021 regular legislative session, submitted by Jeff Conway, Assistant Counsel. On July 26, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-99-21**, “An ordinance amending code provisions related to alcoholic liquors and cereal malt beverage and to update and make conforming amendments to applicable state statutes.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Townsend.

Item No. 2 - 21931...ORDINANCE: AMENDING THE MUNICIPAL CODE RELATED TO OCCUPATION TAXES FOR CLUBS & DRINKING ESTABLISHMENTS

Synopsis: An ordinance amending the Municipal Code to align the occupational tax with the state biennial alcohol licensing schedule for licensees in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel. On July 26, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-100-21**, “An ordinance amending code provisions related to occupation taxes for clubs and drinking establishments.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 3 – 21932...ORDINANCE: AUTHORIZING THE ESTABLISHMENT OF A COMMON LIQUOR CONSUMPTION AREA FOR LEGENDS OUTLETS IN VILLAGE WEST

Synopsis: An ordinance authorizing the establishment of a common alcohol liquor consumption area on certain property located in the Legends Outlets in Village West in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel. On July 26, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-101-21**, “An ordinance authorizing the establishment of a common consumption area pursuant to K.S.A. 41-2659, allowing the consumption of alcoholic liquor on property not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act, to be located in the Legends Outlets at Village West in Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 4 – 21927...RESOLUTION: DONATION OF OBSOLETE FIRE DEPARTMENT EQUIPMENT

Synopsis: A resolution authorizing the donation of obsolete Fire Department equipment, valued at \$350, from the Unified Government to the City of Lewis, Kansas Volunteer Fire Department, submitted by Susan Alig, Senior Attorney. On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-49-21**, “A resolution authorizing the donation of equipment from the Unified Government of Kansas City, Kansas to the city of Lewis, Kansas Volunteer Fire Department.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 5 – 21934...RESOLUTION: PUBLIC SANITARY SEWER EXTENSION - 7424 TAUROMEE AVE. GRINDER PUMP (CMIP 6001)

Synopsis: A resolution declaring that this project is necessary and valid improvement and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. This project will eliminate the grinder pump. On July 26, 2021, the Public Works and Safety Standing

Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-50-21**, “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 Public Sanitary Sewer Extension - 7424 Tauromee Avenue Grinder Pump Project (CMIP 6001), all in Wyandotte County, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 6 – 21933...RESOLUTION: 2021 SANITARY SEWER STREAM CROSSING REPAIRS (CMIP 6320)

Synopsis: A resolution declaring that this project is a necessary and valid improvement and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. This project is to repair and cover exposed sanitary pipes in low water stream crossings located at 2955 N. 62nd St. (site 1); 2318 N. 51st St. (site 2); 617 N. 57th St. (site 3); 41 N. 61st (site 4); 6544 State Ave. (site 5); 8205 Riverview Ave. (site 6); and 8320 Ruby Ave. (site 7). On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-51-21**, “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 2021 Sanitary Sewer Stream Crossing Repairs Project (CMIP 6320), all in Wyandotte County, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 7 – 21935...RESOLUTION: PUMP STATION 6 IMPROVEMENTS AND EFFLUENT FLOW HOLDING BASIN (CMIP 6001)

Synopsis: A resolution declaring that this project is necessary and valid improvement and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. The location of the project is 8260 Kaw Dr. On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-52-21**, “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 Pump Station 6 Improvements and Effluent Flow Holding Basin Project (CMIP 6001), all in Wyandotte County, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Bynum, Townsend.

Item No. 8 – 21936...GRANT: FY21 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

Synopsis: The Police Department is seeking approval to apply for and accept the FY21 Edward Byrne Memorial Justice Assistance Grant in the amount of \$100,030 to purchase an EOD bomb suite, submitted by Laura Cromwell, Police Department. The performance period for this grant will extend through September 30, 2024. No match required. On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

August 12, 2021

Item No. 9 – 21937...GRANT: FY22 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM - STATE

Synopsis: The Police Department and Sheriff's Office are requesting approval to apply for funding through the FY22 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$349,410 to support PD officer trainings and crisis intervention trainings, and to purchase 91 tasers, submitted by Laura Cromwell, Police Department. The performance period for this grant will extend from October 1, 2021 through September 30, 2022. No match required. On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 10 – 21938...ORDINANCE: AMENDMENTS TO CHAPTER 7 ANIMALS, AMENDING CERTAIN SECTIONS

Synopsis: An ordinance amending Sec. 7-170 Permit.; Sec. 7-175 Small animals and fowl in pens.; and Sec. 7-215 Nuisance animals, submitted by Jennifer Stewart, Animal Services. On July 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-102-21**, "An ordinance relating to Chapter 7 Animals, Section 7-170, Section 7-715, and Section 7-215; Animal of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 11 - MINUTES

Synopsis: Minutes from regular session of June 24, 2021, and special session of July 15, 2021.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 12 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 29 and August 5, 2021.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to receive and file. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 – 21965...RESOLUTION: SETTING A PUBLIC HEARING DATE TO CONSIDER ADVISIBILITY OF CREATING THE LEGENDS HOTEL CID

Synopsis: A resolution setting a public hearing date of September 9, 2021, to consider the advisability of creating the Legends Hotel CID, submitted by Katherine Carttar, Director of Economic Development; and Patrick Waters, Deputy Chief Counsel. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on August 9, 2021. It was requested, and approved by the Mayor, to fast track this item to the August 12, 2021 full commission meeting to meet publication dates of August 19th and 26th.

August 12, 2021

Commissioner McKiernan said we are basically tasked with setting the meeting, and tonight we are simply picking the date on which that hearing will be held.

Action: **RESOLUTION NO. R-53-21**, “A resolution calling and providing for the giving of notice of a public hearing on September 9, 2021, to consider the advisability of creating the Legends Hotel Community Improvement District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend.

Item No. 2 – 21929...ORDINANCE: AMENDING THE MUNICIPAL CODE SALE OF ALCOHOLIC LIQUOR

Synopsis: An ordinance changing the Sunday start time from noon to 9 am for the sale of alcoholic liquor in the original package and cereal malt beverages in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel. On July 26, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted 4 to 1 to approve and forward to full commission.

Commissioner Markley said I believe the no vote was because we did have some businesses who sell alcoholic beverages who were opposed to this because they don’t want to be open earlier on Sunday, and they felt by allowing it, we were creating competition for them and pressuring them into being open in the early hours. The no vote can certainly speak for themselves, but I think where that one no vote came from—this is an attempt to match some state legislation.

Action: **ORDINANCE NO. O-103-21**, “An ordinance amending the starting time for Sunday sales of alcoholic liquor and cereal malt beverage in the city of Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.**

Commissioner Bynum said I was the no vote. It was solely for the purpose of allowing that business owner tonight, if they so wished, to appear and speak and plead their case. But yes, what they were sharing with me was just simply difficulty in staffing now and the additional difficulty

of feeling the need to open at 9 a.m. and just exasperate their staffing issues. However, I do not see that they are present on the meeting. So, I would not have anything further to say on it. I simply wanted them to be able to come to this meeting and speak on it if they chose.

Mayor Alvey asked the Clerk, is there was anyone present who would like to speak? **Mr. Deichler** said I am seeing none.

Roll call was taken on the motion and there were seven “Ayes,” McKiernan, Kane, Markley, Walters, Philbrook, Bynum, Townsend; and two “No,” Ramirez, Johnson.

Item No. 3 – 21939...DISCUSSION: BURN PERMIT OPTIONS FOR TREES KNOCKED DOWN BY STORM DAMAGE AND THE NECESSITY OF AIR QUALITY CONTROL MEASURES

Synopsis: A discussion regarding what options residents and businesses have when trees are knocked down by storms outside the normal burn season dates, and what air quality control measures, if any, must be utilized, submitted by Patrick Waters, Senior Attorney. For discussion only.

Action: Deleted per blue sheet item. This item is being rescheduled for a later date based on the recommendation of the standing committee and the availability of members of the public.

ADMINISTRATOR'S AGENDA

No items of business

COMMISSIONERS' AGENDA

No items of business

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items of business

PUBLIC ANNOUNCEMENT

No items of business

MAYOR ALVEY

ADJOURNED THE MEETING AT 7:10 P.M.

AUGUST 12, 2021

Brett A. Deichler, PMP|CPM
Interim Unified Government Clerk

tk

August 12, 2021